

WELCOME TO NOTRE DAME
LAW SCHOOL –

HITTING THE BOOKS!

PROFESSOR VENTER
PROFESSOR DOUGLAS

August 17, 2017



Top 5 Habits of Successful Law Students

- C.R.E.D.O.
 - ▣ Consistent
 - ▣ Rigorous
 - ▣ Efficient
 - ▣ Diligent
 - ▣ Organized

Time Management...

- ❑ You're not in undergrad anymore!
- ❑ HUGE workload
- ❑ How much did you say?
60 hours
- ❑ Law school is a *full time job*



You are in the driver's seat

- It is your time to manage
- Don't sit back and watch your time tick away
- Be proactive
- Take control of your time

168 hours



How do I begin?

- What obligations do you have?
- What other activities should you consider?



How do I schedule my time?

- First, you need to prepare two different schedules:
 1. Semester schedule
 - Calendar the big stuff
 2. Weekly schedule
 - Big chunks of time
 - Small chunks of time
 - Other Obligations
 - “Me” time



	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6:00							
6:30							
7:00							
7:30							
8:00	Torts		Torts		Torts		
8:30							
9:00		Legal Writing		Legal Writing			
9:30							
10:00	Civil Procedure	Contracts	Civil Procedure	Contracts	Civil Procedure		
10:30							
11:00							
11:30					Legal Research		
12:00							
12:30							
1:00							
1:30							
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	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6:00							
6:30							
7:00							
7:30							
8:00	Torts		Torts		Torts		
8:30							
9:00		Legal Writing		Legal Writing			
9:30							
10:00	Civ. Pro.	Contracts	Civ. Pro.	Contracts	Civ. Pro.		
10:30							
11:00	Lunch	Lunch	Lunch	Lunch	Lunch		
11:30					Legal Research		
12:00							
12:30	Exercise	Exercise	Exercise	Exercise	Exercise		
1:00							
1:30	Read Contracts	Read Civ. Pro	Read Contracts	Read Civ. Pro	Research Assignment		Read Civ. Pro
2:00							
2:30							
3:00							
3:30				Read Leg. Res.			
4:00							
4:30							
5:00							
5:30	Dinner	Dinner	Dinner	Dinner	Dinner		Dinner
6:00							
6:30		Read Crim		Read Crim			Read Crim
7:00							
7:30							
8:00							
8:30							

Old School meets technology

- Gmail Calendar



- Schedule Planner App



Other considerations

- Know when you work/study best
- Know where you work/study best
- Manage social interruptions
- Use small chunks of time efficiently
- Make a commitment
- Reassess your schedule(s)
- Procrastination problems?



The law school learning cycle



Studying: Know your Purpose

- Studying to understand:
 - ▣ What the law is
 - ▣ What the law means, and
 - ▣ How to use it

IRAC - answering exam questions



- Identify the ISSUE
- State the RULE
- APPLY the rule to the facts
- Draw a CONCLUSION

Tips for Reading



- Connect with a purpose
- Use the “context” of the case
- Resolve confusion

This is not undergrad...!



- A lot of reading (for a purpose)
- Very dense
- Must process it -not just “get it done”
- Think how the rules might apply to other factual scenarios

Welcome to “Thinking like a Lawyer”



Before you can Think like a Lawyer you need to Read Like a Lawyer

Read Cases with a purpose by determining:

- Issue(s) before the Court
- Legally Significant Facts of the case
- Procedural history
- What the Court decided (ruling)
- The Court's Reasoning
- Weight of Authority (which court decided the case)

What rules did the Court articulate and how might these rules apply to other factual scenarios

Fry v. Napoleon Schools





Top 10 Tips for Taking Notes:

- ❑ 1. Edit Your Case Briefs
- ❑ 2. Rules, Tests, Standards and Exceptions
- ❑ 3. Magic Words
- ❑ 4. Hypotheticals and Examples
- ❑ 5. Analytical Tips
- ❑ 6. Everything Written on the Board
- ❑ 7. Student Comments
- ❑ 8. Important Dissents & Policy Arguments
- ❑ 9. Distinctions, Differences & Similarities
- ❑ 10. Professor's Summary

OUTLINING:

WHAT it is and WHY we do it

Knowing the class material is not enough to do well on a law school exam, you must demonstrate that knowledge in application. APPLY the material, don't state it back to the professor.

