



OUTLINING FOR EXAMS

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What is Outlining?

You probably have heard classmates and professors allude to “outlining” for exams. However, the meaning of that term varies from student to student. While that fact may add to a sense of anxiety that you are not outlining “correctly,” outlining is a personal process which no two people will approach the same way. What works for one successful student may not work for another. Still, the various strategies described as outlining do share important commonalities.

Most critically, outlining is a way to review, synthesize, and master the content covered in your courses. As part of the outlining process, you will go through course notes, class presentation slides, assigned readings, and perhaps class recordings (and possibly other resources) to pick out the most important material to master by the final exam. In so doing, you will uncover insights that eluded you the first time you encountered the material and spot gaps in your notes or understanding. This review is some of the most important learning you will do in law school and will help you develop a fluency with the course material that will serve you well during the exam.²

Additionally, outlining is the process of compiling one or more documents that provide an overview of the course material for your final exam. Many law school classes have “open book” finals, and the choice of what material you use during the exam is an important one. You are writing the outline for yourself, so it is important to use the format and wording that is most understandable to you.

However, not all strategies are equally likely to succeed, and there are some tips that students may consider:

¹ Current revision by Chris Mohr. Previously revised by Chris Yeager in 2016 and by Felicia Mitchell in 2009. Original by Alexis Martin and Jennifer Bennett.

² John Goldberg and Barry Friedman say that outlining “is the best studying for the exam you are likely to do.” BARRY FRIEDMAN & JOHN C.P. GOLDBERG, OPEN BOOK: SUCCEEDING ON EXAMS FROM THE FIRST DAY OF LAW SCHOOL 139 (2011).

Tip #1: Give serious consideration to making your own outline, but you may consult another student's outline or a commercial supplement if it helps you.

It can be very tempting to find an outline that another student put together and rely on it exclusively. While that impulse is understandable, it is ill-advised.³ Simply relying on another outline deprives you of a chance to go through the material and synthesize it such that it will be second nature to articulate during the exam. To be clear, there is nothing wrong with looking to another outline when building your own. But the process of sorting through a semester's worth of learning and forcing yourself to distill it to a set of core points that you can commit to paper will improve your grasp of the material.⁴

Although it is important to build your own outline, it can be helpful to consult outside material. This material can include commercial supplements such as the Emanuel Law Outline series as well as outlines prepared by students who have taken the class before.⁵ These sources can help you check your own work, and they can give you insight into what another student or author thought was important about the cases or doctrines you covered in class. They may also offer advantages for a particular course or professor: Your professor might spend comparably more time on policy concerns underlying a legal issue and less time on the black-letter law. In such cases, confirming the doctrinal material with another outline might make sense. Furthermore, although one might wish otherwise, you might find yourself scrambling to catch up to where you would like to be in your outline by a given point in the semester. For those sorts of "life happens" moments, having a commercial supplement or old outline might allow you to make more efficient use of your time. However, it is best to consider other outlines as tools for building your outline, rather than as ready-to-go alternatives.⁶

Tip #2: Set aside sufficient (but not too much) time to make your outline.

As mentioned, a substantial part of the value of outlining consists of your opportunity to further your understanding of the course material. For that reason, it is generally a good idea to avoid starting your outlines so early that you will have lost the insights you gleaned from the outlining process by the time the exam comes around. Worse, you don't want to start outlining so late in the semester that you cut corners and don't allow yourself time to develop your understanding of the material. It is important to practice using your outline on a practice exam (see Tip #6), so you want to leave yourself enough time to take practice exams and make changes to your outline based on those practice exams.

When to begin an outline is a personal choice; however, it is best to be on guard against both the temptation to procrastinate and the risk of "jumping the gun." While such a personalized

³ See Karol Schmidt, *Learning from the Learners: What High-Performing Law Students Teach Us About Academic Support Programming*, 4 PHOENIX L. REV. 287, 308 (2010) ("Overall, the lack of outlining was the notable distinction between high-performers and underperformers in test preparation.").

⁴ See, e.g., Michelene T. H. Chi et al., *Eliciting Self-Explanations Improves Understanding*, 18 COGNITIVE SCI. 439, 439 (1994) ("Learning involves the integration of new information into existing knowledge. Generating explanations to oneself . . . facilitates that integration process.").

⁵ The GULC Student Bar Association maintains an outline bank going back several years, which can be found at <https://drive.google.com/drive/u/1/folders/18UURE7e9RYHvjvWLz1WdliKSsIwb3oAE>.

