Note Taking and Class Participation

September 11, 2013
The Case Method
Review of Orientation
Opinions may:

- Illustrate the operation of a rule
- Broaden or Narrow a rule
- List exceptions to a rule
- Discuss policy considerations or implications of a rule
- Set up new elements or new factors to prove elements
- Set up new tests to prove elements

(Be thinking about this with regard to class sessions—How does today’s material fit? Why was this assigned?)
A Typology of Cases

I. Choice of Rules

II. Reconsidering Rules

III. A Sticky

(Again, think about trying to categorize materials from class sessions, BUT ALSO think about the types of questions you might be asked on an exam in these scenarios.)
I. Choice of Rules

Current status of the law:

• One state doesn’t have a rule for this situation.

Change in the law:

• Looks to persuasive authority from other states to choose a rule.
II. Reconsidering Rules

Current status of the law:
• State has (very) old rule.

Problem:
• Old rule is unjust or ill-fitting with a modern factual situation.
• Rationale behind old rule doesn’t fit new situation.

Change in the law:
• None
  • Look to rationale behind rule to adjust to the new situation and affirm the old rule in the new context.
    • (with potential narrowing or enlargement of the rule)
• New rule.
• New exception to old rule.
III. A Sticky

Current status of the law:
- Rule is settled, well-defined.

Problem:
- New factual situation for which the rule doesn’t have a clear answer.

Change in the law:
- Narrow or expand the rule to include new situation.
- Creation of new rule (or exception to a rule) to address the sticky.
Rough Typology of Legal Rule Structures

- All-Elements Structure
- /Or Structure
- Balancing Tests / Factors
- Exceptions
- Defenses
Classroom

- What’s Going On During Socratic Discussion?
- What’s Important? Not Important?
The Professor is usually making an important point if he or she:

- Pauses before or after an idea.
- Uses repetition to emphasize a point.
- Uses introductory phrases to precede an important idea ("bear in mind," "remember," etc.)
- Writes or sketches an idea on the board.
- Summarizes previous materials in a few minutes at the beginning or end of class.
Note Taking
Important Reasons to Take Notes

- Notes trigger memories of lecture/reading.
- Your notes are often a source of valuable clues for what information the instructor thinks most important (i.e., what will show up on the exam).
- Notes inscribe information kinesthetically, build schema, develop long term retention of material.
- Taking notes helps you to concentrate in class.
- Notes are a primary resource for outlining.
- Your notes often contain information that cannot be found elsewhere (i.e., in your textbook).
Ask yourself:

• Do I use complete sentences? They are generally a waste of time.
• Do I use any form at all? Are my notes clear or confusing?
• Do I capture main points and all subpoints?
• Do I streamline by using abbreviations, graphic depictions, and shortcuts?
Guidelines for Note-Taking

• Concentrate on the discussion. Take notes consistently.
• Take notes selectively. Do NOT try to write down every word.
• Pay Attention to Hypotheticals, Professor’s writings on board.
• Translate ideas into your own words.
• Organize notes into some sort of logical form.
• Be brief. Write down only the major points and important information.
• Write legibly. Don't be concerned with spelling and grammar.
Eliminate small connecting words such as: is, are, was, were, a, an, the, would, this, of.

Eliminate pronouns such as: they, these, his, that, them.

Be careful NOT to eliminate these three words: and, in, or or ANY Statutory/ Common Law Words in the Rule of Law under consideration, such as must, shall, may.
Use symbols to abbreviate:

- +, & for and, plus
- P for Plaintiff, D for Defendant (or Pi and Delta)
- = for equals, - for minus
- # for number
- x for times
- > for greater than, more, larger
- < for less than, smaller, fewer than
- w/ for with
- w/o for without
- w/in for within
- / for per
For example:

"The diameter of the Earth is four times greater than the diameter of the Moon."

Becomes:

"Earth = 4x > diameter of Moon."
Another Example

- DUI = operation of a vehicle + BAC > .08
  - Operation = use elec or mech system
  - Vehicle = means of transport (engine necessary?)
  - BAC (what if drugs i/o alch?)
Note Taking Methods

3 Examples
Example of Outline Method

**Extrasensory perception:**

**Definition:** means of perceiving without use of sense organs.

**Three kinds:**
- telepathy: sending messages
- clairvoyance: forecasting the future
- psychokinesis: perceiving events external to situation

**Current status –**
- no current research to support or refute
- few psychologists say impossible
Mapping Method

EXTRASENSORY PERCEPTIONS

3 TYPES

- Telepathy
  - Sending messages
- Clairvoyance
  - Forecasting the future
- Psychokinesis
  - Perceiving events external to situation
## Example of Cornell Method

<table>
<thead>
<tr>
<th>CUE or Keyword (You might add these after class.)</th>
<th>Class Notes (Skip a few lines between points during class. Complete sentences or thoughts right after class.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extrasensory perception</td>
<td>means of perceiving without use of sense organs.</td>
</tr>
<tr>
<td>Definition</td>
<td></td>
</tr>
<tr>
<td>Types</td>
<td>1) telepathy: sending messages</td>
</tr>
<tr>
<td></td>
<td>2) clairvoyance: forecasting the future</td>
</tr>
<tr>
<td></td>
<td>3) psychokinesis: perceiving events external to situation</td>
</tr>
<tr>
<td>Current Status</td>
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</tr>
<tr>
<td>Etc.</td>
<td>Etc.</td>
</tr>
</tbody>
</table>
**Dos**

- **DO** – Experiment at first, but eventually stick to a method so material is in same or similar format. Might find that a different format works for different classes.
- **DO** – Make sure to concentrate on Concepts, Rules of Law, Policies, and Lines of Reasoning.
- **DO** – Note Recurring Themes in Professor’s Comments.
- **DO** – Write down questions that arise in your thinking for later analysis.
- **DO** – Go back through your notes after class and again after several days to try and make connections, fill in the gaps, spot areas where you don’t understand the material.
DON’Ts

• DON’T – take down verbatim transcripts of the discussion.
• DON’T – Write down classmates’ opinions UNLESS Professor gives a seal of approval.
• DON’T – Re-write facts of a case or other matters already covered in your pre-class preparation, but DO edit your briefs if the discussion warrants.
• DON’T – Rely on classmates’ notes or prior class members’ notes, but DO talk about the material with a study buddy or two before or after class.
Participation
Be Fully Engaged in Class

• Print out your case briefs and annotate or edit as the class is in session.
• Stay on Task.
• Pretend (silently) that you are on call when you aren’t and answer the professor (again, silently).
• If a classmate is really struggling, VOLUNTEER.
• Don’t go off on tangents. Respect Professor’s agenda for the class. Save these for office meetings or discussions with study buddies.
• If nature calls or you have to leave room, do so quietly and don’t let door slam.
Make Smart Use of Technology

• Use your Control Functions to shut off email and other notifications in class and when studying. Phone OFF.

• Laptops – Use your program’s organization tools. Can prepare case briefs in one color before class, use another color for class notes, a third for hypos, and so on.

• Another method is to take handwritten notes in class and then synthesize them with your case briefs or other class preparation on a weekly basis. Forces regular review of material. Rewriting in your own words develops retention of material.

• Check Professor’s Recording Policy. Ask in advance. CERTAINLY better than missing the whole class if sick or an emergency.
While you are experimenting,
Do not remain content with
The surface of things.

Don’t become a mere recorder of facts,
But try to penetrate the mystery of their origin.

Isabel Allende