Episode 65: How to Make a Useful Law School Outline

Alison Monahan: Welcome to the Law School Toolbox podcast. Today we're talking about everyone's favorite topic, outlining. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience so that you'll be the best law student and lawyer you can be.

Together, we're the co-creators of the Law School Toolbox, the Bar Exam Toolbox, and the Catapult Career Conference. And I also run the Girl's Guide to Law School. If you enjoy the show, please leave a review on iTunes. And if you have any questions, don't hesitate to reach out to us. You can reach us via the contact form on lawschooltoolbox.com and we would love to hear from you. With that, let's get started.

Lee Burgess: Welcome back, today we're talking about outlining and other study aids which are important in helping you make sense of everything you're learning in law school. This episode is based on a question we got from a listener who wrote the following, "I tried to begin outlining my courses today and realized that I have no idea what I'm doing.

Everybody... Online and at my school talks about outlining as if everybody knows what it entails, but I don't think most of my 1L class has a clue where to begin. How should it be organized? What's important to include? What's not necessary to include? How much time should it take? How often should it be updated?

When should you begin? And frankly, What exactly is it? These are all questions for which I have no answers. It seems like the 1Ls at my school live in a bubble and don't get much interaction with the upperclassmen who have actually done this before. It is like the blind leading the blind." Wow, these are great questions.

So we just thought we should just take these questions and talk about them.

Alison Monahan: Yeah, so see if you write in, your questions might actually get answered. Um, because I think this is something we hear a lot from law students. Like, oh yeah, it should be outlining. So Uh, what exactly is that? So first off, Lee, what exactly is an outline?

And is this the only way you could possibly organize your study materials?

Lee Burgess: Well, I think an outline... I guess there's the approach of an outline which is just one document that houses all of the law that you have learned in your class and what you need to know for your exam. But what I think the terminology, where it becomes kind of complicated is a lot of people use outline to reference just any study materials that they have made.

to support their final exam study for a given class. It doesn't have to be the word formatted, you know, Roman numeral 1, A, B, C, 1, 2, 3. It could be flowcharts, it could be diagrams, it could be a lot of different things. I think the important thing about an outline as it's used in the law school context is really the fact that you just have some sort of Place, Document, Central Notebook, where you house your understanding of the law and what was discussed in your classes so you can prepare for exams.

Alison Monahan: Yeah, and I think the reason you have to do this, which I remember being sort of confused about, I was like, I've never like had some thing that had all my information for a whole class, like maybe had class notes or whatever, but I was like, why do I need to do this? But it makes sense if you think about the way that The Pedagogy of Law School Works, which is that what you're reading is not kind of like the history of the law.

Like, you might read, you know, the history of the United States if you were taking an undergraduate history class, but what you're reading is these cases, and each case gives you one tiny little snippet You can think of it like a brick in the wall. So, you know, if you're trying to build your house of the law, each case might be one brick, but you've got to kind of figure out how to put these together and that kind of thing.

So to really stretch the analogy, you can think of the outline maybe as your blueprint for how you're going to build the house.

Lee Burgess: Such an architecture master's person's description of an outline.

Alison Monahan: Exactly. I mean, it's certainly an architecture school and no one was talking to me about outlines, you know?

And one of the things I think can be helpful. I think it's useful to think of like, there are kind of two separate purposes here. And so when you talk about like, this perfectly formatted, and gosh how much time do people spend formatting their outlines, um, don't do that, don't, don't, don't do that. Do not get obsessed, if you find yourself getting obsessed about like, the formatting of like, Roman numeral AA125, like, you're probably wasting time.

Anyway! I think there are kind of two big picture things you're trying to do. One is you've got to make sense of this material in some meaningful way. And so that involves, you know, really kind of going back and being like, okay, what was the point of this class? What was the point of this case? Like, are there gaps in my knowledge?

Do I understand or not understand, you know, how the big picture works? And then what are the details? You've got to kind of, you know, you've got to spend that time really going through this and making it make sense. But then you also want to think about how you're going to document this so that you can use it later.

And it doesn't matter, really, if you have a closed book or an open book exam. Like, you're going to need some sort of reference, either memorized or basically memorized. So, you know, I often tell people to think of outlining as like this iterative process. You know, you're not going to probably have some final document that's perfect.

That's not the point. We're not trying to get a gold star for having the prettiest outline or the longest outline. But you've got to make sense of this material and then somehow document that so that you don't forget it basically by the time the exam rolls around. Right, because

Lee Burgess: your professor's not just going to...

