



## Virtual Office Hours: Writing Law School Outlines

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### I. Introduction to Outlining: Five Key Outlining Strategies

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1. Outline early in the semester.
2. Your class notes are your most important resource.
3. Make your own outline.
4. Do not type up your class notes and call it your “outline.”
5. Organize your outline in a way that makes sense.

### II. A Guide to Outlining

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Below is a step-by-step process for creating your outline. The structure below serves as a *general model*. Not every topic for every class will fit easily into this model.

Before you start, gather your materials:

- Syllabus
- Class notes
- Casebook
- Commercial briefs book
- Supplement (if you use one)



## 1. First, figure out the overall structure of your outline by looking at your syllabus.

For your Contracts course, for example, you may first discuss contract formation in class (offer, acceptance, consideration). Then you may discuss defenses (illegality, insanity) and the Statute of Frauds. You may also talk about remedies (for both the UCC and common law). Look at the main headings in your **syllabus** or the **table of contents** to see the overall organization of your class. If your professor does not have a detailed syllabus, check your casebook to see the main headings that appear above the cases you are assigned.

A bird's-eye view of your outline might look something like this:

### 1. Contract formation

- a. Offer
- b. Acceptance
- c. Consideration

### 2. Defenses

- a. Illegality
- b. Insanity

### 3. Statute of Frauds

### 4. Remedies

- a. Common law
- b. UCC

## 2. Start with the first issue (e.g. offer, above) and find the rules that go with that issue.

The absolute *best* resource to find the rule is your **class notes**. (Your professor writes the exam so it makes sense to know the rules your professor wants you to know!) Your professor should either state the rule or point it out in a *statute*, *restatement section*, or *case* during class. Take very good notes on whatever your professor says the rules are. For example, let's take offer, above. Here are some of the rules that go with it:



## 1. Contract formation

### a. Offer

- i. Rule: an offer is a manifestation of intent to enter into a contract.
- ii. Elements: An offer requires both (1) intent and (2) specific terms. The specific terms are price, quantity, and identity of the offeree. It also requires intent from the perspective of a reasonable person.

## **3. Break down the rules into manageable parts.**

Rather than having one long sentence, try to divide it or break it down into parts. This makes it much easier to learn when you are reviewing your outline. We also think it is a good idea to format your outline to draw attention to the rules. (We **bolded** the elements below, but some people like to use one specific color for the rules—do whatever you like best!)

For example, instead of writing what is above, you could break it down as follows:

## 1. Contract formation

### a. Offer

- i. Rule: an offer is a manifestation of intent to enter into a contract.
- ii. Elements: An offer requires both
  - (1) **intent** and
    1. Look at this from the position of a reasonable person.
  - (2) **specific terms**. The specific terms are
    1. **price**,
    2. **quantity**, and
    3. **identity of the offeree**.

Wouldn't you much rather look at an outline that is neatly separated into its logical elements rather than a few long sentences (like above)?

## **4. Add cases (or at least the rules from cases)!**

If you take our advice and outline early, you will have plenty of time to add the important cases that you discuss in class. (If you start outlining late, it is probably a better idea to still include all the landmark cases—but for the other cases, just make sure you have the rule.)



Do not include super-long descriptions of the cases. **Do not include case briefs for each case!** Try to summarize a case in one or two sentences. Write the summary in your own words. It does not have to be eloquent or well-written.

You can use your class notes, casebook, or a commercial briefs book to find the rules. We recommend your class notes as your best resource. We've added in the cases, in **purple font** below.

## 1. Contract formation

### a. Offer

i. Rule: an offer is a manifestation of intent to enter into a contract.

ii. Elements: An offer requires both

(1) **intent** and

1. Look at this from the position of a reasonable person.

2. *Fairmount Glass Works v. Crunden*: Even if one or more terms (below) are left open, a contract does not fail for indefiniteness if the parties intended to make a contract.

(2) **specific terms**. The specific terms are

1. **price**,

a. *Harvey v. Facey*: Saying “lowest price you’ll accept” is not an offer. Need *the price*.

2. **quantity**, and

3. **identity of the offeree**.

a. *Owen v. Tunison*: if offeree is not identified (in this case, a land sale contract), there is no offer.

b. *Lefkowitz*: Coat case. This was an offer because all terms were identified (first person in store gets coat for \$1).

## 5. Use hypothetical examples or important points your professor made in class to illustrate a rule.

It is crucial to include hypothetical examples and important points that the professor makes in class in your outline because they show you how the law is applied to facts. Further, your professor is likely to test these points.



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2. *Fairmount Glass Works v. Crunden*: Even if one or more terms (below) are left open, a contract does not fail for indefiniteness if the parties intended to make a contract.

(2) specific terms. The specific terms are

1. price,

a. *Harvey v. Facey*: Saying “lowest price you’ll accept” is not an offer. Need *the price*.

i. Hypo: “Will you sell us the property?” Is that an offer? No, a question cannot be an offer. No price term either!