⁶ See FRIEDMAN & GOLDBERG, *supra* note 2, at 139; RICHARD MICHAEL FISCHL & JEREMY PAUL, *GETTING TO MAYBE: HOW TO EXCEL ON LAW SCHOOL EXAMS* 207 (1999).

determination for when to start outlining doesn't lend itself to clear-cut advice as to a specific start date, a common error first-semester 1Ls make is to put off outlining until Thanksgiving break, thinking that the lull in classes and reading assignments affords them a natural point to turn to the process of outlining. While that might be a fine approach for some, it is not for everyone!⁷

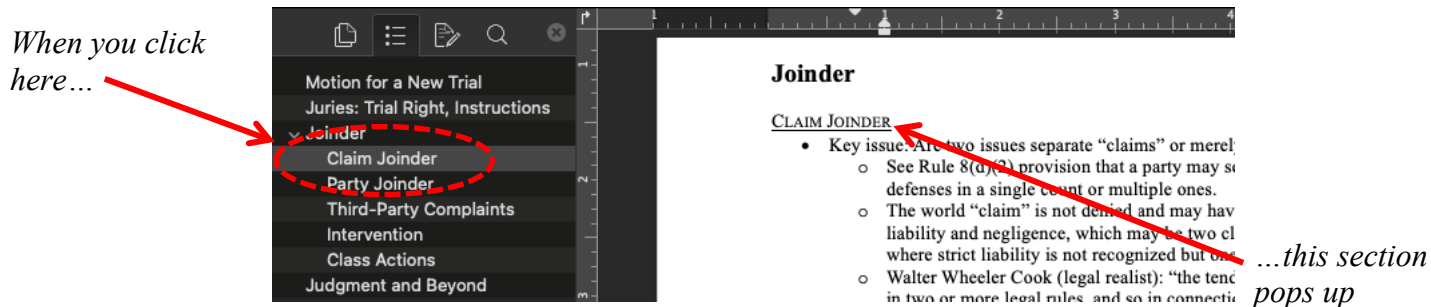
Tip #3: Make your outline specific to your course and professor.

Another risk of relying excessively on old outlines is that you may end up depending on an outline that was not prepared for the course you took. First, no two professors will teach the same course in exactly the same way. It is a waste of valuable time for a student to incorporate material not covered in their course just because they saw it in their friend's old outline. The reverse is also true; it is possible to find an outline for another professor's course which omits important content from your professor's course. Second, even if you find a great outline from the same professor's course, the course's focus and content may change each year. Course material may change because an important new case was decided, or an existing precedent was overruled. It could also be because the professor decided to try something new.⁸

More generally, when making your outline, use to your advantage the fact that you have spent hours listening to your professor. Are there themes that they seem to harp on? Doctrines that they seem to find particularly important? If so, incorporate these into your outline!

Tip #4: Make your outline easy to search with clickable tables of contents.

"Control + F" (or "command + F") can be an effective way to find particular doctrines in a long outline during an exam. But the process of sorting through a long document using that strategy can still be cumbersome. In Microsoft Word, it is possible to insert headings into your document so that you can access a clickable table of contents during your exam.⁹ An overview of how to insert this feature into your outline appears in the appendix at the end of this handout.



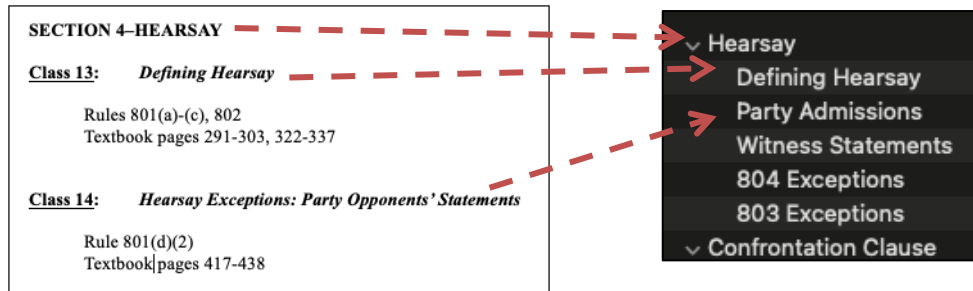
⁷ See Danielle B. Kocal, *Law School Outlining: Why, When and How to do it*, BLOOMBERG LAW, Aug. 9, 2013, at 2, available at http://www.law.pace.edu/sites/default/files/academic_success/Kocal_Outlining_Bloomberg.pdf.

⁸ See FRIEDMAN & GOLDBERG, *supra* note 2, at 138 ("Most of your professors will rearrange courses from time to time to improve on materials that didn't work well the previous year, or to cover new topics, or to try out new ideas.").