What is an outline?



Compilation of definitions, rules, case blurbs, notes, and other important information... that functions as your private tour guide for the class.

Vacation Analogy



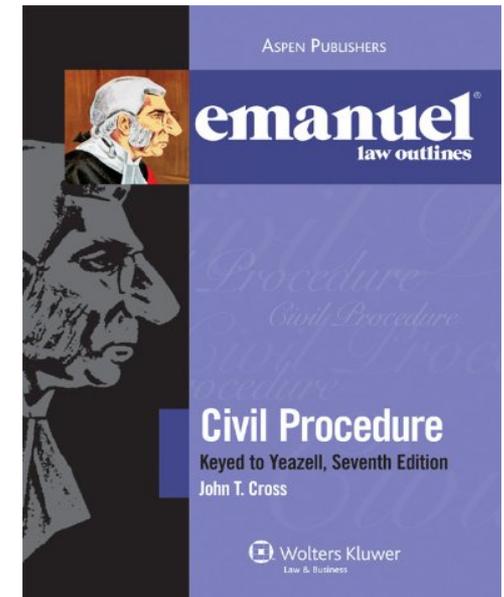
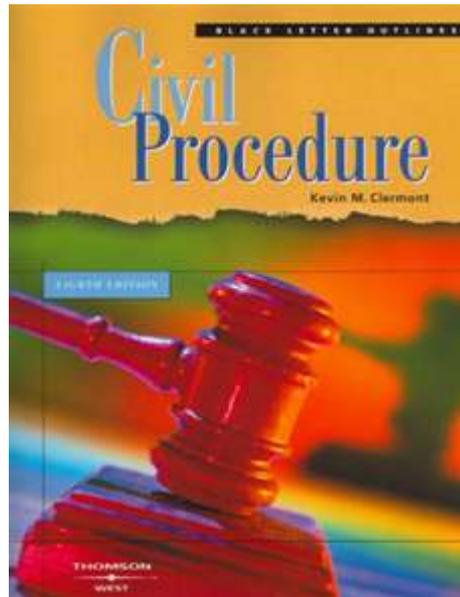
Why outline?

- Helps retain material
- Better prepared to tackle new material
- Internalize the information
- Better prepared for class
- Saves time
- Reduces stress



What about commercial outlines?

- ❑ NO!
- ❑ Not to be used as a substitute for your own outline
- ❑ Too generic



What about using another student's outline?

- Sorry, no again!
- Why not?
 - ▣ Your outline must be a reflection of your professor's class.
 - ▣ Another student's outline may contain mistakes.
 - ▣ Outlines are unique to their authors.
 - ▣ You learn the law while you are writing an outline.

What about outlining in your study group?

- Same concerns as above.
- But, there is value in comparing outlines with your study group.
 - ▣ Increase your understanding.
 - ▣ Fill in gaps.

When should you start your outline?

- Within the first few weeks of each semester.
- Continue to update throughout the semester.

