



Feature

## Class Outlines: Good or Bad?

By Anayat Durrani

**Emanuel's. Gilbert's. Each is a name law students will become very familiar with during the course of studying to become a lawyer. Just how useful and necessary these study aids and class outlines are to get you through law school depends on whom you talk to.**



"I do think students should use study aids, as long as they use them properly, and in fact, I think most law students are foolish if they don't," said Attorney-Mediator/MLS Rod Borlase.

Borlase said study aids can help get a student's mind oriented to the subject matter and, more important, introduce unfamiliar vocabulary—for example 18th

and 19th century banking or business terms. He said knowing and understanding these terms can save students a lot of time, particularly for first-year law students who are crunched for time.

"Also, knowing and understanding the terms as they arise shows that even though some words change, the subject matter—banking and business, for instance—hasn't changed much, not in its fundamentals, maybe a little in its vocabulary," explained Borlase. "As I always say, 'There's less to law than meets the eye!'"

Eric Goldman is a law professor at Marquette University Law School. He argues that students should only use study aids to help master the material.

"Outlining involves two discrete processes: mastering the material and organizing it for exam purposes," explained Goldman. "Students often spend a lot of time organizing material for the exam, either to use in an open-book exam or to facilitate memorization on closed-book exams, sometimes at the expense of mastering the material. This is often not the optimal allocation of time."

He said the best use of "outlining time" is to master the material, which means grasping the concepts to see how the various rules interact with each other and to think about how the rules would apply in new-fact situations. He said unfortunately, some students use study aids as a way to bypass mastering the material and instead just use them to

organize material for the exam, which can be a waste of time and money.

Deciding among aids is a personal choice. Borlase favors the prose treatments keyed to specific textbooks because of their ease of use as quick introductions and the way they address the vocabulary issue.

"Emanuel's and West's Nutshells, for instance—they will key one in to the most seminal cases. Gilbert's Legalines and other case-by-case treatments aren't worth much, as far as I'm concerned," said Borlase. "They seem largely intended for students who don't intend to do the primary work, and that's no good. Again, study aids are just that, study aids, not substitutes."

Goldman said the best commercial outlines are the ones that track the casebook the student is using. However, he said if the commercial outlines are not optimized for the casebook, students have to sort through the outline to match it to the material actually covered in class and identify and reconcile any differences in the legal rules between the outline's characterizations and how it was presented in class. He said this takes a lot of time, which, for a student, can be used elsewhere. There is the added factor of expense, as buying many commercial outlines can be expensive and a waste of money, he added.

"Therefore, I don't think there's a single superior vendor of commercial outlines—Emanuel's v. Gilbert's. It just depends on how closely the outline tracks the course," said Goldman. "Personally, I found commercial outlines useful. They helped me see the material through a different perspective, and many commercial outlines gave me a clear and succinct statement of the law that helped clarify the class presentations. However, I'm not sure that they were always worth the time and money."

Dean and William B. Graham Professor of Law Saul Levmore of the University of Chicago Law School believes the value of



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commercial outlines is instructor-specific. He said the greater the expectations of the teacher, the less the outline is useful. However, he said usually a student can figure this out by asking more experienced students.

"Even if a private outline tracks the class well, there is something self-defeating about reading such an outline and using it in class," said Levmore. How about using another student's outlines?

"The best metaphor I have heard is that using someone else's outline is like hiring someone to exercise for you," said Levmore.

Goldman believes there's nothing wrong with students' using each other's outlines. He said these outlines can give a different perspective on the same material, just as commercial outlines do.

"However, I think it's a huge mistake to use someone else's outline as a substitute for the student's outlining process," said Goldman. "There's simply no way to master the material without wrestling with it personally, and any student who chooses to skip that personal experience because of another student's outline is cheating themselves and setting themselves up for performing worse in that class than their potential."

When he attended law school, Borlase said he never used other student's outlines and does not regret it. However, he is aware of other students who have done so and "swear by it."

Borlase does not believe there is a substitute for doing one's own outlining.

"Moreover, keying one's study to the professor instead of the subject matter is a common and sexy idea in the race for grades, but frankly, grades are so severely overrated," said Borlase. "They are a law school game, and after law school, no one gives a crap about your grades. Now you've wasted precious time learning what some dumb law professor thinks, and that's all you come out of law school with. I'll take subject-matter mastery over grades every time. That's what I did, and that's what I mean."

What about using the Bar guides as an additional source to study material?

Borlase believes that can be a good idea. He said law school and BAR/BRI are geared toward different things—law school toward teaching a student to "think like a lawyer" and BAR/BRI toward teaching black-letter law. He said getting the latter is good as long as a student understands that it is not what a student is in law school to get.

"Don't forget, there really is something to 'thinking like a lawyer,' and if you don't get it in law school, you will get your ass kicked regularly in practice," warned Borlase. "I always add, learning where and how to find the law is the key to learning to think like a lawyer. Legal-research prowess is the key to lawyerly prowess."

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