



Alison Monahan: Welcome back to the Law School Toolbox podcast. Today we're talking about memorization for law students – everyone's favorite topic. 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 career related website [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can always 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 to the Law School Toolbox podcast. Today we're talking about memorization – everyone's favorite topic. Depending on your professors in law school, you may face closed book exams in law school. I hope you do, because I have this thing about all these open book exams. It really makes me angry.

Alison Monahan: I almost never had a closed book exam, and that really did not serve me well on the bar.

Lee Burgess: I know. So, if you have a closed book exam, that means that you have to keep all the information you need to know in your head, and that's a lot of information.

Alison Monahan: It is.

Lee Burgess: Yeah. But if you want to complain about it, think about the bar exam, which is definitely...

Alison Monahan: A lot of topics.

Lee Burgess: A lot of topics, a lot more information. But even if you have open book exams, you probably still need to try and memorize a lot of the law. Is this true, Alison?

Alison Monahan: I do think that's true. Like I said, almost all... I think I had one closed book evidence multiple choice part exam my very final semester, but every other exam I had in law school was open book. I think sometimes people got lulled into this false sense of security with that, in that they thought, "Oh, I can just look things up. I don't really need to know the law that well." But the reality is, you're so time pressured that you can't really be looking up the elements of a test that you need to apply in most cases. I mean, maybe if it's something you really forgot, or a really weird thing, whatever. But the core information, all of it needs to be in your head in a way you can use, just like on a closed book exam.



- Lee Burgess: Right. I think an open book exam, you want to think of that outline as more of just a quick reference, not being able to hunt for things.
- Alison Monahan: Right, you don't want to look up the law.
- Lee Burgess: Right.
- Alison Monahan: Generally speaking.
- Lee Burgess: No time for that.
- Alison Monahan: If you find yourself flipping through your outline... One case I remember, in Property I was literally flipping through, I think a commercial outline looking for law. That is not a good scenario to be in.
- Lee Burgess: No, definitely not. I remember when I was studying for one of my first closed book exams, somebody told me that everyone will basically have the law memorized when you walk into class. And I thought, "There's no way. If I have the law memorized, I will be out ahead of so many people." And that is totally not true. I think that most people will have the basics of the law memorized. And so, it's not just that you need to know the gist of the law. You need to know it fresh in your head, in an organized way, that you can spit it out quickly using terms of arts. You really need to basically be a walking outline, which I think is a little bit different than a lot of people have studied before in the past. I noticed in law school, a lot of people who had science degrees did really well first semester, because they started studying for closed book exams just like they studied for science exams, where you also have to memorize a lot of information.
- Alison Monahan: And it's literally like, "What is this chemical reaction going to result in?", if you're taking second semester of Orgo, and you have hundreds, thousands probably... I did not do well in second semester Orgo, because that is just not my skill set.
- Lee Burgess: Yeah. I was a Psych and Media Studies major, so I never took exams like that in college. So, it is a learning curve, I think, to have to memorize in this way. A lot of law students come from a liberal arts background, and this is really foreign to them.
- Alison Monahan: Yeah, and I think one critical point, before we get into really specifics, is that you really have to learn the law before you can memorize it. I think this goes to your point. I remember you have a story from your mother talking to you when you were taking your first set of exams, where you realized that you really had not learned the law in the level of detail that you were going to need to memorize.



