

Outlining

2 of 2 Handouts on Outlining

Outlining & Synthesizing

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OVERVIEW

- What is outlining?
 - Outlining is the process of working with course material to learn it and present it in a cohesive and understandable format that you can use as a study tool.
- What is synthesizing?
 - Synthesizing is the process of reconciling information from one or more sources, such as:
 - cases;
 - lecture notes;
 - class handouts;
 - statutes; and or
 - secondary sources.
 - All of these sources will give you a rule, explain a rule, add something to a rule, or create an exception to a rule.
- Outlining and synthesizing go hand in hand and they are semester long processes, NOT “two days before the exam processes.”
- Why should you outline and synthesize?
 - You should outline and synthesize to get an “A” on the final exam, and ultimately earn good grades so you are a strong candidate for employment as an attorney.
 - You should outline and synthesize to pass the bar exam – outlining and synthesizing are ESSENTIAL to passing the bar exam.
 - You should outline and synthesize to perfect the process of thinking like a lawyer. As a lawyer, you will outline and synthesize on a daily basis; if you cannot do this, you will not succeed as a lawyer.

FIVE STEPS TO CREATING AN OUTLINE

- Step One: Assemble the Materials
 - Gather your textbook, case briefs, lecture notes, class handouts, and secondary sources.
 - It helps to have a large working space that is free of clutter such as a table or desk.
- Step Two: Create a Template
 - Each template will memorialize a legal principle, not a case. Cases may be included in your template, but only to explain the legal principle being addressed.
 - Here is a sample template:
 - A. Legal Principle
 - a. Definition
 - b. Elements
 - i. Element X
 - 1. Explanation or exception to Element X
 - 2. Example of Element X from case
 - 3. See above
 - ii. Element Y
 - 1. See above
 - iii. Element Z
 - 1. See above
 - c. Caveats
 - i. Golden Nugget from lecture
 - ii. Items you always forget
 - d. Exceptions
 - i.
 - e. Illustrations
 - i.
 - ii.

- Step Three: Organize the Big Picture
 - Figure out the order in which you will present each filled template (legal principle) in your outline.
 - Group legal principles according to their relationships to each other.
 - For example, the legal principle of a valid contract can be grouped with the requirements for a valid contract, each of which is its own legal principle, of offer, acceptance, consideration, and lack of defenses.
 - The table of contents in your textbook can be helpful to understanding the relationship between different legal principles.
- Step Four: Synthesize the Rule
 - Each case you read will add something to the legal principle you are learning about. For example, the first case you read may introduce you to the legal principle of a valid contract and tell you there are three requirements: offer, acceptance, and consideration. The next case may tell you what constitutes a valid offer and what does not. The next case may tell you that an offer can be revoked and how that is accomplished. The next case may tell you what constitutes acceptance and what does not. You will take the information given to you in each of these cases and put it together to understand the legal principle of a valid contract with all its requirements, the details to those requirements, and the exceptions. You will fit each piece of information into the template (see above).
- Step Five: Illustrate the Analysis with Case Summaries
 - You will NOT include case summaries of every case you read.
 - You will only include cases the professor seems particularly interested in, cases that are seminal, cases that are very helpful in understanding a principle you struggle with, and cases that can act as a benchmark for other cases.
 - One to two case summaries should be sufficient for each legal principle.
 - You can give all your case summaries under e. Illustrations from the template above OR you can provide case summaries under the item in your template that the case summary speaks to.

THINGS TO REMEMBER

- The law is logical – it fits together and makes sense. Learn the law by seeing how it fits together and understanding why it makes sense.
- Do not lose sight of the big picture, i.e. the groupings of causes of action and the connections between them.
- Your outline focuses on legal principles and rules, not cases.
- Organize your outline based on how your brain processes information. There is no right or wrong way to organize an outline. I process information through grouping related items, but you may process information by separating everything out. Organize your outline in a way that makes sense to you.
- You should have three Word documents for each course as follows:
 - Document 1 – Case Briefs – you will prepare your case briefs prior to class and then add to each brief any information discussed in lecture, but not already in your brief. You will also modify your case briefs if they turn out to be incorrect according to lecture.
 - Document 2 – Big Outline – every three weeks, you will take the information from Document 1 and put it into the Big Outline in the form of legal principles using the template provided above.
 - Document 3 – Attack Outline – see the next bullet below.
- Prepare a one to five page Attack Outline by creating a new word document with your full outline and deleting items as you learn them. Leave only the big picture and items you seem to struggle with or forget.