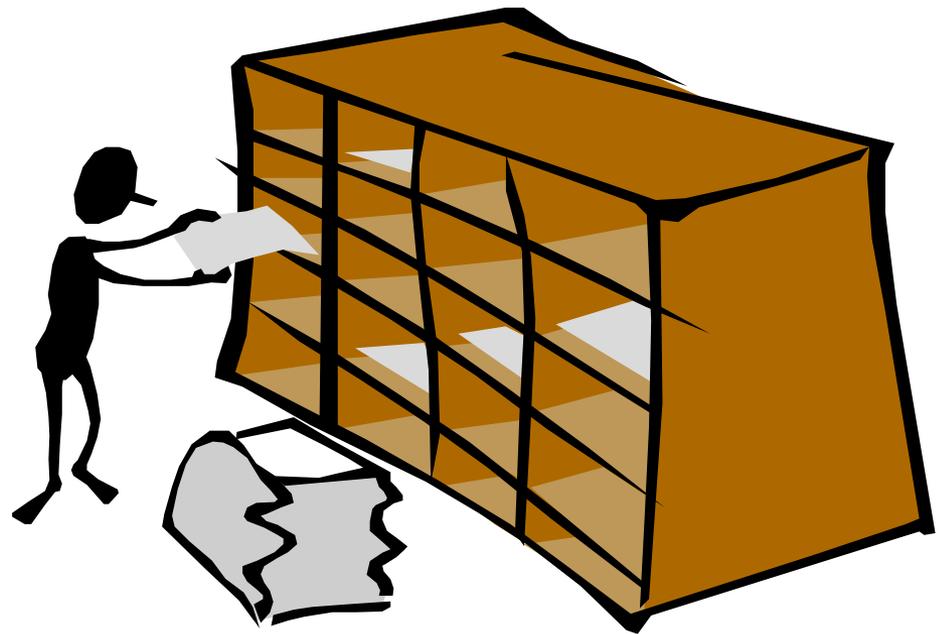


How do I outline?

- Set aside a large block of time (3-5 hours).
- Gather the following materials:
 - Casebook
 - Syllabus
 - Case briefs
 - Class notes
 - Handouts
 - Optional: hornbook or commercial outline
- Get the big picture.
- Identify the building blocks to the big picture.

Get Organized: What goes Where?

- Major Legal Topics
- Subtopics
- Rules
- Elements
- Definitions (magic words)
- Exceptions to Rules
- Case Law
- Hypotheticals
- Professor's Comments
- Policy Considerations



Outline organization- idea #1

- i. Major Category/Heading
 - a. Subcategory/Subheading
 - i. Rules
 - 1. Definition of Terms
 - 2. List of Elements (with Explanation of Each)
 - 3. Exceptions to the Rule
 - 4. Minority Rule/Indiana Specific Rule
 - ii. Case Demonstrating Application of the Rule (i.e. cases showing when the rule has or has not been applied).
 - iii. Class Hypotheses Demonstrating Application of Rule
 - iv. Policy Considerations
 - 1. Does the rule serve the policy?
 - 2. Is the rule good or bad? (Rule vs. Policy's Intent)
 - v. Exam Strategy (Type In Tips for Approaching Problem on Exam)
 - vi. Rule Relationships (i.e. are there any rules from prior sections that affect application of this rule and what connections/relationships exist between other rules?)