Give you, typically, all of the rule statements that you need to know, how all of the law fits together, you know, what sort of attack plan you need to have in your back pocket to approach questions, you know, you're not getting given this material. One of the things that makes law school so difficult is it is actually your job to synthesize the material and organize it in a way that makes sense to you.

Of course there are resources, right? That's what supplements do, that's what commercial outlines do. Bye! You're really probably not going to be able to just pull like a Gilbert's off the shelf and just say, Oh, here's my contracts outline because Your class is going to be, um, slightly different. Your professor's picking and choosing the cases, um, that they want to learn.

And this shouldn't be shocking when you think about some of the egos of your law professors. They actually want what was taught in their class to be regurgitated back to them on the exam.

Alison Monahan: Right, and oftentimes what they choose to test you on might be some variant of, like, a law review article they've recently written or something like that, which I can pretty much guarantee you is not going to be in your off the shelf plan.

Not to say that those can't be useful, in fact we have an entire podcast episode on using supplements responsibly, which we highly recommend you listen to. Um, but, I mean, those can get you, I mean, depending on the class, they can get you pretty far or not very far at all, you know. Some professors are very, very idiosyncratic, and, you know, I mean, but even, well, the interesting thing there is sometimes they are very idiosyncratic in class, but then they give a very standard type of exam.

Lee Burgess: Yeah, that was one of my favorite stories, was we were tutoring a student who was at an Ivy League school, and he was taking criminal law. And... And his professor was all about criminal theory, you know, they talked about, you know, the right of the government to punish people and, you know, all these theories about crime and punishment.

And then I asked him if he'd pulled any practice exams for this class and he did and he sent one to me and I said, great, why don't you go ahead and do it? And he sent me back this answer that was all about crime and punishment theory. And the question was literally like, did somebody, is someone guilty of murder one or felony murder?

And I'm like, do you have any idea like what this law is or how you're supposed to answer these questions? And he was kind of like... They want me to do what?

Alison Monahan: I don't know, that was what my CivPro class was like. I remember the first day, the professor basically walked in and said, Well, I gotta be honest, I find the rules here, like, kind of boring.

So you should just, like, read, you should just read the rules of Civil Procedure. I'm not even gonna assign them, you should just read them on your own, and kind of, you know, try to understand them. I'm more interested in, yeah, like, this theory of this or that, or blah blah blah. And so the whole class was basically spent on these, like, very esoteric things.

And then, exactly, you pull the sample exam, and you're like, Oh my gosh, it's like, is there personal jurisdiction? And you're like, where was

Lee Burgess: I supposed to find that again?

Alison Monahan: Yeah, like, wait, did we, like, discuss this? Um, and so, in that situation, I mean, you basically, that's where a supplement can really come in handy.

Um, obviously you want to give your professors, like, what they're looking for, but often what they're looking for in class is really different from what they're looking for in the exam. Point being, anytime you're working on an outline, you're thinking about outlining a study aid, you've got to keep your eye on the prize.

Right. And if you're trying to outline without ever having looked at a sample exam for this class, I think that's a really bad idea.

Lee Burgess: Absolutely. I mean, one of the most common questions I think we get about outlining, other than how to do it, is how do I know if I'm doing it right? And the way you learn whether or not you're doing it right is you test the outline.

If you have an outline next to you, and you have a practice question, and you cannot answer the practice question, Question with your outline next to you, then your outline is broken. It is not working. And it's not working for you. You know, to change it and you need to change it. And so maybe it's that outlining.

As a process, isn't how you can make the law understand or make sense to you, then you need to come up with a new solution. But testing the outline and not waiting until reading days to test the outline is a very important piece of this process.

Alison Monahan: Yeah, and I think oftentimes people just don't, like, I don't know if they're intimidated or they think it's pointless or what, but they just don't look at sample exams.

And I think that's a real mistake because you want to understand, like, what are you going to be asked to do so that you can work backwards and figure out, well, what would help me do that? You know, so one of the things we talk about a lot with our students is having an attack plan. Like, say it's a criminal law exam.

I can pretty much guarantee you with almost 100 percent certainty that there will be a dead body on your criminal exam. Or at least more than one. Probably more than one dead body on your criminal exam. Like, if you don't have a dead body, you can write me an email and I'll send you to happen. Same thing in CivPro.