- Lee Burgess: Right. I mean, I knew the gist of the law. And apparently the gist... Well, it's not apparently. The gist is not enough. The gist is not enough.
- Alison Monahan: Luckily, Lee has two parents who are lawyers. So her mother came to Thanksgiving and said, "Oh, how's your studying for torts going?" And Lee said, "Oh, it's going well." And then she asked you to recall something and you were kind of stumbling through, and she's like, "Yeah, that's not good enough."
- Lee Burgess: No, not good enough. And so, yeah. It was a fun Thanksgiving for me. But it was an eye-opening moment, because I realized the level of detail that I needed to start really studying at. And I think I was able to kind of dive in and fix that problem. But a lot of folks don't learn that lesson until after they've gotten disappointing grades.
- Alison Monahan: Right, exactly. We talk to a lot of people about what happened on their first semester exams and they say things like, "Well, I missed some issues. Maybe my analysis wasn't deep enough." And it's like, that was probably because you didn't actually learn the law element by element, and go through it step by step.
- Lee Burgess: Yup.
- Alison Monahan: Because if you did, you're much less likely to miss issues and typically your analysis is going to be pretty good, because you're walking through it step by step. So, when you think about memorization, it can be easy to get overwhelmed, but I think you also need to think about it in terms of, how are you studying? Are you making useful reference materials, that you at least have a possibility of memorizing later?
- Lee Burgess: Right.
- Alison Monahan: So, you might want attack plans that are covering the key points once you've studied a topic, versus some huge, long, 100-page treatise that covers every single detail that you covered in class, but you're not ever going to be able to learn and memorize that.
- Lee Burgess: And I think those 100-page treatise outlines are one of the most common mistakes that we see with new law students, because they're literally impossible to memorize.
- Alison Monahan: Yeah, unless you have a photographic memory. And even then, you probably still shouldn't try to do it.
- Lee Burgess: Yeah. And I think then, even if you have an open book exam, someone might say, "Well, but I need this 100-page outline." Well, maybe it's nice to have it in your notebook.



Alison Monahan: Yeah, bring it with you. Look at it.

Lee Burgess: But there's no way that you're going to be able to dive into that.

Alison Monahan: No, I mean, I would bring 100-page outlines that someone else had prepared in a previous class, because that wasn't really how I studied. But I did bring them to open book exams for reference. I had tagged them up and I made an index and that kind of thing. And there were a couple of cases where it did save me on certain parts of a question by having an index that I could flip, turn to, and be like, "Hmm, what is the rule for adverse possession?", or something that just totally, I did not remember. But not very often.

Lee Burgess: Yeah.

Alison Monahan: That was not the core of what I was doing on an exam.

Lee Burgess: Alright. So, let's talk about some strategies and pitfalls for remembering what you need to know on these exams.

Alison Monahan: Yeah, and one word of caution here. I think sometimes people want to throw out the things that have really worked for them in the past, because they think this is so different. But this is really not a totally different ball game, right?

Lee Burgess: Absolutely. So, I made this very common mistake on the bar exam, because everyone talked about how they had all these flashcards for the bar exam.

Alison Monahan: Oh, flashcards.

Lee Burgess: I know. And they were doing flashcards in the bathroom. And they were doing flashcards in line at Starbucks. And they were doing flashcards everywhere.

Alison Monahan: That gives me anxiety just thinking about flipping through that stack at Starbucks.

Lee Burgess: Yeah. So, I have really never liked flashcards. Back in the day, when I would study for spelling tests and have flashcards, I've always hated flashcards. And so, I sat down and was like, "I guess I need to make bar flashcards." And so I made hundreds of these bar flashcards for real property and my Miranda class. And then I tried to use them and they did not work. And I realized that one of the ways that I learn and memorize materials is, I need to have it anchored in some sort of organization. So, it didn't work for me to just have these be random factoids. They needed to be random facts that were part of something. So, one type of easement was by memorizing all the different types of easements together, and memorizing what was different about them. That's just how my



brain worked when I was categorizing and memorizing this law. Flashcards, unless you do them in a very distinct way, do not lend themselves to that.

Alison Monahan: No, they're very, kind of itemized.

Lee Burgess: Right. And so, it just really wasn't the most efficient way for me to study. So, those were all wasted hours. I think I just recycled all the flashcards.

Alison Monahan: Maybe you learned a little bit.

Lee Burgess: I may have learned a little bit by making them, but probably not the best use of my time.

Alison Monahan: Yeah. So if flashcards work for you, great. If they don't work for you, you don't need to use them.

Lee Burgess: Yep.

Alison Monahan: Alright, well, let's talk about some more interesting, kind of evidence-based memorization techniques that we've been looking at recently.

Lee Burgess: Mm-hmm.