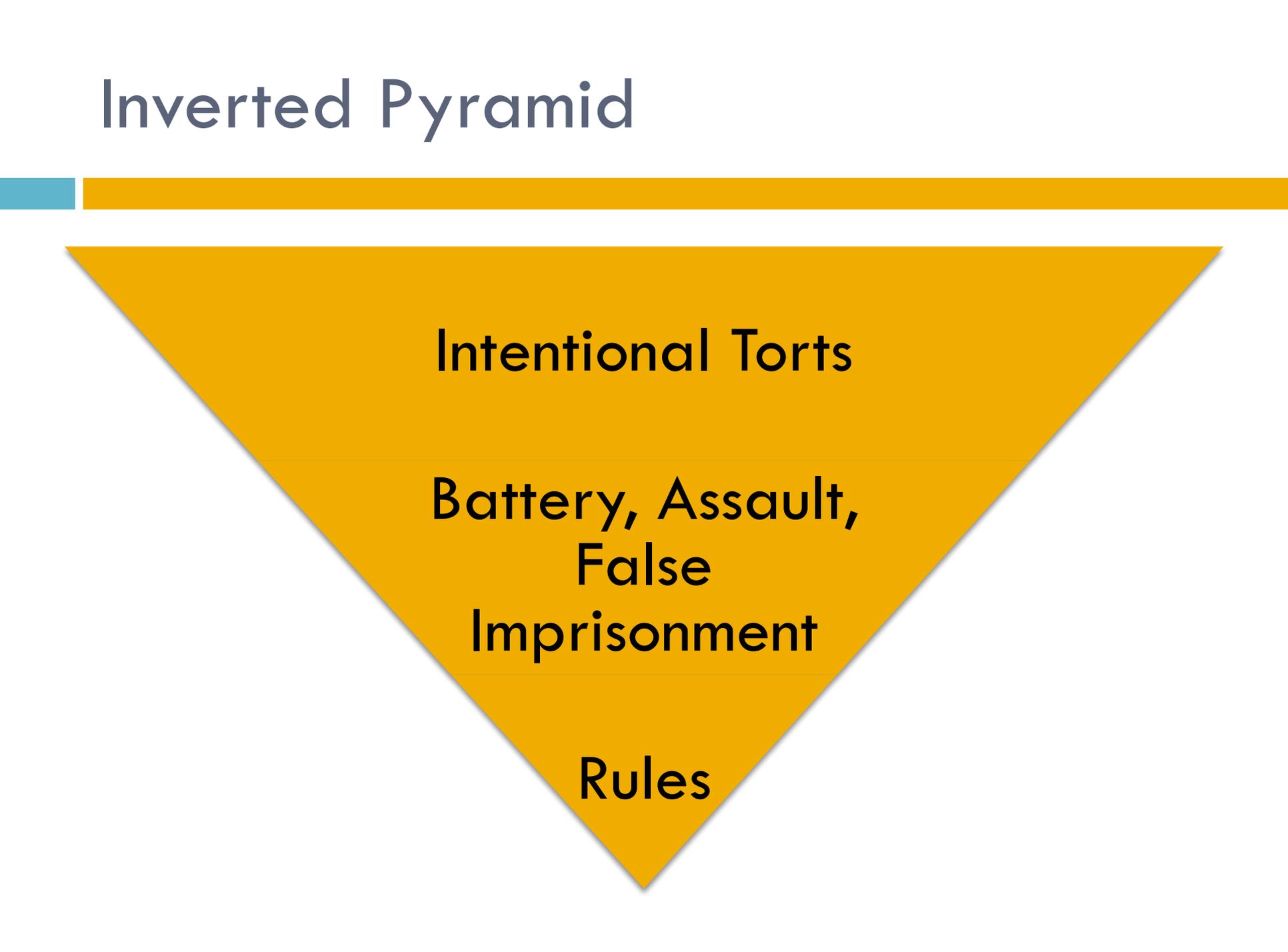
Outline organization- idea #2

- I. Topic #1
 - A. Principle #1
 - 1. Majority Rule
 - a. Elements / Test
 - (1) Examples
 - (2) Cases
 - (3) Hypotheticals
 - b. Exceptions
 - (1) Examples
 - (2) Cases
 - (3) Hypotheticals
 - c. Keys
 - (1) Terms defined
 - (2) Comments
 - (a) Professor
 - (b) You
 - (c) Others
 - (3) Mnemonic devices, other tips
 - 2. Minority Rule
 - 3. Model Code Provision
 - B. Principle #2
- II. Topic #2

Identify major topics

- I. Intentional Torts
- II. Negligence
- II. Strict Liability

Inverted Pyramid



Intentional Torts

Battery, Assault,
False
Imprisonment

Rules

Write down all subtopics or subcategories

I. Intentional Torts

A. Battery

1. Intent

2. Harmful or Offensive Conduct

B. Assault

C. False Imprisonment

II. Negligence

III. Strict Liability

State the rules

I. Intentional Torts

A. Battery

Defined: The intentional causing of harmful or offensive contact with the person of another.

1. Intent

a. Subjective: The D actually wanted to cause harmful or offensive contact with the person of another.

b. Objective: The D committed an act that a reasonably prudent person with ordinary sensibilities would have foreseen would cause harmful or offensive contact with the person of another.

c. Transferred Intent: Under the doctrine of transferred intent, one who intends to commit a battery is liable for that battery when he unexpectedly hits a stranger instead of the intended victim. Intent is also transferable between any of the five classic trespassory torts (Battery, Assault, False Imprisonment, Trespass to Land, and Trespass to Chattel).

2. Harmful or Offensive Conduct

a. D is liable for contacts that cause actual physical harm
AND

b. For contacts that are offensive to a reasonable sense of personal dignity (objective test)

B. Assault

C. False Imprisonment

II. Negligence

III. Strict Liability

Insert cases or hypotheticals

I. Intentional Torts

A. Battery

Defined: The intentional causing of harmful or offensive contact with the person of another.

1. Intent

a. Subjective: The D actually wanted to cause harmful or offensive contact with the person of another.

(1) *Vosburg v. Putney*: P must show either that the D intended to do the act and the act was unlawful, or that the D intended the ultimate result. If the intended act is unlawful, then the intention to commit it must necessarily be unlawful.

b. Objective: The D committed an act that a reasonably prudent person with ordinary sensibilities would have foreseen would cause harmful or offensive contact with the person of another.