2. quantity, and

a. “We are authorized to offer you all of the fine salt you order.” Is that an offer? No. Because no quantity. Just saying “offer” doesn’t make it one.

3. identity of the offeree.

a. *Owen v. Tunison*: if offeree is not identified (in this case, a land sale contract), there is no offer.

b. *Lefkowitz*: Coat case. This was an offer because all terms were identified (first person in store gets coat for \$1).

i. What makes an ad an offer? When there is nothing left to negotiate!

## 6. Identify and draw attention to the minority rules, exceptions to the rules, and the parts of law that are unsettled.

Outline the ambiguities, contradictions, and exceptions in the law. If there is a minority rule or an exception to the rule, state it. If you are assigned two cases that contradict each other, include both. We don’t have an example for this portion of the outline, but the point is DO NOT avoid gray areas or ambiguities—rather, draw attention to them! These are commonly tested on exams!



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i. Hypo: “Will you sell us the property?” Is that an offer? No, a question cannot be an offer. No price term either!

b. EXCEPTION: price is not needed for Ks for the sale of goods

2. quantity, and

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## 7. Avoid the common mistake of writing your outline around the cases.

Your outline will be much more helpful if you center it around the rules rather than the cases. Below is an example of the above information, outlined around the cases. As you can see, it is much more difficult to quickly glance at the outline and see the key rules and elements.



## 1. Contract formation

### a. Offer

- *Owen v. Tunison*:
  - Facts: Plaintiff wrote a letter to defendant stating he was interested in buying property. Defendant wrote back, “because of improvements . . . it would not be possible for me to sell unless I was to receive \$16,000 cash.” Plaintiff wrote back accepting.
  - Holding: If an offeree is not identified, there is no offer.
- *Harvey v. Facey*
  - Facts: Facey, owner of Bumper Hall Pen, is in negotiations to sell it to town of Kingston. Harvey telegraphs Facey: “Will you sell us BHP? Telegraph lowest cash price.” Facey writes back, “Lowest price is \$900.” Harvey: “We agree to buy BHP for \$900.”
  - Holding: Saying “lowest price you’ll accept” is not an offer.
- *Fairmount Glass Works v. Crunden*
  - Facts: Plaintiff wrote a letter to defendant asking for lowest price for 10 carloads of jars. Defendant telegraphed plaintiff with a price quote. Plaintiff accepted.
  - Holding: A contract does not fail for indefiniteness if the parties fail to include one or more essential terms if they intended to contract.



## Helpful Tips for Outlining

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- **Start your outline early in the semester!** Even if you don't feel like you know what is going on in class yet, that is ok! You can start outlining now! This will give you more opportunities throughout the semester to go back over the material you have already outlined and revise it as the class material begins making more sense!
- **Your class notes are your most important resource.** Remember that your professor writes the exam, so whatever he or she says in class is gold! That is more important than anything you find in a supplement, casebook, etc. Always use your class notes as your primary resource.
- **Make your own outline.** The process of outlining helps you more than anything else, and it will be much easier for you to learn an outline that you made.
- **Do not type up your class notes and call it an "outline"!** That is a rookie mistake! Class notes are important, but they will not be nearly well-organized enough to be used as an outline!
- **The length of your outline doesn't matter.** For first-year classes, outlines tend to be anywhere from 40 to 80 pages long. Don't worry so much about the length of your outline as much as starting on it early, continuing to work on it on a regular basis, and knowing the material in the outline!



## III. Review Your Outline

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After you create your outline, review the laws, elements, and concepts in your outline until you know them thoroughly. Below are a couple of strategies for reviewing your outline in the most intelligent and most efficient way possible.

### → **Strategy for success no. 1: actively and repeatedly review your outline**

#### **(a) Use a variety of techniques to review your outline.**

Reviewing your outline in a variety of ways will help you learn the material. It is helpful to [figure out what your learning style is](#) and to focus primarily on techniques that will benefit your learning style (the link will take you to a quiz to help you determine your learning style!).

Some ideas for reviewing your outline are as follows:

- Read, reread, highlight, write in the margins, and/or underline your outline.
- Rewrite portions of your outline on scrap paper while you are reviewing it.
- Write mnemonics or codes in the margins of your outline to help remember it.
- Incorporate pictures and drawings in your outline.
- Include diagrams, charts, and concept maps in your outline.
- Color-code your outline with highlighters or different colored ink.
- Read a section of your outline aloud, and then say it out loud without looking at the outline. Then, read a little bit more. Say everything you have read out loud without looking at the outline. Repeat.
- Study in a group rather than individually or vice versa.
- Explain concepts that you review to others. Listening to yourself explain issues to others is an important learning tool. In addition, others might raise good questions and further deepen your understanding or clarify various issues.



- Quiz yourself on your outline or have someone else quiz you.
- Think up practical examples to understand abstract legal concepts. Or think up theory and policy analyses to help you truly learn why the law works the way it does in everyday life.