Alison Monahan: The first one is a concept called immersion. And this is kind of similar to the idea that the best way to learn a new language is to immerse yourself in a community where you have to speak that language.

Lee Burgess: How'd that work for you in Mexico?

Alison Monahan: You know, it probably would have worked a lot better if people spoke to me less in English. But it did work pretty well. I eventually picked up Spanish. But I do think if I'd gone to a place where nobody spoke to me in English, I would have learned Spanish a lot faster. The reality is, you can't really learn a new language from a book. This is the problem with a lot of classes and language schools and colleges and things – they just give you the grammar. And okay, fine, you can conjugate the verbs properly, but you can't actually speak.

Lee Burgess: Right.

Alison Monahan: So, immersion really tries to get you engaged from a lot of different angles, and you can actually apply this to learning any type of new concept. Here, as a law student, you can think of surrounding yourself with this concept or idea that you're working on. And one of my roommates, actually, would do something sort of similar, I think just instinctively. She would have her study group come over and they would take over an entire wall of her bedroom with paper and



literally draw out, basically, the entire class on this piece of paper. And then she would live with it. So, whenever she woke up, she saw this piece of paper. It was huge. It literally was like wall-sized flow charts. It was crazy. It was, I think, one of the most insane things I've ever seen, actually. But you can think about what kind of stimuli you can surround yourself with, that may help you memorize this material.

- Lee Burgess: Yeah. I had some friends who had whiteboards in their houses and would put law up on the whiteboards, so they could see it from the kitchen. Or they used those big Post-it note papers that you and I used to use all the time.
- Alison Monahan: Oh, we loved those.
- Lee Burgess: We did love those. We haven't used those in a long time.
- Alison Monahan: No, you can buy these enormous... You go to Office Depot or Staples and you can get this enormous Post-it note that's a poster size and you can write... Say you're trying to learn hearsay exceptions. Well, there are what, 18 of them or something? You probably need to know all of them. So, you could write those and put them up in your bathroom, or put them up in your kitchen. Some place that you spend a lot of time. And you're just going to start absorbing this information. And sometimes too, it can be spatial. So, there's also the Chambers for a Memory Palace ideas. The way that people used to memorize things, when they were storytellers traveling around, was really through spatial thinking. So, they would imagine themselves walking into a room and seeing certain things. And then they knew that that was part of the oral story. And people learned a lot of stuff. I think the Iliad and the Odyssey, those were all oral traditions.
- Lee Burgess: Yeah, I know.
- Alison Monahan: They're long.
- Lee Burgess: They're really long.
- Alison Monahan: A lot of things going on, a lot of people, a lot of names. Somebody had to memorize all that for us to actually be able to read it.
- Lee Burgess: Yep. That is true, and pass it down to somebody else. Who knows what the original Iliad and the Odyssey were, but...
- Alison Monahan: Right. But they were basically telling them around campfires and somebody had to remember all those details. So, you can apply the same thing. You could also do it almost as an oral tradition. So, you record yourself saying the exceptions and the rules. We definitely have had students do this very successfully.



- Lee Burgess: Mm-hmm.
- Alison Monahan: And this might sound very boring, but you can play it while you're cooking.
- Lee Burgess: Yeah. I mean, some students find listening to their own voice, talking to themselves, can be very helpful. And sometimes that can be even better than listening to another recorded lecture. Because the benefit of, let's say, you recording yourself reading your outlines is that you're then hearing the same material that you've been studying in other ways. Because I think one of the things that can happen is, let's say you're studying for a torts exam – because we've been talking about torts. And let's say you get some other lecture that maybe is a friend who is studying for the bar, had a torts lecture or something like that. So you're like, "Oh, I'll listen to this torts discussion." So, you listen to it, but they're using slightly different language than your class used, they're covering law that wasn't in your class. And so, you might be hearing some of the concepts, but I don't know that that's going to really help you internalize what you need to know for your exam, because it's going to be slightly off. And I think that confusion doesn't help clarify. That's not really immersion in these concepts. I think it could actually push you off base.
- Alison Monahan: Yeah. I think, too, with a lot of this stuff, the best way to memorize material is to use it. So, if you create an outline that makes sense to you and then you read it, that alone is going to get you pretty far down the pathway to having memorized it, versus someone who just listens to someone else telling them what the law is. It's the different between reading a book and writing a book. If you write your own book, basically, you're much more likely to remember that.
- Lee Burgess: Yeah.
- Alison Monahan: I could tell you some of the details of papers I wrote in college or something. I guarantee you I cannot tell you the same information that I got from a book.
- Lee Burgess: Yes, that's true. I could totally tell you about my senior thesis in college.
- Alison Monahan: Exactly. And occasionally I've been asked about it in interviews, which is really weird.
- Lee Burgess: Your senior thesis in college?
- Alison Monahan: Literally.
- Lee Burgess: Was it legal?