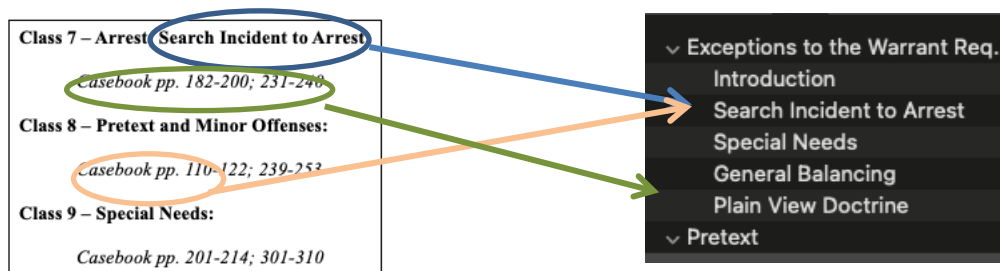
⁹ It is also possible to do this in Google Docs. See Molly McHugh-Johnson, *Google Docs can Make a Table of Contents for You – Here's How*, The Keyword (May 1, 2023), <https://blog.google/products/docs/how-to-google-docs-table-of-contents/>.

Tip #5: Use your course syllabus to organize your outline, but tweak where necessary.

When trying to decide how to organize your outline, keep in mind that your professor has structured the course in an intentional way. The choices your professor made when structuring the syllabus are probably a good starting point for figuring out how to structure your outline.



Other times, it might make sense to you to arrange your outline differently than the professor arranged the syllabus. You may consider how the textbook arranged the topics or what other students are doing. The best approach is the one that makes the most sense to you.



Tip #6: Practice using your outline on a practice exam to ensure that the outline is usable on the real exam.

As mentioned, one of the benefits of outlining is creating at least one document that you can use to review your course material while taking the final exam. However, to reap this benefit, you must ensure that your outline is usable when taking the exam. The best way to test the usability of your outline is to use the outline to take a practice exam. Although your outline may be more useful to you on a practice exam if it is complete, you do not have to wait until you are finished outlining to use it on a practice test. Taking a practice exam may reveal areas where your outline is unclear to you or areas where you might have missed information. You will want to ensure that you review your outline after taking a practice exam to make any necessary changes to your outline based on your experience taking the practice exam.

Using your outline on a practice exam may also reveal issues with accessing your outline during the exam. For example, your exam software may take up all the space on your computer screen. In that case, you will want to ensure that you can view your outline on a separate computer monitor or have a printed version of your outline. Furthermore, while many law school exams are open book, your exam software may block access to the internet. In such cases, you will want to ensure that you have your outline saved to your computer's hard drive so you can

access it. For more information on taking practice exams, review [Tips for Writing a Law School Exam](#).

Tip #7: Consider color-coding your outline, but only if it is helpful to you.

Taking a law school exam can be a frantic and stressful experience, and it may be difficult to scan sections of your outline for the one concept you are trying to find while taking the exam. If you find that it is difficult to quickly read through your outline, you might consider color-coding concepts to make them easier to find. For example, you might highlight statutes in yellow and cases in green, or you may use red text to write out tests to apply on the exam. This helps draw your eye to certain concepts and may make your outline easier to read quickly.

Tip #8: Make your outline a manageable length for you.

Many people seem to think that a good outline is necessarily a long outline. However, you might have also heard that you can make an outline too long such that it is unusable. It is true that an outline can be too long or too short for a particular student. But don't pay too much attention to what other students are doing and figure out what length feels right to you. If your outline feels long, it may make sense to prepare an "attack" outline. An attack outline can take many forms, but it is essentially a shortened and condensed version of your overall outline that contains distilled material such as key cases and tests to apply on the exam. The amount of content you're able to develop may depend on when you start outlining, so plan accordingly!