### **(b) Repeat, repeat, repeat.**

Repetition is the key to memorization. It gives your brain a chance to understand your outline and learn it. Review a section of your outline multiple times before moving on to the next section.

### **(c) Take breaks and stay healthy.**

Use your study time to study intensely, but take frequent breaks. Exercise, eat a snack, make a phone call, or go on a short walk. A break gives your brain a chance to decode what you have learned and it keeps you alert and productive when you go back to studying. Also, make sure that you get enough sleep. If you skip out on sleep to study more, you are not doing yourself any favors.

## **→ Strategy for success no. 2: review your outline with the final exam in mind**

When you first begin reviewing your outline, focus on learning the basics: learn the elements of every cause of action, defense, and concept. Once you have a good grasp on the material, *focus on the parts of your outline where the law is unsettled*. Focus on the “gray areas” in your outline where:

- There is a majority rule that differs from the minority rule.
- There is a model rule and/or common law rule and/or statute that differ from one another.
- It is unclear whether certain elements are met in certain situations.

The gray areas of the law are often highly tested. Recognizing and analyzing these areas of law will help you maximize the number of points you score on an exam.



## IV. So, I Have My Outline . . . Now What Do I Do with My Notes, Case Briefs, Etc.?

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The nice thing about having an outline is that once you have it, you do not have to review anything else! You do not have to review your class notes, casebook, or other materials. Look over these materials only enough times to understand them and incorporate them into your outline.

## V. Should I Prepare Any Differently for Open-Book Exams?

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You want to prepare almost the same for open-book exams as closed-book exams. The only difference is this: **For open-book exams, make sure you tab and organize your outlines and notes so that you are easily able to find any information you may want to refer to during the exam.** Remember that open-book exams are *harder* in some ways because the professor isn't as impressed by rule statements (Why should he/she be? Your outlines are right in front of you!). The professor will focus more on issue-spotting and analysis.

Some people find it beneficial to make **attack outlines** for open book exams. These outlines are just a few pages long and contain all the relevant rules of law without any theory, illustrations, etc.



## Overview of Services Provided by JD Advising

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### Law School

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- **Law School Study Aids:** Conquer law school with [JD Advising's Law School Study Aids!](#) We offer high-quality outlines, flashcards, multiple-choice questions, and strategies to help maximize your chances of graduating at the top of your class! Try a free sample, and check out the premium and pro options!
- **Law school tutoring:** Our law school tutors provide personalized, one-on-one tutoring to ensure students learn the skills and strategies needed to succeed in law school and on the MPRE! You can pay by the session or sign up for multiple, scheduled sessions with a tutor. You can read more about our [law school tutoring options here](#).
- **Free MPRE Course:** Sign up for our five-star course with expert instruction, top quality outlines, and the best practice questions available. Our classes are taught by our MPRE expert, Meagan Jabbori, who gets top ratings from students. We don't just teach you the material, we teach you exactly how it's tested. Our MPRE outline and highly regarded MPRE One-Sheet highlight the most highly tested rules so you can spend your time studying efficiently. We provide hundreds of MPRE practice questions so you know you are on track to pass. Sign up [here!](#)
- **MPRE questions:** Gauge your progress on the MPRE with these [actual released MPRE questions](#). These questions are released by the National Conference of Bar Examiners (NCBE), which is the organization that administers the MPRE exams. Many of these questions have appeared on past MPRE exams.
- **FREE How to Succeed in Law School Guide:** JD Advising's [How to Succeed in Law School Guide](#) is a FREE resource that provides in-depth tips for success created by JD Advising's founder, who finished first in her law school class!
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### Bar Exam

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- **On Demand Course:** This covers both the multiple-choice and essay portion of the [Uniform Bar Exam \(UBE\)](#) or [California Bar Exam](#). It comes with tailored outlines, access to prerecorded lectures that you can start and stop at your convenience, self-



administered quizzes, 10 essays graded by a personal attorney essay grader, and released multiple-choice and essay questions!

- **UBE Premium Course:** This [course](#) comes with everything in the On Demand Course plus live lectures (and access to a recording after); three to five essays graded weekly by a personal attorney essay grader; the ability to ask questions before, during, and after class; graded, simulated final exams; and a list of JD Advising's official issues ripe for testing.
- **Private tutoring:** we offer [personalized, one-on-one tutoring](#) for all portions of the bar exam.

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- \$50 discount on [law school](#), [MPRE](#), or [bar exam](#) tutoring services
- Free [Law School One-Sheets](#) for all 1L and upper-class courses
- Access to live, [MPRE study groups](#) hosted the weekend prior to each MPRE
- 10% discount on select JD Advising [supplemental products](#)
  - All of JD Advising's one-sheets, seminars, and guides are eligible for the discount. [Check these out here.](#)

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**[How to Excel on Law School Exams: 11/11/2021, 2 p.m. ET](#)**

**[8 Essential Tips for First Time Bar Exam Takers: 03/24/2022, 2 p.m. ET](#)**

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