- Alison Monahan: No, it nothing to do with the law. I remember a clerkship interview, someone asked me and they wanted to talk about the details of it. And I was like, "Wow. This is really..."
- Lee Burgess: You had been out of high school, or college, for a long time.
- Alison Monahan: Yeah, but fair enough. It was on my resume.
- Lee Burgess: Yeah, I guess that's true. I don't think I included the title of my thesis.
- Alison Monahan: Well, mine was like an honors thesis, so...
- Lee Burgess: So was mine. I just left it off.
- Alison Monahan: Yeah. I mean, it was like, semi-relevant to law. But not exactly. Anyway, we can talk about that in a different podcast.
- Lee Burgess: I was like, I don't know what your thesis was on. Now I want to know.
- Alison Monahan: Yeah, it's an interesting topic, actually. Turned out to be really relevant. Anyway, moving on.
- Lee Burgess: Moving on.
- Alison Monahan: Yeah, so one of the good things about immersion is it's pretty simple to try. So, if this sounds interesting to you, you can easily record yourself reading some stuff and listen to it. See if it helps. And you can get your giant poster board, write your hearsay exceptions, put them in the kitchen and see if you memorize them.
- Lee Burgess: And maybe talking to friends. Having friends over, talking through some of this stuff over dinner. So, you could have your board up in the kitchen with your outline. Then you can be listening to yourself, say, read your outlines. And then you can have a friend over for dinner and you can review the outline together over the dinner you've been cooking when you've been immersing yourself in this law. Doesn't that sound fun?
- Alison Monahan: Sounds better than flashcards.
- Lee Burgess: It totally sounds better than flashcards. True. Alright.
- Alison Monahan: But, hey, if flashcards work for you...
- Lee Burgess: Yeah, no judgment.



- Alison Monahan: No judgment.
- Lee Burgess: Yeah. Alright, what else? What are some other techniques?
- Alison Monahan: Well, this one has a little weird name. Not sure we're pronouncing it correctly, but it's an interesting concept. So, most people have probably heard of mnemonics, which is, you take the letters and you make them into some weird thing you can remember. This is a similar concept called acrostics. Acrostics?
- Lee Burgess: I was going to totally make you do this one because I didn't know how to pronounce it.
- Alison Monahan: Yeah, we read about this. We did not listen to a podcast on it. Anyway, the basic gist of it is, you take the first letter of each word that you need to memorize. So, say for example, it might be hearsay exceptions. Or, we're going to talk about one in a minute about excuse of performance in contract law. So, why did you not perform? And you mirror these letters, instead of with just another letter, you make them into the first letter of each word in a sentence that you can remember.
- Lee Burgess: So this is different than a mnemonic? I thought this was basically what a mnemonic was.
- Alison Monahan: I think a mnemonic is more just like, "RGB". Or "ROYGBIV".
- Lee Burgess: Right. So, you're just taking the...
- Alison Monahan: So, "ROYGBIV" is basically red, orange, yellow, green, blue, indigo, violet.
- Lee Burgess: Right.
- Alison Monahan: So that's, you're just taking the words and compressing the first letters. Here, instead, for example, say we're going to talk about excused performance in contract law. So that would involve... these are the things you need to memorize: mistake, impossibility, impracticability, frustration of purpose, rescission, accord and satisfaction. So the mnemonic might be similar to "MIIFRA".
- Lee Burgess: I was like... Which is...
- Alison Monahan: That's fine. However, you could also do something that maybe is a little bit easier – saying, for example, "Most Icy Igloos Feel Really Awful."
- Lee Burgess: Okay.



