

Outlining for Open-Book Exams

This guide is designed to assist students with creating an outline for use during an open-book exam.

Purpose

In order to make a helpful outline, you should decide what purpose you want your outline to serve for you. So, what are some possible purposes?

- *Integration*: An outline is a great way to integrate the information that you have learned over the course of the semester. You have heard your professor's lectures and read all the cases, but how does all of fit together? An outline forces you to gather all the concepts that you have learned from the course and systematize them in some meaningful way.
- *Review*: Making an outline requires the student to review all the material that has been presented in the course. Can you remember the holding of the third case you read in the course? If not, making an outline will ensure you do.
- *Filling in gaps in understanding and resolving questions*: If there was a concept or two that you did not quite understand the first time the professor discussed it, you are not alone! Outlining assists you in identifying areas of the law that you may need to spend more time studying. The process of outlining may also help you answer your own questions as you begin to integrate the material.
- *Test-taking tool*: Some students only use their outline during a test as a safety net, using it only when they forget something. On the other hand, others copy entire sections from their outlines into the test booklets when it is appropriate.

Mechanics of Making an Outline

Materials Needed

1. Class notes and case briefs
2. Textbook (and any supplements or handouts)
3. Optional: another student's outline, preferably from the same professor
4. Optional: one commercial study aid

NOTE: Even if the other student's outline is from the same professor's class, you should always create your own outline because it is the process and not the product that is valuable.

Where to Start?

One way to start is open your casebook to the table of contents. Often casebooks structure the information in ways that lend themselves to outlining. Even if you decide to structure your outline differently, the table of contents and the headings in the casebook provide a useful point of departure.

Another way to begin is to structure your outline in a manner that reflects the way the professor taught the course, which is often reflected in the syllabus. If the professor jumped around in the casebook, he or she might have a different view of the topic. It is always a good idea to understand how your professor approaches the subject.

What should be included?

Your outline should include the following:

1. **Black Letter Law:** Being able to spot an issue and recite the correct rule is half of the battle on a law school exam. Black letter law includes statutes and codes, rules from cases, and other such things.
2. **Cases:** Whether or not your professor expects you to recite case names on the exam, it is always a good idea to include in your outline the essential facts and rule of law from each case you study. Your coverage of any case in the outline should be proportional to the amount of time you spent on the case in class.
3. **Hypothetical Fact Patterns:** Some professors frequently employ the hypothetical as a learning device in their lectures. Thus, it is a good idea to include the fact patterns of these hypothetical cases and the professor's thoughts on them. Since the exam is likely to be a hypothetical set of facts constructed by your professor, knowing what past hypothetical problems he has discussed might be of use.
4. **Professor's Quirks, Theories, and Ideas:** You are writing your exam for an audience of one- your professor. While you need not regurgitate everything ever said by the professor, you should consider his or her take on the subject. Note: it is a very good idea to focus on what your professor has emphasized during the course. The emphasis of the exam is likely to reflect the professor's emphasis in class.
5. **Policy Arguments/Rationales:** Often professor will address the underlying policy arguments for a given rule or set of rules. Policy is an excellent way to support your conclusion on a test when two or more possible routes are available.
6. **Anything else that is relevant...** including your views on the subject!

How do I integrate all the sources of information?

Taking your cue from the professor's syllabus, the casebook's table of contents, or some other source, divide the course into segments. Gather up all the materials for the first segment and think about moving to the "exam level."

As you outline each segment of the course, ask yourself the following questions:

1. What is this about?
2. What set of concrete problems is presented by the different fact patterns?
3. What set of issues arise out of these problems?
4. What set of rules (and principles) is applied to these problems to "solve" them?
5. What policy rationales are served by these rules (and principles)?

At the end of each segment, ask yourself this set of questions:

1. Do I understand the key problems and issues here?
2. Do I understand what rules and principles apply and any relevant policy?
3. What are the likely issues to appear on the exam?
4. Can I apply this knowledge to hypothetical problems?

How long should it be?

Because the outline is designed to be a test taking tool, the length and comprehensiveness of any outline should be designed to make it "user-friendly." Since the user is you, include as much in an outline as possible without allowing it to become unwieldy for your purposes. It is easy to get caught up trying to create the "perfect" document with every word the professor uttered in class while forgetting what an outline is supposed to be.

Additionally, trying to turn your outline into a model treatise on the subject wastes valuable time. The first year of law school is notoriously demanding, so the more efficient you are with your time, the better off you will be. You should constantly ask yourself this during the outlining process: is including this additional information in my outline worth its value to me for exam-taking purposes? A 20-page outline is probably better than a ten-page outline, but is a 50-page outline better than a 40-page one? Perhaps it is and perhaps it is not, you will have to determine that from the circumstances, but it should always be a consideration.

Use on a Test

Since you are preparing the outline to eventually be used during an exam, you should take some steps before the exam to make sure the outline will be of assistance.

- Don't expect to just show up to the exam with a good outline. You need to review your outline several times before the exam. Work with your outline by writing notes in the margin that help explain the concepts or rules. You want to become familiar with where different doctrines are located in your outline.
- While reviewing your outline, create an easy to use table of contents. The best table of contents is one that can be condensed to a page or two. Also, tab your outline for even quicker access to the key sections. During the test, these tools will aid in quickly finding the information you need.
- MOST IMPORTANTLY, use your outline to answer **practice exams**. Often you can get access to past exams your professor has given. Use your outline to take the practice exams under exam-like conditions. Adjust your outline as needed to make it a helpful tool for the exam.

How to use another's outline & why not to

There are good reasons why you should create your own outline and not use another's; among them are the following:

- A subject taught by one professor can be completely different than that same subject taught by another professor. This is why you should rely on your class notes more than any other source in creating your outline. It is also why outlines from students who had different professors are largely unhelpful.
- A commercial outline is an outline of the author's conception of the subject. What you are interested in is an outline of your professor's conception of the subject. In this manner, commercial outlines can be wastes of time at best and misleading at worst.
- Most importantly, as has been said many times before, the value in outlining is not the final product but the process of creation. Using another's outline may seem like an expeditious way to obtain an outline, but it avoids the process of creation that is often crucial to understanding the material.

But if you are going to use another's outline, here is how to get the most out of it:

- Try to get an outline from a student who had the same professor. Although professors update their lectures with new cases and will from time to time change the coverage of the course, they usually cover substantially similar material from year to year.
- Review the outline with your notes and casebook. Write in the margins of the outline, adding things from your notes that the other student missed or to clarify

ambiguities. Make the outline “your own” as much as possible. Additionally, follow the steps listed above under “Use on a Test.”