(2) *Garrett v. Daily*: D, a child, pulled a chair out from underneath an elderly lady as she was about to sit in the chair. P fell and broke her hip. Although D did not intend for P to break her hip, a reasonably prudent person with ordinary sensibilities would have foreseen with substantial certainty that the lady would be injured. Therefore, intent element satisfied.

c. Transferred Intent: Under the doctrine of transferred intent, one who intends to commit a battery is liable for that battery when he unexpectedly hits a stranger instead of the intended victim. Intent is also transferable between any of the five classic trespassory torts (Battery, Assault, False Imprisonment, Trespass to Land, and Trespass to Chattel).

2. Harmful or Offensive Conduct

a. D is liable for contacts that cause actual physical harm

AND

b. For contacts that are offensive to a reasonable sense of personal dignity (objective test)

Hypo: A male nurse aids in the operation of a woman whose religion prohibits her from being touched by a male. The woman made this clear to all medical personnel. The nurse is liable for battery b/c he caused an offensive contact with the woman even though no visible injury resulted.

B. Assault

C. False Imprisonment

II. Negligence

III. Strict Liability

Insert policy, exam strategies, minority or state-specific rules

I. Intentional Torts

A. Battery

Defined: The intentional causing of harmful or offensive contact with the person of another.

1. Intent

a. **Subjective:** The D actually wanted to cause harmful or offensive contact with the person of another.

(1) *Vosburg v. Putney*: P must show either that the D intended to do the act and the act was unlawful, or that the D intended the ultimate result. If the intended act is unlawful, then the intention to commit it must necessarily be unlawful.

b. **Objective:** The D committed an act that a reasonably prudent person with ordinary sensibilities would have foreseen would cause harmful or offensive contact with the person of another.

(2) *Garrett v. Daily*: D, a child, pulled a chair out from underneath an elderly lady as she was about to sit in the chair. P fell and broke her hip. Although D did not intend for P to break her hip, a reasonably prudent person with ordinary sensibilities would have foreseen with substantial certainty that the lady would be injured. Therefore, intent element satisfied.

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Hypo: A male nurse aids in the operation of a woman whose religion prohibits her from being touched by a male. The woman made this clear to all medical personnel. The nurse is liable for battery b/c he caused an offensive contact with the woman even though no visible injury resulted.

Policy: Courts are concerned with protecting personal integrity, autonomy, and control over one's body.

B. Assault

How long should my outline be?



- No magic answer.
- Beware of gigantic outlines.

State rules completely & precisely

2 kinds of intent: 2 kinds of intent are recognized under tort law: “desire intent” and “belief intent.”

Desire intent is where the person acts with the desire or purpose to inflict the requisite consequence of the tort (e.g. for a battery, a harmful or offensive bodily contact).

Belief intent is satisfied when the person acts believing to a “substantial certainty” that the consequence will follow, even if he doesn’t desire the result to occur. (Hypo: throwing a rock into a crowd of people, but “not wanting to hit anyone.”) It’s not sufficient to constitute belief intent that the result would be foreseeable or even probable to a reasonable person. The actor must *subjectively* believe that the result is substantially certain to follow.

- 
- **Two kinds of intent:** desire and belief

Make your own hypos

- Think about not only what the cases resolve, but what they leave open.
- Practice writing some of your own hypos or exam questions. This forces you to put yourself in the mind-set where rules that seemed clear may suddenly seem more ambiguous and open-ended.

“Knowing the class material is not enough to do well on a law school exam, you must demonstrate that knowledge in application. APPLY the material, don't state it back to the professor.”

How do I study with an outline?