If you are taking a CivPro exam, I can almost 100 percent guarantee you, you will be asked to talk about personal jurisdiction. So these are things where it's like... You might be able to tell me, oh, the law of personal jurisdiction, you know, there's this case called International Shoe, there's this other case called Worldwide Volkswagen, there's this other case called, uh, you know, something vaguely, like, Japanese, Asahi, you know, you may know these cases, you may be able to tell me exactly what each one says, but if I present you with a scenario of, like, someone got in a car accident across state lines with, like, you know, a Brazilian entrepreneur who happened to be passing through The U. S. that has never set foot in this state otherwise, but happens to have, you know, a website that does business and blah blah. Like, that's what you're going to be asked to analyze. The question is, does your outline help you do that?

Lee Burgess: Right, exactly. So, um, let's get down a little bit to the nitty gritty then.

I mean, when a student is ready to outline, and we kind of recommend that this process starts maybe like a month into classes.

Alison Monahan: Yeah, people often wait way too late to start this. Again, maybe it's intimidation, maybe it's just not having time, but, or making time, or making time. Um, yeah, I mean, this is something we talk about in the time management podcast is, you know, you really have to make the time for this deep work.

And certainly at this point, you know, you're more than a month into school. You have done some topics. You can start doing your outlines. Do not keep waiting. Right. So you have more information.

Lee Burgess: Exactly. So hopefully you've listened to our time management. Um, Podcasts, and you know that you're supposed to have a space for deep work set aside every single week and this is exactly where the outlining should probably happen is during the deep work time.

Alison Monahan: Yeah, and I think, you know, ideally you've mapped out some deep work category on your schedule, but now this is the time that you start filling in, well what am I really going to do there? You know, you look at your classes, okay, where's a class that we've really covered like a very specific topic? Maybe it's personal jurisdiction or subject matter jurisdiction or, you know.

I don't know, mens rea, like whatever it is. You know, if you're a few weeks in, you've covered something at this point. Exactly. And so it's time to really start committing to, okay, I'm gonna outline Class X on Saturday afternoon.

Lee Burgess: And so when you're ready to outline, the first thing you need to go is Get your materials together.

Alison Monahan: Collect our stuff. You're not going to do this in a vacuum. You're probably going to end up in a room with lots of papers spread around you.

Lee Burgess: Exactly. So, um, you need your class notes. And if you've taken our advice, those class notes are probably handwritten in a nice little notebook. Maybe even a Circa notebook.

Alison Monahan: Maybe you've highlighted what you did in each class and why it was important. Maybe you have notes on the law and what your professor said. We hope so.

Lee Burgess: So you're going to have your class notes. Um, you're probably going to have your computer. I mean, I don't think that outlines need to be done on the computer, but I know a lot of students like to do it.

Again, I think the danger zone of the computer is getting so caught up. All the formatting and all the little, like, nifty tips and tools that Word will do for you. Or Evernote.

Alison Monahan: Or Evernote, or wherever you're doing it. OneNote, whatever. I've seen some beautiful OneNote outlines that looked great and were totally pointless.

Lee Burgess: Yeah. So, I think It's really up to you, but again, think about how you learn. If a computer is a huge distraction, if you get caught up in things like formatting and things like that, maybe you want to try handwriting your outlines. It's a totally valid way to do it. I always did.

Alison Monahan: I never did one on the computer, like I would borrow ones from either old outlines, like old student outlines, or sometimes if I had a really good friend, like they would get me theirs.

But, you know, I always did mine on paper just because I found it helped me focus on like what's really important because you just can't, it's like exactly the same thing as class notes, like you can't write everything.

Lee Burgess: And I made the mistake sometimes of actually having way too robust of outlines, and then I would end up doing.

And those would be typed, and too long, so then I would have to do a handwritten one after that, because that was really the only way for me to start to make the material my own. And the other beauty of handwriting, we just do not have the patience to handwrite things as long as we will type them, and so it, it forces you to synthesize, because you're not going to, I mean, I've seen 100 page outlines, 100 and some page outlines, no one is going to handwrite out 100 page outlines.

Alison Monahan: No, God no. That's like an awful, awful waste of time.

Lee Burgess: That would be a total waste of time. Okay, so, um, what else does a student need? Um, maybe, maybe a supplement or a horn book?

Alison Monahan: I would say definitely one supplement or horn book. Probably not an E& E, Examples and Explanations. I think this is the place where you go for your classic, like, Emanuel's, Gilbert's, or Glannon's.

Or you go to the library and you get a horn book. The problem with the horn book is they probably have too much information. You know, if you were trying to outline from Prosser on Torts Yeah, that's You know, you're going to sit, you're just going to find yourself, it's kind of like reading the encyclopedia.

Like, oh, this is so interesting. But like, we really are trying to kind of nail it down, you know, to the basic details. So, you know, I think people should have one commercial outline and or horn book, probably commercial outline. Um, I mean, typically you're going to have your textbook with you, but you really shouldn't be referring back to it.