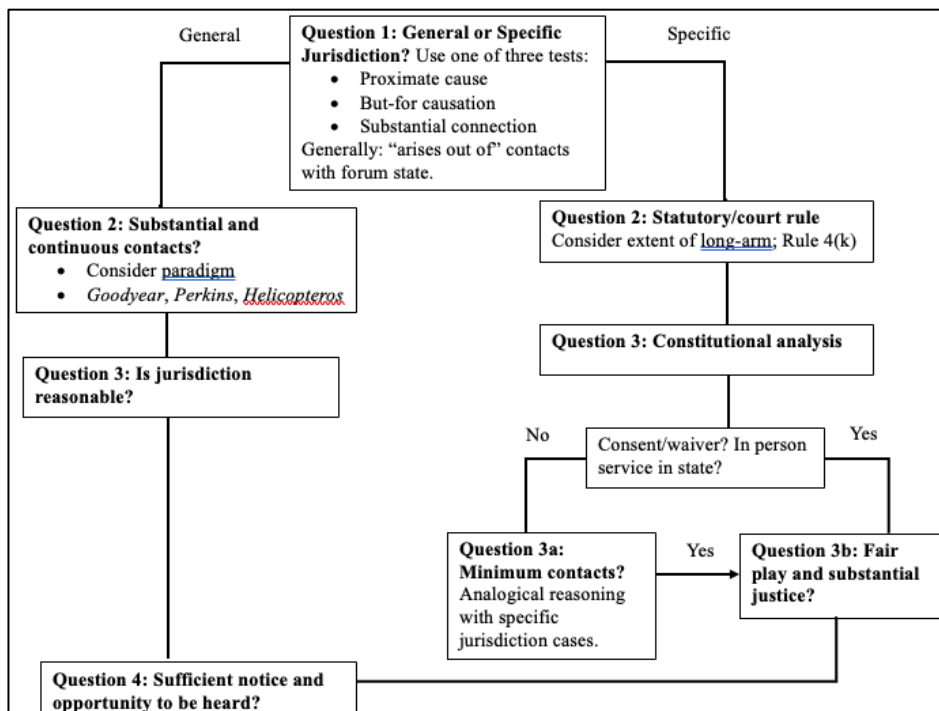
Tip #9: Outline creatively, if you so choose.

Just because it is called an "outline" doesn't mean that your outline needs to be only a list of bullet points and Roman numerals. If you think of another way to organize the information, don't be afraid to give it a shot. There are several alternatives to what may come to mind when you think of an outline. As one option, you might consider a process-based approach. This approach involves organizing topics around a series of steps designed to help you move through a question on the test. For example, you might begin a section on personal jurisdiction like this:

Topic: Personal Jurisdiction

- **Question 1:** Does the long-arm statute authorize jurisdiction?
 - If yes, go to Question 2.
 - If no, there is no jurisdiction.
- **Question 2:** Was the defendant served in the state?
 - If yes, there is jurisdiction.
 - If no, Go to Question 3.

Another option that may help you visualize complex areas of the law is a flowchart. Under this approach, a section on personal jurisdiction may look like this:



In some cases, your problem may be less whether you understand the law than whether you will remember all the points you want to address on the exam. In that case, you might consider putting together a check list of things not to forget. For example, you might be worried about remembering all the different considerations of a strict liability question on a torts exam:

- | |
|--|
| <p>Strict Liability</p> <ul style="list-style-type: none"> • Rest 2d 520 (factors), Rest 3d 20 (high risk, uncommon use, unavoidable by due care) • Abnormally dangerous • Natural/artificial land use (Rylands) • Likely to do mischief (wild animals) • Limits on contributory negligence, but comparative fault/assumption of risk okay • Products liability <ul style="list-style-type: none"> ○ <u>Manufacturing</u>: Depart from intended design (3d), Consumer exp (402A) |
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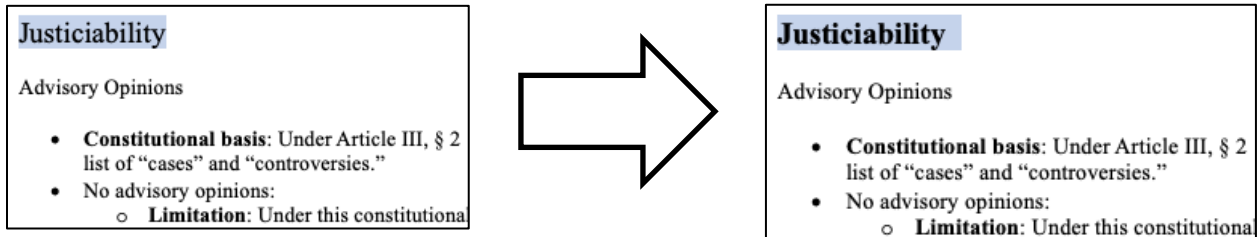
The Takeaway

Outlining is a personal process designed to enable you to perform your best on the final exam. Although it may be tempting to follow what other students are doing or what law school advice forums tell you to do, the best type of outlining is the type that works for you. You ultimately should do whatever helps you learn the material and prepare yourself to apply the material on the exam. Once you are comfortable with the process of outlining, you can move on to other preparation for your exam. For more detailed information on how to prepare for and take a law school exam, review [Tips for Writing a Law School Exam](#).