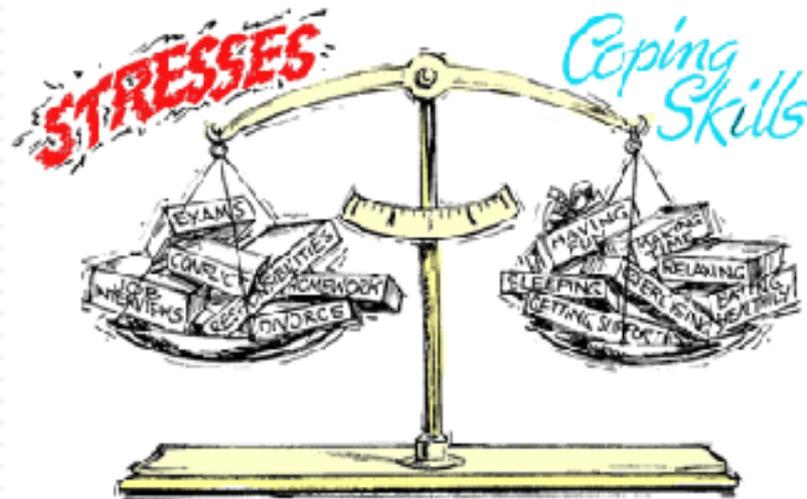
- Create flashcards for key concepts.
- Review outlines in a study group or with study buddy.
- Condense your outline
 - ▣ Condense it again
 - Condense it again
- Closed book exam?
- Open book exam?
- “Attack outline” idea.
- As your exam approaches...

Top 10 outlining pitfalls students make

1. They don't outline.
2. They say outlining is too time-consuming.
3. They use commercial outlines or someone else's outline.
4. They start outlining a week before exams (or over Thanksgiving break).
5. They include only the black letter rules in the outline.
6. They incorporate entire case briefs into the outline.
7. The outline has no relation to the table of contents, class syllabus, or class notes.
8. The outline does not break down the rules into elements, nor does it provide an example of how it works.
9. The outline is informational rather than instructional.
10. The outline is excessively long.

Stress Management

Stress Management



What is stress?



- Any challenge – physical, emotional, relational, or academic – that life throws your way and causes bodily or mental tension.

Stress management in law school

- Is anyone stressed out yet?
- “[T]he emotional distress of law students appears to significantly exceed that of medical students and at times to approach that of psychiatric populations.”

Kennon M. Sheldon & Lawrence S. Krieger,
*Understanding the Negative Effects of Legal Education
on Law Students: A Longitudinal Study of
Self-Determination Theory*, 33 *Personality & Soc. Psychol.*
Bull. 883 (May 4, 2007)



What Stresses YOU ALL out:

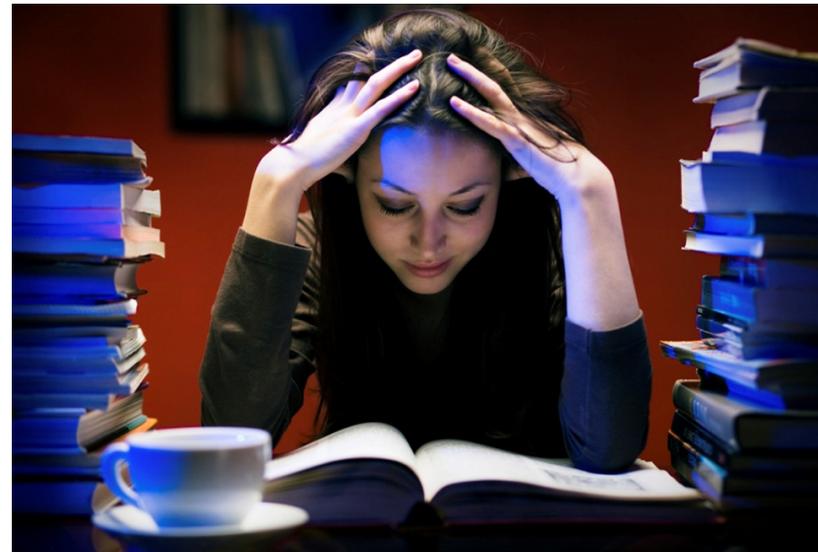
- Expectations of loved ones
- Socratic Method and oral arguments
- Balancing law school and personal life
- Being around stressed out people
- Transition from working to law school
- Fear of feeling overwhelmed
- Ability to understand material
- Opinions of and horror stories from current & former law students
- Writing papers

What Stresses YOU ALL out:

- Fear of not excelling
- Feeling unprepared despite studying
- Amount of work (reading)
- Managing my time
- The unknown
- “Everything about law school stresses me out”
- Exams – only one per course. Outlining, studying and taking!
- Competition with other “type A,” high-achieving people
- Grades
- Money

Sources of stress

- New life situations
- Outside responsibilities
- Finances
- Socratic method
- Lots of work, no feedback
- Fear of failure
- Grade pressure