Or reading, rereading cases. Please don't do that. Yeah, don't reread cases. Even like case briefing, like maybe your briefs, like you want to glance at them. But typically here, you're not trying to reread a bunch of stuff. You're trying to really pull out the most critical information. Yeah, you're looking for the takeaways from the class.

So if you find yourself like, oh, I was a little confused about the dissent in some case, let me reread it. That is a waste of time. Um, yeah, so basically, you know, you want to have like that commercial outline, your class notes, and then this other stuff is kind of extraneous. You probably want to have, if you have access to it, at least one or two old student outlines for this professor in this course.

Um, I caution you, however, don't think you can just sort of take that and add a little bit to it.

Lee Burgess: Oh, like putting your name on the top of it?

Alison Monahan: Yeah, or like changing the formatting. Right, that doesn't make it your own. Because the point is, you know, someone who made this beautiful 100 page outline and got an A in the class.

They went through the process of making that, so they actually understood it. I mean, I know, Lee, you've got a story about, like, thinking you're going to borrow some A plus outline and looking at it and just being like, oh my gosh, this, like, does, like, I literally can't even understand what this is saying.

Lee Burgess: Oh, yeah, I mean, my friend high scored the class, and I was like, sweet, I'm golden. It was employment law, and I opened up that outline and went, I cannot even follow what's in this outline.

Alison Monahan: Or often times it's even little stuff, like it actually for whatever reason drove me completely insane if people use symbols for plaintiff and defendant.

Oh, it's funny. Which like, everyone does, because who wants to keep typing it out, but it drove me nuts. Like, I just couldn't look at something that had that in it without wanting to kill myself.

Lee Burgess: But you know, I could never get into doing those on the computer, because I felt like it took so much time. I was always like, who spends a lot of time like, looking up the symbols?

Insert it. Yeah, that's true. I mean, we just do P& D.

Alison Monahan: Yeah, I know the ones who did like the Delta, I was like, I can't remember, it's like this process, you're like, okay, Delta, D, Defendant, and like every single time I looked at it, I had to go through that three steps. I'm like, just freaking write out the word.

Lee Burgess: Or P& D, P& D word.

Alison Monahan: So, you know, people are very idiosyncratic in the way that they process information. So I think it's useful to have old outlines so that, A, you can see how someone structured it and kind of get a sense of like, okay, you know, this probably, but again, like the person might. Think about it totally differently than you do.

Um, so, the other thing is you can sort of see, like, have you left stuff out? Mm hmm. Although, again, like, your professor might not have covered that topic that year. Yeah. But it gives you a red flag if there's like a whole section that you're like, Oh, I don't really remember talking about that.

Lee Burgess: Yeah, it's time to go back to your syllabus on something.

Alison Monahan: Yeah, were you like asleep in class one day or did you really not cover this?

Lee Burgess: I think it's also really important to, um, Um, do this kind of ongoing, you know, we talk about starting this like a month in, because then you're going to be able to do it in digestible chunks, and I think one of the things that can be really intimidating is if you wait too long, you're like, where do I start, and it's like, well, you should start at the very beginning, you should start at the first section of your syllabus, um, when you finish talking about something, and that's when you know that it's a good time to start.

Um, if you come to outlining, you know, late in the semester, and you have hundreds and hundreds of pages of class notes, yeah, it's going to be hard to know Well, the other

Alison Monahan: thing is you're going to get better at this as you go. So you want to give yourself time to kind of like flail in the beginning and get really frustrated and not have any clue what you're doing, but then maybe go get some help from someone or talk to a professor, maybe bring in a section of the outline to office hours and just be like, Hey, you know, this is what I'm working on.

Like, are, do you, does this, Do you think this makes sense? You know, are there questions you have about something? Because if it's a reading week, nobody's going to be talking to you. Like, professors don't even have office hours at that point. They're going to be like, sorry, you should have been doing this three months ago.

Yeah, and they're not going to be really sympathetic.

Lee Burgess: Welcome to answer those questions. I think A lot of times students get frustrated with professors because they go at the end of the semester, and they're like, I have 25 questions for my outline, and the professor's like, I don't have time.

Alison Monahan: Yeah, like, look at the line of students who also have 25 questions.

Lee Burgess: But you know, if you go early in the semester when they are bored in their office hours, it is highly likely they're going to answer your questions and kind of indulge you in a discussion that they wouldn't do otherwise.

Alison Monahan: Yeah, because it makes it look like you're trying, you're on the game, you know, they feel sympathy for you because you're just...