- Alison Monahan: So you're like, "Oh, okay. That actually might be helpful to me." Because I can remember, "Oh, it has something to do with Eskimos. Oh, the igloo. Right, okay. Most Icy Igloos Feel... Oh, it would be cold in there. They feel Really Awful." So the idea here is, it's kind of giving you more context to remember those letters.
- Lee Burgess: Right. And some people will even do little songs with some of this stuff, too.
- Alison Monahan: Yeah.
- Lee Burgess: Put it to a little rhythm.
- Alison Monahan: Yeah. And sometimes you see this in bar prep courses and things. I think, again, they're probably even more effective if you come up with them.
- Lee Burgess: Mm-hmm.
- Alison Monahan: And it's also... I mean, we're all kind of nerdy. We're law students. But it can make studying a little bit more fun.
- Lee Burgess: Right.
- Alison Monahan: If you have something that makes you laugh, it's probably going to be easier to remember. And it might also make you happier. If you're like, "Oh, yeah, that igloo. Ha, right. I remember. Oh, yeah. Right. Okay, mistake, impossibility, impracticability, frustration of purpose, rescission, accord and satisfaction." So you can kind of see, I think this could actually be very effective.
- Lee Burgess: Yeah.
- Alison Monahan: Yeah. Or if you're looking at defenses of strict liability in tort, which would be misuse, alteration, or assumption of risk – so, MAA. So, our mnemonic would be "MAA." Personally, I would probably do something about a cow here, but the example we're using is, "My Alien Arrives."
- Lee Burgess: That's true.
- Alison Monahan: So, you can imagine this alien is arriving. Maybe they have a little rocket ship in your head. It's completely nonsensical. It has nothing to do with the underlying things that you're trying to learn, but you're probably going to remember that rocket ship and that might make you think of the alien. And then you're like, "Oh, My Alien Arrives. Okay, misuse, alteration, assumption of risk." It's a little bit like, have you ever heard of that British concept of rhyming slang?
- Lee Burgess: No.



- Alison Monahan: Really interesting. Look it up sometime.
- Lee Burgess: Okay.
- Alison Monahan: But basically, it's slang that seems completely nonsensical, but what they're saying is actually a rhyme of what the underlying thing is about. Yeah, pretty weird.
- Lee Burgess: Rhyming slang? That's what is called?
- Alison Monahan: Yeah, rhyming slang. It's very interesting. I mean, if you don't know where it came from, it literally makes no sense.
- Lee Burgess: No, I hadn't heard of that before.
- Alison Monahan: Another example. So, you're trying to remember, say, the considerations in a case of controversy analysis, where you need standing, mootness, ripeness, political question, abstention, adequate and independent state grounds. So these are pretty dry, kind of boring.
- Lee Burgess: Right.
- Alison Monahan: But, here's one that somebody came up with: "Some Moms Rap Pretty Admirable Adages."
- Lee Burgess: Yeah, that's not bad.
- Alison Monahan: I mean, you could probably remember that.
- Lee Burgess: Yeah. Also, I think that sometimes, if you're putting together these sentences, if you want to give them a little more grounding, you can either choose a topic or something that will link it back to that type of law. So, I think in contracts law would be a good example. If you were doing law, and one of the cases around this was about cows maybe, or...
- Alison Monahan: Oh, the famous contract cow case. You can't split the cow.
- Lee Burgess: You can't split the cow. But maybe you can even make up your sentence to link to cows, so you can remember, "Right, what was my sentence about cows?"
- Alison Monahan: Yeah, so I can think they can be completely nonsensical and just kind of funny. And have fun with it. Or it could be something that's a little bit more linked to the concepts. But regardless, this is kind of like when we have watched the [SketchyLaw](#) videos. You think they're kind of funny and silly, and you're like,



"Oh, that was kind of fun." And then you find yourself thinking about them the next day and you realize, "Wow, this is actually very effective."

