

EFFECTIVE LISTENING & NOTE-TAKING

Prepared by Dean Garrison for TMSL ASP Website, June 24, 2011

Taken in Part from LSAC Topical Workshop 2008

Before Class (Read & Prepare):

- Read and brief every case – look up unfamiliar words and phrases.
- Review case briefs just before class.
- Review notes from the previous class.
- Skim all of the current reading assignment (5 minutes maximum) – the syllabus and the casebook's Table of Contents. This will situate you in the proper place to absorb the upcoming information and will explain where this topic fits into the overall course.

During Class (Listen, Think, Write):

- Arrive a few minutes early and be prepared to listen and participate the moment class commences.
- Stay attentive to the class discussion as your professor asks questions of other students. Attempt to answer the questions as if you were the one on the "hot seat."
- Do NOT write down everything said in class - listen and carefully select only what is important and record the overall meaning of discussions.
- Use a system that allows your case briefs to be available, while you take notes. *You might want to print out your case briefs and take notes on the adjacent page. Or, if you type your briefs, create a two column table and put your brief on the left in black ink, then you will be able to write corresponding notes on the right in blue ink. Always take notes in a different color than you brief and outline in, so you can later distinguish in-class thoughts from out-of-class ones.*
- Always record your professor's hypotheticals and questions. They show how your professor analyzes cases. Your professor's questions are often more important than a first-year student's answers.
- Use a system of abbreviations per topic (find one in your casebook or make one up).
- Note points that your professor emphasizes by repetition and extended comments.
- Keep alert for points that your professor emphasizes with verbal clues, such as, "the court used the following test," or summations, such as "consequently" or "therefore."
- Find some system to identify points your professor makes, such as underlining, asterisks, stars, or the professor's initials.
- Ask questions if you do not understand - many of your classmates are confused too. (The others were not listening and will realize they are confused later.) If you cannot ask the question at that time, write it down so you can find the answer at another time (or ask the professor later).
- Listen carefully to information given toward the end of class. Do not turn off your laptop (or your brain) before the last word has been spoken. Professors summarize at the end of class with information that will prove particularly valuable in anticipating test questions and highlighting

main points of the discussion.

After Class (Edit, Review, Recall):

- Do NOT rewrite your notes after class. Instead, review and edit your notes within 4-5 hours of class. Use the page margins to fill in the abbreviations, add omitted points, correct errors, and cross out anything that is not worth keeping. This will help you retain what you have learned.
- Fill in missing points or misunderstood terms or concepts in your case briefs.
- Read your notes to make sure you understand them. As you read, underline or otherwise emphasize important points and issues you still do not understand.

TECHNIQUES FOR EFFECTIVE READING

- **Survey.** Survey your reading quickly, taking five minutes to glance over the material assigned. Note the portion of the syllabus or the section of the casebook in which the materials appear. This provides context and helps you understand why you are reading.
- **Question.** Arouse your curiosity about the material by asking yourself, "What are the main points the professor is likely to stress about these cases?"
- **Read.** Read the assignment carefully for meaning. Read actively! This means underlining key words and phrases, using an asterisk or star to indicate an important definition or rule of law, key analytical points or the court's reasoning. Brief the case.
- **Recite.** Stop at appropriate intervals and recite to yourself from memory the main points of the case or cases.
- **Review.** Review the cases in an assignment at periodic intervals to refresh your memory and to make connections between cases.

THE SQ3R METHOD FOR THOROUGH STUDY

Step 1: SURVEY

Skim through the book and read headings. Read the summaries at the end of chapters and book. Try to anticipate where the author is going. WRITE these notes on paper, in sequence; then, look over the jottings to get an over-all idea or picture.

Step 2: QUESTION

Instead of reading paragraph headings such as "Basic Concepts of Reading," change to read, "What are the Basic Concepts of Reading?" These questions will become "hooks" on which to hang the reading material. WRITE these questions out; look over the questions to see the emphasis and direction; then, attempt to give plausible answers before reading further.

Step 3: READ

Read with smoothness and alertness to answer the questions. Use all the techniques and principles demonstrated in class. Paraphrase notes, in your own words, under each question. Take a minimal amount of notes.

Step 4: RECALL

Without looking at your book or notes, mentally visualize and paraphrase (in your own words) the high points of the material immediately upon completing the reading.

Step 5: REVIEW

Look at your questions, answers, notes and book to see how well you did recall. Observe carefully the points stated incorrectly or omitted. Fix carefully in mind the logical sequence of the entire idea, concepts, or problem. Finish up with a mental picture of the WHOLE.

READING A CASE: THE FIRST "R" IN LEGAL EDUCATION, TOO!

1. CONTEXTUALIZE THE CASE*

Where is the case from?

What court wrote the opinion?

What year was the opinion written?

How will this case act as precedent to your issue?

Why are you reading the case?

What is your purpose for reading the case?

What should you focus on?

2. OVERVIEW

Briefly skim the synopsis of the case.

What is the subject matter? What are the keynotes?

What are the main issues?

3. READ THE CASE.

What's the procedural posture?

What is the summary of legal proceedings? What are the issues in dispute?

Outline the Facts.

Who are the parties and what do they want? Create a picture of the facts.

Identify the key issues.

What issues is the court deciding and/or reviewing?

What did the court decide?

Identify the holding and the rule/s applied by the court.

Why did the court so hold?

What occurred in the case procedurally?

Is the judgment reversed or affirmed; or, is the motion denied?

4. RE-READ TO GET THE BIG PICTURE

Make sure you understand all the legal terms.

Distinguish relevant from irrelevant facts.

Using the issue and holding, note which facts are legally relevant to the court's decision.

Understand the court's rationale. Can you write it out in your own words?

What is the court's reasoning? What is dicta?

What rule is the court applying? What is the policy behind the rules?

5. EVALUATE THE CASE

Do you agree with the decision?

Was it well written? Well reasoned? Why is it in your casebook?

Why did the court come to this conclusion?

6. MAKE NOTES

Summarize the case in your own words.

In the margin, use your own words to summarize the case, its facts, the law, and the law as applied to the facts. Why is the case important? What influenced the judge's decision? Were facts or law more important to the outcome? How will this decision serve as precedent for future cases?

* Mary Lundeborg, *Metacognitive Aspects of Reading Comprehension: Studying Understanding in Legal Case Analysis*, 22 *READING RES. Q.* 407, 409 (1987). This example is based in part on Lundeborg's suggestions about revising the typical brief format.