I really don't know what you're doing. Yeah. You know, so basically they're gonna be more likely to help you. All right, so we've got our materials. We're looking at the blank page. What do I write down? Well, the.

Lee Burgess: Here's what you don't write down. Let's start with what you don't write down. All right. All right.

What you don't write down is my personal pet peeve when I see a student's outline, which is what we call the mini briefs. What an outline is not is a collection of mini briefs about every case that you have read in your class. And if I see another outline across my desk that says personal jurisdiction, and then it literally is like bullet point number one, international shoe, and then like, Here's the facts of International Shoe, which I don't even remember.

I can tell you what International Shoe is about, but I have no recollection. Yeah, I don't know, I think it was like a factory or something of shoes. Yeah, Worldwide's Volkswagen, I feel like that had to do with a car, but like, that's only because it says Volkswagen in the title.

Alison Monahan: Yeah, we're really going off of the titles here.

I'm like, the shoe company probably had something to do with shoes. Probably, International Shoe. Volkswagen probably had to do with cars.

Lee Burgess: With a car, yeah. So the point is, is that, um, yeah, it doesn't matter, really. We don't care what color the car was. No, we do not. We do not. And so what students get caught up on is being able to recite the specifics of the case.

And that's not really where the outlining magic happens. The outlining magic happens with this idea that you are pulling out what was the important thing about that case. Why was that case included in your case book?

Alison Monahan: You want to focus on the law.

Lee Burgess: You're looking for the law. The black letter law. Or the reason that case was included.

Some cases are included to explain how the law is applied. Right.

Alison Monahan: Like the Hand Formula. You probably read this in tort. Right. Case has something to do with the barge, as I vaguely recall. But the barge is not the point. We don't care about the barge. We only care

Lee Burgess: about the Hand Formula. And I don't think it's about a hand.

No. So don't talk about a hand. No. Hand surgery.

Alison Monahan: No. No, that's where Learned Hand might lead you astray. That is a judge.

Lee Burgess: That is a judge. Not, not the facts. But again, like, some of these facts are really memorable, but mostly it's the rules or the what has, you know, what these cases stand for, that that's what you want.

And so instead of filling your outline with mini briefs, you know, don't worry, it's not like your case, um, notes or your class notes are going anywhere, you can always reference them during the semester. Final Exam Period if there's some reason you need to.

Alison Monahan: Well, and you can always include, like, for example, a case name in the outline if it's very critical.

Like, I think you probably should at some point write, you know, International Shoe, just because when you refer to that case name, your professor's like, Oh, okay. I'm in a world that I understand. However, it's not sufficient just to write down the name. You know, you basically have to say, you know, As we saw in International Shoe, blah, blah, blah, Rule of Law.

Right. This, now I'm going to apply it. You can't get away with just like, name dropping and think that's enough. No,

Lee Burgess: I mean I think some classes... The cases can be very important as far as what the facts are. If that's true, then you can include some of the facts. But we're talking about, like, a sentence or a few words, you know?

The case about the barge, you know?

Alison Monahan: The case where... But like, no one cares about the barge. You only care about the form. But like, con law or something, you know? Con law crim sometimes. If you're doing a lot of, like, analogizing to the facts of specific cases, then yeah. I mean, and this is sort of what you have to...

Lee Burgess: And, um, in CRIM, when, if you're arguing that that should apply, you might... You know, need to know fact patterns that you covered in class of what qualifies as the heat of passion and what doesn't.

Alison Monahan: Right, and a lot of times it'll be like, there'll be different tests or for like insanity, I think there's like the McNaughton test for insanity and some other tests for insanity.

Like, that's a good example of where like, the actual cases really matter because they've created a test that you need to be able to apply. But, I mean, I couldn't tell you one case name that relates to the heat of passion, like, you know.

Lee Burgess: No, I do remember there was a case. This is where someone tried to choke their wife with a telephone cord.

Alison Monahan: Yeah. Crumb. Gotta love those.

Lee Burgess: It could be some dark stuff in those cases. Dark stuff.

Alison Monahan: Yeah. And so, you know, I think this is, this is always a balance. It's like you've got to focus first on the law, but then if you're gonna, you know, to bump yourself up on the curve. Can't hurt to throw in like a little fancy stuff about some cases, but if you find your outline just being like case A Here's what happened.

Case B. Here's what happened. Case C. Here's what happened. That is a total waste of time.

Lee Burgess: And that is really where it comes back to looking at the exams and seeing what you need to know, trying to look at the model answers. Seeing what the professor likes. If the professor likes lots of case names, if the professor likes lots of discussion effects, then sometimes they'll tell you.