Common Effects of Stress

On your body	On your mood	On your behavior
Headache	Anxiety	Over or under eating
Muscle tension or pain	Restlessness	Angry outbursts
Chest pain	Lack of motivation	Drug or alcohol abuse
Fatigue	Lack of focus	Tobacco use
Change in sex drive	Irritability or anger	Social withdrawal
Stomach upset	Sadness or depression	
Sleep problems		

Source: http://www.mayoclinic.com/health/stress-symptoms/SR00008_D

Coping with stress

- ❑ Start early each day and develop a routine
- ❑ Do what makes you happy
- ❑ Manage expectations
- ❑ Break a sweat
- ❑ Get sufficient rest
- ❑ Healthy body = healthy mind
- ❑ Don't worry about what others are doing

“Exercise gives you endorphins. Endorphins make you happy.” ~Elle Woods



Coping with stress, continued...

- Relaxation Techniques
 - Controlled Breathing
 - Imagery
 - Stretching
 - Meditation
 - Massage
 - Yoga



Reach out if you need help

- Who can you turn to?
 - ▣ Family and friends
 - ▣ Your professors
 - ▣ Academic Success Department – at some schools
 - ▣ Assistant Dean of Students
 - ▣ Director of Student Relations
 - ▣ Student Counseling & Development Center

Reach out....

- ND University Counseling Center
 - <http://ucc.nd.edu/>
 - Counseling Services
 - Inner Resources Room



Final Tips

for law school . . . and beyond



Treat law school as a full-time job

“Use professor’s old exams to practice writing out answers and time yourself. Make sure you manage your time well on the exam and leave yourself enough time to sufficiently answer all the questions. And make sure to read the question and answer. Know exactly what the question is asking . . . Don’t stray off topic!”

“Do what works for you. There are a hundred paths to get to the finish line and the only right way is the way that works for you. Don’t worry about what your classmates are doing, how much time they spend in the library, etc. What others are doing may not be the most effective for you.”

“Read for class. Don’t be that person who gets cold-called and has to admit they didn’t read (or worse, tries to fake that they did read!). You’ve worked hard enough to be in law school. So keep up the good work and earn your keep. Plus it’s an awkward situation for you, me, and everyone I tell the story to afterward. No one wants that.”

“Consider studying outside of the law library. I only studied in the undergraduate library. There is too much pressure and people “looking at you” in the law library. It wastes your time.”

“Everyone is different, and by all means, study in the manner that YOU feel will help you succeed. But do not be afraid to challenge your comfort zone either.”

Full-time job

“Resist comparing yourself and your study habits with others, as that can be where the most unnecessary stress comes from. For example, if you’re a morning person who went to the library hours before classes to get work done, don’t compare with those who may stay there late into the night. Find a schedule that works for you and actually schedule free time in the evenings if possible. President Theodore Roosevelt once said that, ‘Comparison is the thief of joy,’ and it is so true. Being confident in your own schedule and study habits is the way to go!”

“Outlining is not a uniform process from one student to another. Find an outline format that works the way you think. I found that organizing legal issues and black letter law concepts into organized boxes worked better than a long, traditional outline, as it had a clearer appearance and it was quicker to find information during an exam.”

“The first semester of exams will be the scariest because everything is so new. The anxiety surrounding the exam experience is by no means indicative of the subsequent semesters. The mystery of outlining, setting up Electronic Blue Book, and the frightening concept of your entire grade being based on one exam becomes familiar by the second semester.”

Legal Writing

“Don’t coast in your 1-2 credit classes just because they’re 1 or 2 credits and your other classes are 3 or 4 credits. 1-2 credit classes still teach you great skills, and typically excellence in one class leads to excellence in another.”

“Reach out to their legal writing professors, as they are more approachable professors due to the smaller class sizes. And at ND, they were all like our law school moms!”

Legal Writing

“Just got feedback for my first official legal memo to a partner. He said it was clear, concise, helpful, and very impressive for an emerging 2L. I gave all the credit to the best legal writing professor I could have had!”

“Sure enough, on Day One, Judge Friedman's Clerk assigned me a Memo on a pending labor case. I can definitely see the practical value of Legal Writing/Research in action and the fruits of my labor (no pun intended) paying off.”