Lee Burgess: Yup.

Alison Monahan: So, I will be thinking about my alien arriving probably as I'm falling asleep tonight.

Lee Burgess: Well, especially, I was reading about space travel this morning.

Alison Monahan: There you go.

Lee Burgess: So I was learning all about traveling to the moon, and to Saturn, and...

Alison Monahan: The Sat V rockets?

Lee Burgess: Sat V rockets, and the... I forgot the name of the ship that landed on the moon.

Alison Monahan: Oh, yeah. Like a lunar lander thing.

Lee Burgess: Yeah, the lunar lander. Does it have that?

Alison Monahan: Mm-hmm.

Lee Burgess: Anyway.

Alison Monahan: So you could use those for completely unrelated purposes.

Lee Burgess: Yup.

Alison Monahan: So, if they're concepts you're trying to remember, it could be hearsay exceptions, maybe all the degrees of murder and manslaughter and these kind of things – give it a shot.

Lee Burgess: Why not?

Alison Monahan: Seems pretty effective to me. There's evidence.

Lee Burgess: Yeah, exactly. So, what about visualization? I think that's something that many people have heard of.

Alison Monahan: Yeah. So, I think sometimes you get very caught up in this, "I can only write stuff in law school because that's what I'm going to have to do on the final exam." But I was a visual learner and I did all kinds of things that did not involve writing



to study. I mean, obviously I couldn't draw a picture on my final exam, but I could when I was learning and studying things. So...

Lee Burgess: You can on your scratch paper, if you needed to.

Alison Monahan: Yeah, that's true. I could, yeah. Exactly. I could draw my rocket ship.

Lee Burgess: Yeah.

Alison Monahan: Yeah, so sometimes you can think about different ways... And I mentioned earlier the Chambers for a Memory Palace – this is something that has a very, very long history. So, you can do this in two dimensions. Maybe just putting something on a page and you connect them, or you do a diagram or something like that. Or you can do any kind of three dimensions and imagine walking through a space. And there you can assign certain things, certain objects in the room to concepts that you need to remember, things like this. If you were trying to do something about, say, agency relationships or something – you can imagine an object in the room and then you walk it across, and then something happens. Doesn't really matter. This is going to be super personal. But it is definitely something to think about if you feel like you're kind of banging your head against the wall trying to memorize all this text information. You are allowed to use visuals.

Lee Burgess: Yeah. I think that's a really good idea. And nobody knows how you memorized this stuff, just that you can spit it out.

Alison Monahan: Yeah, and again, it's actually pretty effective. We mentioned SketchyLaw, if you are a visual thinker, this is a great option for you. because they do little videos. And again, they've done them for you, so they might not be quite as effective as if you made your own video, but you're not going to do that. So, I think theirs are actually... And because it's a video, it's almost kinesthetic as well. So, I think if you are someone who is struggling with all of the text-based stuff, this might be a good place to look.

Lee Burgess: Yeah. And like you said, I think it's worth playing with what resonates with you. So is it the story of walking into a room and seeing pictures on that wall that relate to things? Is it drawing a picture of something or drawing a shape and assigning words to, or concepts to each point in a shape?

Alison Monahan: Yeah. Maybe you have a hexagon. And you move around the hexagon and that's how you map out whatever it is.

Lee Burgess: I remember trying to learn a bunch of these state capitals by drawing a boat, and I had all these state capitals on these different parts of the boat. It's funny, I



don't remember exactly how it looked, but I have this image in my head of this boat with all the state capitals written on it.

Alison Monahan: That's actually very effective because you remember that... I'm trying to remember any of the state capitals. Sacramento. That one I can do.

Lee Burgess: I was like, "The one close to here."

Alison Monahan: If Sacramento is sitting on the steering wheel of the boat, whatever that's called. I don't think it's called a steering wheel, but my boat knowledge is limited. You're much more likely to remember, like, "Oh, Sacramento is sitting up there." Maybe Raleigh, North Carolina – I can get that one – is on the prow of the boat. And you start imaging the Titanic scene. Well, this actually gets us into our next idea, which is storylining, since now I'm riffing on Titanic.