If you go to office hours and talk to them about it, you know, that's going to cue you what you need, but what is important is you realize that the outlining process, no matter how your professor tests, is all about taking that step back, coming at this from a much higher level. Not getting lost in the details of, you know, was this the case about the telephone cord, or the case about the hammer?

Alison Monahan: And I think they'll do that because, frankly, that's easier. Yeah. You know, it's easier just to think, like, oh, I just have to go through the cases we read and, you know, make my case Type up summaries. Make my case briefs, like, basically retype them, and then I'll know everything.

Lee Burgess: Using outline format in order.

Alison Monahan: Yeah, yeah, I'll retype. Like what I already wrote in my case brief and put it in an outline and then I'll obsess over whether my like indentations are italicized and then I'll do well on the test.

Lee Burgess: I mean guys, this is hard stuff. I mean this is where the magic happens in law school. This is going to be hard.

There are going to be some sections. of the law that you've covered that you're going to struggle with. The struggle is real, but it is something that you need to lean into and really embrace and not run away from and just say, well, I'm just going to write down, you know, page after page of outlines and I'm sure that at some point it'll sink in.

Alison Monahan: Yeah, that's another one I love. Like, well... I just figured it would come together at some point. People kept telling me everything would just fall into place. Come together. It's like, yeah, it doesn't, like, this isn't magic. No, you can't wave a wand and just be like, it only falls into place if you really dig into it and really like, try to understand what you're doing in a smart way.

I mean, I do think that's sort of true. I mean, I was a Civ Pro TA and I did tell people like. There will be a moment, if you're lucky, and like you're, you know, doing what you need to be doing, where suddenly the entire system actually makes sense. But you have to work up to that point by really, like, digging into all of the different pieces so you can see how they fit together.

And then maybe you get that moment of clarity where you're like, oh my gosh, I totally get it. Yeah, and that's a great moment. Yeah, but you want to record like everything you just thought so you don't forget it like a week later. It's true. I mean,

Lee Burgess: Ariel, um, a tutor on our team has this really great podcast or blog post.

I think it's in the bar space, but it applies to everything. That is like you should be doing what makes yourself uncomfortable. What makes you feel uncomfortable when you're studying because that means that you're challenging yourself and you're learning. If you're just sitting there going like, I outlined for five hours.

It was super easy. I did 20 pages.

Alison Monahan: Yeah, meaning I took someone else's old outline and I like retyped it or colored in or like filled in a few things. I mean, that's just not that helpful. Um, and maybe, you know, sometimes if you're really in a pinch, like, yeah, okay, grab someone else's old outline. If you've been sick for three weeks before exams, you're desperate, like you can,

you know, you might be able to get through, but given that you have more time at this point, it's better really to sort of Start from scratch, um, and try to make this material your own.

Lee Burgess: Yeah, we're not trying to talk about the triage plan here, we're talking about the best case scenario plan.

Alison Monahan: Yeah, this is, this is like everything's gonna go great. Yeah, exactly. You're gonna start outlining in October, everything's gonna be, you're gonna have plenty of time, you're gonna be caught up. No, there's a completely different strategy for triage, which I think we probably have some podcasts on.

Yeah, exactly. You're a week out and it's a total mess. You're not necessarily going to fail. Exactly. But, better to, you know, do this piece by piece, bit by bit, stay on top of it. I mean, you know, even if somebody has, say, four classes, even if they're outlining two classes every other week, I mean, you're still going to be like several weeks of material in each class.

You say you did like one class on Saturday, one class on Sunday, and you did that consistently for the whole semester. You're still looking at several weeks of material in each class. Minimum two weeks per class. Like, that's still going to be a lot, that's going to be multiple hours every Saturday and every Sunday.

So that gives you a sense of, like, if you don't get started on this now,

Lee Burgess: woo, boy,

Alison Monahan: it's going to be ugly.

Lee Burgess: Yeah. All right, so what happens if the student sits down, takes our advice, has all their stuff around them, and then looks at that blank page and just kind of scratches their head and is like, I do not know what should be written down on the page.

Alison Monahan: Well, I'd say number one is just write something. Contracts. No, I mean, literally, like you can, I mean, it is a totally valid place to start to go to your syllabus or go to the table of contents in your book and look, it says contracts. Offer. And you can literally write down contracts. Offer. And whatever the subheaders are, that probably gives you a pretty good starting point.

It's not like you have to recreate the wheel here. Um, but, I mean, you know, some professors are just really all over the place. And I think that's when you pull out, you know, the commercial outline and you sort of look at what they've done. I mean, you only look at the sections that you've covered, but basically that's going to give you a pretty good idea of where to get started.

