

Outlining Law School Courses

1. What is an outline?
 - a. The outline is my personal rule book for a particular course with a particular professor. It includes:
 - i. Legal principles
 - ii. Rules of law
 - iii. Case summaries
 - iv. Policy arguments
 - v. Examples/Hypos that explain the course material
 1. Just like a football player has a playbook, my outline is my “legal playbook”.
 2. Just like a lawyer has a trial book with strategies for trial, so do I have an “exam book” with strategies for exams.
 - b. An outline contains information from my casebook, notes from class, case briefs, and sometimes supplemental materials like a hornbook or reader.
2. The purpose of an outline
 - a. To Learn the Material
 - i. How I perform on the exam begins here with how I learn the rules.
 1. But, memorization of rules is only the first step. I have to know how the rules work in order to solve problems.
 - ii. Seeing the big picture is vital to exam performance
 1. In class, we focus on very narrow and specific pieces of information. We look at rules or elements or factors and how courts apply them in different situations.
 2. Outlining allows me to take all of the individual pieces and put them together in a way that defines the relationships between them.
 - b. To Prepare for Exams
 - i. I need to develop my “legal playbook” for my exams, so I don’t have to review class notes, case briefs or casebooks close to exam time.
 - ii. Because my outline is organized, I will be organized on the exam.
 1. My outline allows me to memorize relevant material
 2. It identifies the issues that are likely to arise with each of the legal doctrines we learned in class. It also shows me which in which order these issues will likely arise.
3. When to Outline
 - a. I will begin early in the semester with an eye toward completing my outline just before reading week period.
 - i. There is a tendency to avoid outlining until the very end of the semester and race through the process, but the JOURNEY of crafting this outline is a primary benefit of outlining that may get lost if I do this!
 - ii. After I have completed a topic in a course, I will start my outline, and then add to it as I finish subsequent topics.
 1. Generally between the third and fourth week of school is ideal to begin.
 2. Every other weekend after that I will add information to my outlines.

4. How and What to Outline

- a. Follow a traditional outline structure (such as this!)
 - i. Traditional outline structures have a hierarchy of concepts, so the outline will follow this. That is, there is a logical sequence to follow in analyzing a problem based on the construction of a legal rule and therefore it's essential that this hierarchy be worked through in the process of creating my outline.
 1. Casebook table of contents can help with this.
 - a. Helps you see the big picture
 2. So can professor's syllabus and/or reading assignments
 - a. May want to look at a hornbook to get a feel for big picture as well.
- b. Organize by Rule
 - i. The organizing principle of outlining in the rule, not the case. While I learn rules case by case, when it comes to outlining, I strip everything away and what remains are the rules: definitions, elements, factors, exceptions, and defenses. **THESE ARE MY BUILDING BLOCKS!!**
 - ii. For every principle I include in my outline, I will ask:
 1. What is the rule? How is it defined?
 2. How does it work? Under what facts or circumstances would it be likely to occur?
 3. What does it require? Are there any tests or factors which must be met?
 4. Are there limitations or exceptions to the rule?
 5. What are the consequences of applying the rule?
 6. What happens to the parties as a result?
 - a. Is there a change in their position and what is it?
 7. What cases illustrate this rule?
- c. Provide depth, detail and specificity
 - i. My outline must be written in sufficient detail to allow me to learn the rules with specificity. But it can't include everything! Balance must be achieved. **TWO BASIC POINTS:**
 1. Be able to define a rule fully and completely
 - a. Are there elements? Factors? Test? Conditions?
 - b. When does it apply?
 - c. When does it arise?
 - d. How is it used?
 - e. Applications/examples?
 - f. Limitations/Exceptions?
 - g. Defenses?
 2. Thoroughly appreciate how the rule operates.
 - a. What happens if this rule is applied?
 - b. What is the likely result, effect on the parties, outcome to the dispute?
 - ii. Detail must include vocabulary. I must know what each element means!
- d. One page "summary" of my entire outline should be attached to front of outline.
 - i. This can include checklist questions to ask about each area of the law and is sometimes referred to as an "Attack Sheet". (see sample front page sheet)