

The Traditional Outline

An outline has many definitions. An outline is the primary study document for most law students. An outline is an organized, condensed, and summarized version of your notes. An outline is a combination of the notes you take in class with the notes you take at home. Whatever you choose to define an outline as, it is important to know how to effectively outline to ensure law school success. Outlining is important not only for the end-product, but for the *process* of making it as well. Through effectively making an outline, you actually will start to understand and memorize the material you learned throughout the semester.

Step 1: Make a Skeleton Structure

An outline as a whole, and each section within that outline, should be organized like a hierarchy from most general to most specific. That is why the first step is to make a skeleton structure— so you can start at the most general.

There are three common ways to make this skeleton structure. First, you can look at the syllabus provided by your professor. If topics are listed, copy those topics down onto a new document. Second, you can look at the table of contents in your casebook and copy that skeleton structure onto a new document. With either of these approaches you want to be sure you are making any slight adjustments needed if it makes more sense to organize a different way. Third, you can make the skeleton structure on your own. If you know Torts is made up of intentional torts, negligence, and strict liability, and there are seven intentional torts, you can make a skeleton structure based on this information.

For example, if I were to start a torts outline by making a skeleton structure on my own, this is what it could look like:

Torts

1. Intentional Torts
 - a. Battery
 - b. Assault
 - c. False Imprisonment
 - d. IIED
 - e. Trespass to Land
 - f. Trespass to Chattel
 - g. Conversion
2. Negligence
3. Strict Liability

Step Two: Insert Rules

The next step of outlining is to fill out each of those general headings with the rules you learned on each topic. Again, an outline should be organized as a hierarchy, so you should put the most

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important and biggest rules towards the top, with the exceptions, variations, caveats towards the bottom. You also want to be sure to cite your authorities if you pull a rule from a case.

What most law students struggle with is keeping everything contained in their subheadings. You want to make sure you are keeping all like-rules next to each other. This could mean that your outline does not go in the same order as your professor did in class, and that is perfectly fine. For example, if you learned about transferred intent *after* you finished discussing all elements of battery, you should move transferred intent up into your intent section.

For example, your battery section could look like this:

Torts

4. Intentional Torts

a. Battery: 3 elements

i. Intent

1. Purpose to make the contact or knowledge to a substantial certainty that contact will occur (*Garratt v. Dailey*)
2. Transferred Intent: intent can transfer from person to person or tort to tort

ii. Harmful or Offensive

1. Harmful: causes pain, injury, illness
2. Offensive: offends a reasonable person's sense of dignity (unless the defendant knows of the plaintiff's particular sensibility)

iii. Contact

1. Direct Contact: body to body contact
2. Indirect Contact: contact with an object closely associated with the body (*Fisher v. Carrousel*)

b. Assault

c. False Imprisonment

d. IIED

e. Trespass to Land

f. Trespass to Chattel

g. Conversion

5. Negligence

6. Strict Liability

Step Three: Add Cases

Next you want to add in cases that were assigned throughout the semester. You should not be including your entire case brief. Rather, you should generally focus on (1) 1-2 sentences of *legally relevant facts*; (2) what the court held and why; and (3) the rule from the case. It is natural to think that cases should be the primary focus of your outline, however that is not the

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case. In an outline cases serve as *examples* or *illustrations* of the rules. You want to insert the cases underneath the related rule(s), that way it serves as a factual example of how and when that rule might apply. For example:

Torts

7. Intentional Torts

a. Battery: 3 elements

i. Intent

1. Purpose to make the contact or knowledge to a substantial certainty that contact will occur (*Garratt v. Dailey*)
2. Transferred Intent: intent can transfer from person to person or tort to tort

ii. Harmful or Offensive

1. Harmful: causes pain, injury, illness
2. Offensive: offends a reasonable person's sense of dignity (unless the defendant knows of the plaintiff's particular sensibility)

iii. Contact

1. Direct Contact: body to body contact
2. Indirect Contact: contact with an object closely associated with the body (*Fisher v. Carrousel*)

a. *Fisher v. Carrousel* (1967)

- i. The defendant snatched a plate out of the plaintiff's hands, but there was no other physical contact
- ii. The court held this satisfied the contact element for a battery because it constituted indirect contact. Since the plaintiff was holding the plate, it became an object closely associated with his body
- iii. Rule: Indirect contact satisfies the element of contact, just as direct contact does

b. Assault

c. False Imprisonment

d. IIED

e. Trespass to Land

f. Trespass to Chattel

g. Conversion

8. Negligence

9. Strict Liability

Step Four: Include Hypos, Public Policy, and Other Important Information

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Next you want to include all of the extra things your professor says in class that are worthy of making it into an outline.

One of these is all hypos or examples your professor says in class, with the answer. Even if the example is only two sentences long it is important to include it in your outline for two main reasons. First, these serve as great examples of the complex rules you are learning so it can make understanding the rules a lot easier. Second, these serve as great practice for final exams. Your professor is writing your final exam, so any practice you can get with their own examples and hypos is extremely helpful. Just like cases, you want to insert these in their related section (ie: hypos about intent should be in your intent section).

Public policy should also be included, especially if your professor tends to emphasize public policy during class. A common type of exam question is a policy question, so it is extremely helpful to have policy questions and policy reasoning throughout your outline so you can be prepared.

Finally, you want to be sure your outline is catered towards your professor. If there is something else they focus on in class, that should be included in your outline.