This is also a good place. I mean, I'm not sure I'd go, like, straight to my professor.

Lee Burgess: If I'm like, your class doesn't make sense.

Alison Monahan: The class doesn't really make any sense. I don't know how to start outlining. Could you show me how? They're gonna be like, no. No, leave my office. But your TA might be more helpful if you have a TA in a class.

Like, they're much closer to this experience. I mean, I remember... When I was a CIP Pro TA, I ended up giving people some handwritten outlines that I'd done. I mean, they were begging for them, and I was like, look, I don't think this is actually going to be that helpful to you, to be honest, because what I'm, the three pages I'm showing you took me 12 hours to actually create.

But hey, if you want it, like, here it is. I'm not going to tell you you can't have it, you know, send it to the whole section. Who cares?

Lee Burgess: Exactly. Oh, let's talk about something not to do, which is divide up the outline amongst your study group and only do one part. That is just a terrible idea. That's the same thing as just taking somebody else's outline and putting your name on it.

I don't actually think it's a bad thing if you all want to outline and then you guys want to kind of compare your outlines and make sure you didn't miss anything. I think that's fine because you've already done the heavy lifting.

Alison Monahan: Right, I think it's fine if people don't know where to get started. If you have a study group that you might want to sort of sit down with and kind of talk about how to get started.

Like, well, what do you think is most critical here? Like, how would you start writing this outline? That is a completely valid and useful use of time, but when you decide like, Oh, I'll just do contracts, and you can do torts, and you can do CIFPro, and then we'll trade them at the end, we'll all have this amazing outline because we'll only have spent, we'll spend all of our time doing one class, so we'll just get the other two bonus.

It's like, yeah, you're probably gonna do really well on that one exam, but you're unlikely to do very well on the ones you're basically like stealing someone else's work for.

Lee Burgess: Yeah. I mean, it just has, there's no easy, easy shortcut around this stuff. You just have to do the work.

Alison Monahan: Yeah, you basically have to do the work.

And, you know, you're better off doing a relatively good outline in all three of your classes yourself versus a completely perfect one that's going to be like the example outline for years to come in one class and doing nothing in the other two. Because... I mean, think about it, if you get, you know, a B or an A and two Cs, I mean, one of those is a better looking GPA.

Lee Burgess: Yeah, exactly. Um, sometimes academic support will have workshops on outlining.

Alison Monahan: Yeah, I think it's good to go to that. Yeah, sometimes they're anxiety inducing. Yeah, I mean, say I would take them with a grain of salt, they may give you really terrible advice. Um, you know, to each his own.

Lee Burgess: Yeah, exactly. And if you really are lost, this is, um, another place where, you know, like, our tutors spend a lot of time with their students, um, kind of figuring out how the outlining process works for the individual, because that, that is, that can be really challenging.

Alison Monahan: Yeah, and I think it can be useful just to have some sort of expert resource. I mean, I know you had parents who were lawyers. I don't know if they ever, like, looked at your outlines, but, you know, having some, whether it's a tutor or a TA or even, like, a trusted upper class person, um, Um, who can look at this and kind of be like, I don't think this is going to be that helpful.

Yeah. And here's why. Yeah. You know, because you, until you have tested it thoroughly, you just don't know. No. Um, I mean, I think you can definitely get pretty far by like, trying to take a practice exam, looking at your outline. And as you said, if you can't answer the question... Yeah, that's a fundamental problem.

Yeah, so you might be able to identify that, hey, there's a problem here. Whereas how to fix that. I mean, I think that's the hard part for people because if you did something not that useful to start with, how do you know how to fix it? Yeah. I don't know the answer to that. No, I think you have to get outside input.

Yeah.

Lee Burgess: So what if you're one of these people who tries to do this kind of linear outline process and it is just,

Alison Monahan: Um, and I, you know, I read some books about law school and I had this roommate who's completely like the opposite. You know, she loved like her hundred page outline and perfectly typed and I was just like, look at this. I'm like, this is insane. Like this just does not seem helpful to me. Um, and so for me, one of the things I found super, super helpful that I think were extremely effective.

Also very, very time consuming to make, but very effective once they were made, particularly since I had open book exams. For me were flowcharts, you know, so like I hated contracts, for example, but I still to this day have three or four pages of contracts flowcharts that basically enabled me to do really well in the class.