Lee Burgess: So, storylining is a memorization technique in which you take words to trigger your memory for a particular topic, and string them together in a story with a predictable progression. This is also known as narrative memorization. So, it's pretty easy to understand but it takes more time to execute than some of the other techniques. But I think this is interesting because different people can retain stories better than they can other facts. Like, I can really retain a story.

Alison Monahan: Well, most people can. Human beings are basically... Our brains are designed to work with stories. So, stories can have emotional context, but here you can make, again, almost like the acros... What is the one we're not pronouncing?

Lee Burgess: The one that's like a mnemonic but not a mnemonic?

Alison Monahan: Yeah, exactly. The sentence-like mnemonic. I mean, these can make more time, but they can also make things more fun. So, if you're staying more engaged with the material, then it's probably going to make it easier for you to keep studying. And the thing is, once you have these, you're probably going to remember them.

Lee Burgess: So, here's an example. So let's say you're trying to remember that contract formation requires offer, acceptance, and consideration. And you like Game of Thrones.

Alison Monahan: Oh, that would not be me.

Lee Burgess: No, but Game of Thrones is coming back, so this is very timely.

Alison Monahan: Okay. Well, other people like it.



- Lee Burgess: Final season. I think it's marked in big red letters somewhere on the calendar in my house. So, "Tyrion Lannister offered me some wine before the battle for the Iron Throne. I considered taking him up on that. Wine is delicious, after all. But then I decided that I shouldn't drink any. I had to accept that it was time for the final battle. But hopefully I won't contract any illnesses." So, if you were reading this, you could see that maybe if you wrote something like this down, that these keywords are kind of highlighted for you, but that way you could remember in the story that you're looking for offer, acceptance, and consideration. And that that is what is necessary to make a contract.
- Alison Monahan: Yeah, exactly. They don't have to be super complicated. For example, say you're trying to remember the test for whether someone's pre-Miranda statement should be excluded. You could do something like, "The custodial" – keyword, "staff at my school interrogated" – keyword, "the students about who started the food fight." So again, it's a story. You're thinking, "Oh, the kids are fighting. Oh, the custodian came and interrogated them. Oh, custodial interrogation. Got it."
- Lee Burgess: Yup. So, I think these are just another way to engage your brain. And one of the things I would be thinking about, especially if you're a new law student is, going through these and maybe early on in the finals period, or if you're getting ready to study for mid-terms, you're getting ready to study for some of your first exams – maybe take a few bits of law and try these different ones, if you've never done some of this stuff before. Because I bet it's going to quickly come out for you which ones really resonate with you.
- Alison Monahan: Yeah, absolutely.
- Lee Burgess: Alright. The last technique that we're going to run through today is one that we talk about a lot, which is the importance of handwriting.
- Alison Monahan: Yeah. I think for people who are trying to memorize... And this is one I think you said you used a lot.
- Lee Burgess: I did.
- Alison Monahan: Which is writing things over and over and over by hand. You can imagine Bart Simpson writing on the chalkboard.
- Lee Burgess: Yeah, great visual there. I don't think there is anywhere he's writing legal concepts, though.
- Alison Monahan: No.