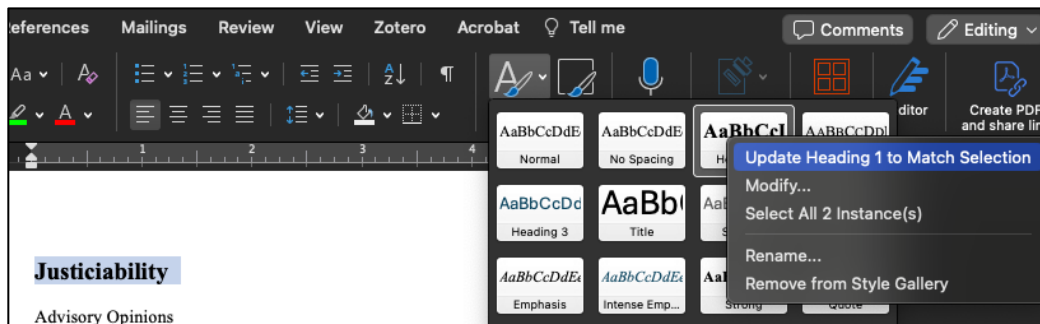
APPENDIX: HOW TO INSERT CLICKABLE TABLES OF CONTENTS INTO YOUR OUTLINE

As a reminder, there are other tools that you can use to create your outline that also have functions for inserting clickable tables of contents, such as Google Docs.¹⁰ This handout focuses on how to insert clickable tables of contents in Microsoft Word.

To begin, highlight the text that you want to appear as your top-level entry (i.e., entries corresponding to “justiciability” in the example below) in the table of contents. If you want your top-level entries in the table of contents to have a particular format, change that formatting now.

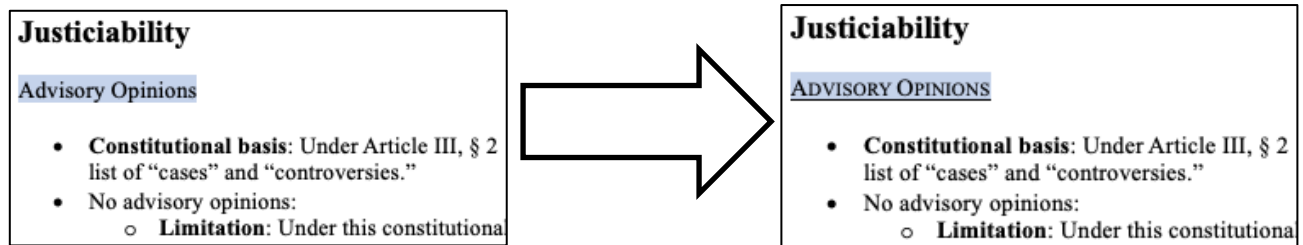


From there, click on the “Styles” drop-down menu on the “Home” tab, right-click “Heading 1,” and select “Update Heading 1 to Match Selection.”



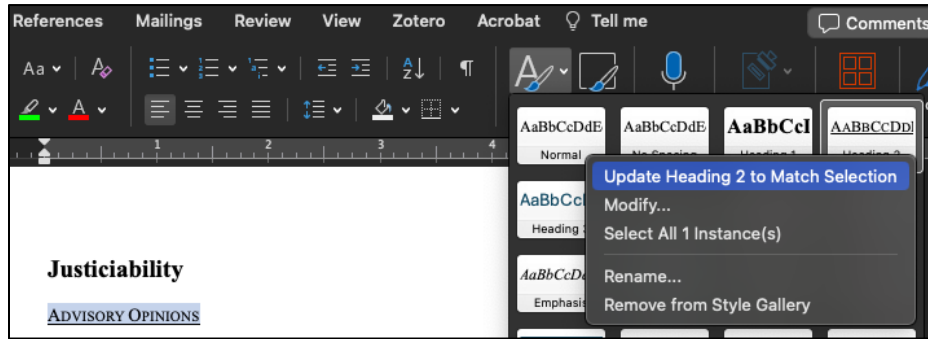
Once you do that, for all text that you want to include as a top-level entry in your clickable table of contents, all you need to do is highlight that text and click “Heading 1.”

If you want your second-level entries in the table of contents to have a particular format, change that formatting now.



¹⁰ See McHugh-Johnson, *supra* note 9.

Once you've done that, click on the "Styles" drop-down menu on the "Home" tab, right-click "Heading 2," and select "Update Heading 2 to Match Selection."



To pull up the list of headings in your document, you may have to make sure that your Navigation Pane is turned on under "View" and that you are viewing the "Document Map."