Legal Writing

“I am now in my second week of my internship. They gave me a project on the very first day I started - drafting an order. I have been working closely with one of the clerks and she has been very helpful. I did all the research and wrote up the first draft. The only changes she made were stylistic - tailoring it to what she knows the judge likes/wants. More or less just cutting/adding words here and there, but my analysis and reasoning appear to be on point. ... I think it helps so much to have the strong foundation in the structure that you taught us because I feel like it is easier to adapt from there if you are comfortable with what the elements are...it makes it easier to rearrange them and merge things together.”

Friends/support group/social life

“Have fun, make friends, and enjoy the moment. It goes by fast and you only get one 1L year.”

“Treat your classmates as friends who will be future colleagues, not as rivals you have to keep down. Remember that reputation counts in the legal field: do you want to be known as the person who always helped others when they needed it, or someone who tried to sabotage the other moot court team?”

“Choose your friends carefully. If you choose friends who want to perpetuate negative law school stereotypes, then you will have a negative law school experience. If you choose friends who will cooperate with you and cheer for you, then you will find you can be friends with them in your real life and not just your law school life.”

“DO maintain contact with family and non-law school friends when the going gets tough. They will help you keep your sanity and have a glimpse of the outside world – outside the law library.”

Faculty contact

“Remember your professors are human beings, who have families and often like it if you ask them to coffee or a drink from time to time.”

“I like to talk. But I’ve noticed that one of the biggest virtues of the legal field is knowing how to listen. People appreciate it when you allow them to say their peace. It’s natural for me to interject with comments when people talk, but I’ve found that professors have responded much better to me when I discipline myself to wait until they’re done talking.”

“DO take advantage of office hours and meet with professors outside of the classroom, especially if you are struggling. Even if you do understand something, it never hurts to seek out clarification or additional advice. Professors are a great resource.”

Take a day off

“Take advantage of what ND has to offer! Go to the football games, check out the mom-and-pop bars and restaurants, etc. Not only are they talking points for any alumni you might meet, but they help you have a well-rounded experience.”

“Do something that you REALLY like. A club, or something completely non-school related. Don't just pile on a bunch of clubs for resume builders (though you probably should have at least one). Be sure to spend some time every week doing something you really love. Whether it's yoga, Netflix, or getting out with your friends, make sure you pencil it into your schedule.”

“Give yourself a break each week – do something “mindless” that truly allows you to de-stress. This is especially important right after each exam.”

Networking



“Don’t be afraid to network fearlessly. I dragged my feet first year, but I’m now finding that most lawyers do like to help up and coming lawyers. So don’t be afraid to send that e-mail asking to talk on the phone about their work (or to ask a professor to introduce you to her husband who works in the industry you’re interested in).”

Job Search

“Start your job search early in the semester. Give yourself time to settle into law school so you get to a place where you feel you have a handle on your assignments/flow. Then just do some preliminary research on where you might want to be that summer. Then when it comes time (preferably over winter break) apply, apply, APPLY. Send applications to everyone! Some will get back to you right away, and some will never get back to you, so make sure you cast a lot of lines.”

“Be proactive on your 1L summer job search. Get your applications done within the first few weeks of January, and apply to as many places as you can. Continue applying places until you land something, and keep your search organized.”

Remember why you came to law school

“As cliché as it sounds – law school can be as stressful or as rewarding as you make it out to be, but what matters is what YOU make it out to be. On one hand, it can be ultra-competitive (boo, curves!), and if you allow yourself to, it’s easy to feed off the stress of others. I was also surprised by the emphasis on this thing called “prestige” (you’re told to write onto a certain journal, or apply for a certain federal clerkship, or interview for certain firms, or get a certain GPA because of the “prestige”); it feels nice when you achieve it and get accolades for it, but it unfortunately can make you feel like you need to pursue things you’re not passionate about. On the other hand, law school can be the most intellectually stimulating, fun times of your life. You’re in the academic trenches (and, on occasion, the bars) with classmates who can become some of your best friends. If you don’t let yourself get distracted by the “gunners” (or, God-forbid, becoming a gunner yourself...), you can turn your focus from rankings and prestige to immersing yourself in the intellectual playground of law – which you seriously can apply to any interest you want. My advice is not to let the prestige or ultra-competitiveness get to you – remember that law is inherently about helping other people, not always about helping yourself –and to remember why you came to law school in the first place.”