Um, and you know, they're very specific and they're very like, but they're simple at the same time. And that's sort of like the beauty of the flowcharts, it forces you. to make everything basically a yes, no, or possibly maybe question. So it's like, you know, did this happen? Okay, yes, no, maybe. Um, I did one for CRIM, I remember, about like, a scenario, like somebody, someone in the problem is like drugged.

Or like there's possible like drugs or drinking or whatever. And yeah, that one page flowchart, I could look at it today. And if you gave me a hypo, I'd be like, okay, well, like, is this a crime that requires X? Okay. Follow this line of thinking. Is this a crime that requires Y? Okay. Was this voluntary or involuntary?

Like. I could still do that analysis, which I don't think I could do with like, just a random typed up outline.

Lee Burgess: Yeah, a lot of this is, one of the reasons why we want you to start early is you kind of want to try this stuff out. I mean, you may not know that flowcharts are your answer, but maybe you should try and make one, you know, and see if that does make more sense to you.

Um, or, you know, flashcards are something that can either be a big benefit or they can be a huge time waster or time saver. Yeah,

Alison Monahan: I think the warning we have about flashcards is it encourages that kind of like brick in the wall approach, where like, okay, great, you can memorize all the relevant words.

Right. You have a flashcard that tells you what summary judgment said, like what it is. Does that help you when your professor asks you to analyze if something is ripe for summary judgment? Probably not.

Lee Burgess: And making flashcards is like notorious busy work. Just, I mean, we see this in law school, we see this in the bar space.

You know, I spent 20 hours making these flashcards. And it's like, well, that's great. Did you learn anything during those 20 hours?

Alison Monahan: Yeah, and like, you know, you can buy some of these pre made, but then, you know, we have to caution you the same thing we caution with a commercial outline.

Like, okay. Yes, like Law in a Flash or whatever might be helpful to you, but it's not going to be as helpful as figuring this out on your own.

Um, checklists can be kind of a useful tool for a lot of people.

Lee Burgess: Um, things to memorize, tell you how to do stuff.

Alison Monahan: Yeah, you know, all the intentional torts, like do you want to think about all of these, that kind of thing. Um, for certain very specific types of legal problems, I think tables can be really useful.

Say, for example, you know, you're taking evidence and there's California rules and federal rules. Or in contracts, you have Common Law versus the UCC, or something like that, you know, not all Penal Code versus the Common Law. So anytime you have these important distinctions, I think having a way to track them and often a table with like different colors, like, you know, California is always red, Federal is always black.

And so that can actually help your mind because You may literally see that page if you're like struggling to remember which is which in your head, but oh, it's red. Okay, it's California. Yeah So, you know, these might be supplements to your other outlines, you know, there are lots of different ways to do this, but I think Getting out of that mindset of like, oh, it just has to be this typed up document that I use a bunch of like, you know, A's and I's and whatever on is the only way to do it.

You know, the important thing is, can you, does this help you answer an exam question? Right.

Lee Burgess: And always remember that these are living, breathing documents. Like, this first pass you're going to do at it doesn't necessarily have to be the end all, be all. It's not like you can't go back and revisit this material.

Alison Monahan: Well, you probably should, and this is what I was talking about earlier with iteration. Like, maybe you do make this really long document because you're trying to make sense of the material and you don't know what's important, but then you decide, as you did, Lee, like, okay, I've got this, you know, overly long document.

I mean, basically... Anything over about 30 pages is probably too long for 1L class. I mean, people will walk in with like a 150 page outline. You're like, really? That's a book. Um, but you know, maybe you have this longer document that you then cut down as you get more comfortable with the material until it's, you know, maybe you have your 20 to 30 page outline and then in the week before the exam you make a one to two page cheat sheet that you're actually going to memorize.

Yeah. Or have in front of you on an open book. Because people on open book exams, they go like, Oh, no problem, I have a 100 page outline, everything's in there. It's like, yeah, you have three hours. Do you really want to spend that time flipping through, like, looking for something? That is not a great plan. No.

Lee Burgess: Bad use of time. I think we did a podcast on open book exams, didn't we? Uh, maybe. I think so. We'll link to it in the show notes.

Alison Monahan: Thanks, unfortunately, we are out of time. If you enjoyed this episode, please take a second to leave a review or rating on iTunes. We would really appreciate it. And you can subscribe so you don't miss anything.

If you have any questions or comments, don't hesitate to reach out to Lee or Alison at Lee at LawSchoolToolbox. com or Alison at LawSchoolToolbox. com. Or you can always contact us via our website contact form at LawSchoolToolbox. com. And as you saw in this episode, we might even answer your question. So, thanks for listening and we'll talk soon.

Good luck with your outlining.