- Lee Burgess: But there is memorization value to handwriting, because the spatial associations that come with handwriting things triggers different parts of your brain than simply listening to a lecture or reading something off a page.
- Alison Monahan: Or typing.
- Lee Burgess: Or typing.
- Alison Monahan: Typing and handwriting to me are so different.
- Lee Burgess: Yeah. And I think a lot of folks will say when they're making those 100-page outlines that, "I typed all this 100-page outline but..." I don't think I'm alone in this. I'm one of those people where it's like, I send an email and I can't remember what was in the email.
- Alison Monahan: No, I feel like typing to me is almost like when you get in your car on the highway and you start driving. You're there, but you're just kind of zoned out. And then if you're on the 5 or something in Central California for three straight hours, it's a straight road.
- Lee Burgess: My whole childhood right there.
- Alison Monahan: There's nothing going on. And, literally, there'd be times where I'd be like, "I think I just arrived in L.A. and I have no memory of the last two hours."
- Lee Burgess: You didn't miss much. Harris Ranch, some cows, that's about it.
- Alison Monahan: I remember that there was stockyard that made me vegetarian, but other than that... Yeah, so I think, that is like typing. Like you said, you can type something and just have literally have no memory of it seconds later.
- Lee Burgess: No memory. Yeah. So, I think that a lot of people are hesitant because they feel that their handwriting is terrible, or that they are so much more efficient on the computer. But this isn't really about efficiency.
- Alison Monahan: No.
- Lee Burgess: This is about cognitive retention. And so, you want to slow down and do whatever works for your brain. So, for me, what I started doing in law school is I would have these longer outlines where I'd compile bits of information, but then I would pare them down by hand and do a handwritten version. And the other thing that I love about handwriting is, you cannot be overly verbose when you're handwriting, or else you'll just drive yourself mad.



Alison Monahan: Right. And that was one of the things I was going to return to on this point, is this is a great way to force yourself to really learn the material in a way that you're going to be able to rapidly reproduce in an efficient manner on the exam. Because once you find yourself trying to handwriting for the third time some concept that actually doesn't really seem all that important to you at that point, you're going to drop it. And that's good.

Lee Burgess: Yup, exactly.

Alison Monahan: That's a good idea.

Lee Burgess: That is a good idea. Paring down is good.

Alison Monahan: Yeah. So, it's going to force you, basically, to get this material down to something that you have an actual shot of memorizing.

Lee Burgess: Yeah. So I had these legal pads that I used to do this kind of outlines on, and then I would put the outlines in a binder. And that really worked for me. Those were something I was able to memorize, and then I would just practice handwriting sections of those until I would get that down on paper. I mean, it's not glorious. It's not super fun. You don't feel super cool sitting in the reading room at the library, handwriting stuff out over and over again. But when you get an A, it doesn't really matter.

Alison Monahan: Yeah. And then, also, in addition to handwriting the elements of the law, you could even think about, "Okay, now I've made all my sentences." Which I just love that concept. So then you need to memorize those. So, you can memorize writing those down. And that's probably going to reduce the amount you have to actually write by like a factor of 10.

Lee Burgess: Yeah. So, the one piece to all of this memorization is that when you are getting ready for the exam, you do have to practice taking whatever memorization technique that you have used and turning it into kind of a rapid reproduction on the page.

Alison Monahan: Right. It can't just become about aliens. You need to be thinking about, "Oh, that was actually about this." So sometimes people will even reproduce these on scratch paper, if it makes you feel better. To be honest, that's kind of a crutch, because obviously it's in your head if you were able to write it down. But if it makes you feel better, you can take a couple of minutes and do that.

Lee Burgess: But sometimes if I had a mnemonic, or whatever, sentence mnemonic... See, now I'm never going to say that name out loud ever again. But I could have something like AAMAR, or something like that. And then I could check them off as I talked about them.



Alison Monahan: Yeah, which I think is valid. Basically, you're recreating a one to two-page outline attack plan sheet that you bring into a closed book exam, which, you should make that.

Lee Burgess: Yeah.

Alison Monahan: Sorry, that you would bring into an open book exam, for a closed book exam, because I think it is valid sometimes to have a checklist, just to make sure in the heat of the moment you are thinking of everything.

Lee Burgess: Yeah. Well, I think we are out of time. But that's a lot of stuff people can try.

Alison Monahan: Yeah, lots of ideas here. So, try it out, see what works. Let us know what you think.

If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app, because we'd really appreciate it, as long as you're nice. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](#) at LawSchoolToolbox.com. Thanks for listening, and we'll talk soon!

RESOURCES:

[Higher Levels of Immersion Improve Procedure Memorization Performance](#)
[Memory and Study Strategies for Optimal Learning](#)
[Brain Basics, Part One: The Power of Visualization](#)
[The Link and Story Methods](#)
[Writing and Remembering: Why We Remember What We Write](#)
[SketchyLaw](#)