



# OUTLINING WORKSHOP

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Berkeley Law Academic Skills Program

# MOTIVATION/FOCUS IN DIFFICULT TIMES

Healthy and  
safety come  
first

Self-care  
comes first

Your loved  
ones come  
first

Feed your  
soul

Focus on  
long-term  
goals

# GROWTH MINDSET; LONG-TERM GOALS



Focus on the things you can control (how much work you put into your classes), not the thing you cannot control (grades)



You came to law school to learn how to be a lawyer, not to get good grades



Focus on learning the skill of legal analysis



Practice is the best way to improve, and you get more out of it when you put more into it



Remind yourself why you are here -- what do you hope to do with your law degree?

# WHAT IS “OUTLINING”?

Outlining is a roadmap to an exam answer. Your outline provides an *outline* for your answer.

~~Outlining is a summary of the class.~~

~~Outlining is a collection of case briefs.~~

~~A substitute for practice exams.~~

# FIRST ASK: “WHAT WILL I BE ASKED TO DO ON THE EXAM?”

In an issue-spotter (essay) exam, you will be asked to:

1. Identify legal **issues** in a fact pattern
2. For each legal issue, state the **rule(s)** relevant to resolving that issue
3. For each legal issue, **apply** the rules to the facts (perform legal analysis)
4. For each legal issue, state your **conclusion**

[IRAC or CRAC]

# THEN ASK: “WHAT DO I NEED TO DO THOSE THINGS?”

1. Identify legal **issues** in a fact pattern → create a one-page checklist of issues
2. For each legal issue, state the **rule(s)** relevant to resolving that issue → put the rules in your outline exactly the way you will write them in your exam and in the order that you will use them (e.g., basic rule first, then sub-rules)
3. For each legal issue, **apply** the rules to the facts (perform legal analysis) → include case names with key facts (2-3 sentences max) and policy considerations
4. For each legal issue, state your **conclusion**

# MAP OUT YOUR EXAM ANSWER IN YOUR OUTLINE

## ISSUE

Basic Rule: X and Y

### Sub-issue X

Sub-rule for X

Key cases/examples (briefly)

Key policy considerations

### Sub-issue Y

Sub-rule for Y

Key cases/examples (briefly)

Key policy considerations

# EXAM ANSWER

## ISSUE

The issue is \_\_\_\_\_. The rule is X, Y.

### Sub-issue X

The rule for sub-issue X is \_\_\_\_\_. Here, [discuss the facts relevant to sub-issue X]. The facts here are similar to [case], where the court held \_\_\_\_\_, because \_\_\_\_\_. [More discussion of the facts and more case comparisons.] A court would likely conclude [conclusion on sub-issue X]. This outcome would be consistent with the policy considerations underlying rule because \_\_\_\_\_.

### Sub-issue Y

The rule for sub-issue Y is \_\_\_\_\_. Here, [discuss the facts relevant to sub-issue Y]. The facts here are similar to [case], where the court held \_\_\_\_\_, because \_\_\_\_\_. [More discussion of the facts and more case comparisons.] A court would likely conclude [conclusion on sub-issue Y]. This outcome would be consistent with the policy considerations underlying the rule because \_\_\_\_\_.

Conclusion



# HOW TO GET STARTED

1. Remind yourself outlining is not Mt. Everest. Find a chunk of time and just start doing it. Set a timer and see what you can do in two hours.
2. Use another student's outline or the course syllabus as a template. Make the outline specific to your professor.
3. Choose a format that makes sense to you. Then start filling in the details.
4. Review your class notes and pull out the important stuff → *what will you need on the exam? Outline your exam answer in your outline.*
5. Include cases, but not case briefs.
6. Don't get lost in too many resources. It might be helpful to consult a commercial study aid, but you probably don't need more than one. Same thing with sample outlines from other students.
7. Remember that an outline is a very personal tool; its value lies solely in how useful it is to *you* on the exam.

# WHEN SHOULD I START OUTLINING?

1. This weekend!
2. Don't wait until late October or early November.
3. Goal: finish your outlines by the end of classes so that you can spend the reading period practicing and reviewing.

# I CAN BARELY GET THROUGH THE READING! HOW DO I FIND TIME TO OUTLINE??

1. Now is the time to transition to spending less time preparing *before* class and more time reviewing, outlining, and practicing *after* class.
2. Ask your ASP Fellow, Professor Hernandez, or me for tips on how to read for class more efficiently.
3. Create a schedule. Block out time on your calendar for reviewing and outlining and, later, for doing practice questions.
4. Use larger chunks of time (two hours) for outlining. Use smaller chunks of time or times when you tend to be less productive for reading.
5. Ask your friends, family, or study group to hold you accountable.
6. Still not sure? Attend the ASP Time Management Workshop on Wednesday, September 28 in Room 140.

# WHEN IN DOUBT, PRACTICE!

Practice and testing are highly effective learning methods. Passively reviewing/reading information is not.

Practice way more than you think! If you are wondering whether you should review your notes or do a hypo, do the hypo.

First work through practice questions slowly to help you learn the material and develop a systematic approach.

Later do timed practices to simulate the pressure/adrenaline.

Compare your answer to a friend's or a sample answer – look for IRAC structure and a detailed analysis of the facts. Or schedule a meeting with Senior ASP Fellow Susana Herrera.