Workshop #1:
Expert Reading & Note-Taking

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Objectives

- Strategies to get the most out of your reading
  - Before reading
  - During reading
- Strategies to get the most out of class attendance
  - During class
  - After class

Why do we read cases?

- Lawyers read cases
- To understand the court's reasoning = who won + why
- So that we can help our clients win!

How do we read cases?

- Read in IRAC
- Think in IRAC
- Brief in IRAC
- Write in IRAC

Before Reading

- Place the case in a context. Do some investigation.
  - ***Why*** am I assigned this case?
    - Table of Contents
    - Chapter heading and subheading
    - Commentary prior to the case
    - Prior class notes

When Reading

- Put devices away. Don't brief while reading. Just read.
- If you don't understand something, make a note. But keep reading - clarity may come as you read.
- Then go back. **Find the IRAC**. Brief.
  - Understanding court's rationale/policy will help you remember the point of the case.

When Reading (cont.)

- Write out exactly what you don't understand. Listen for it in class. Go to office hours.
- Anticipate what your professor might ask.

U.S. Naval v. Charter (2nd Cir., 1991)

FACTS: P granted D an exclusive license to publish the paperback version of a book starting in Oct 1985, but D shipped the books to retail stores early, resulting in substantial sales of the paperback from mid-Sept 1985, thereby cutting into P's hardcover sales.

PROCEDURAL HISTORY: Trial court originally dismissed P's complaint = no breach b/c D was entitled to ship paperback prior to agreed publication date. Appellate court = D breached. Remanded case back to trial court to award P appropriate relief.

P wanted all of D's profits from its pre-Oct paperback sales (724K). But trial court disagreed because many people who bought the paperback in Sept might not have bought the hardcover. Rather, trial court awarded P its lost sales based on the difference between what was sold in hardcover in Aug minus what they actually sold in hardcover in Sept. (35K).

U.S. Naval v. Charter (cont.)

ISSUE: In the most basic terms, what was the right way to calculate damages for P? (More specifically: was the trial court "clearly erroneous" in calculating P's lost sales as 35K by assuming that P would have sold the same number of hardcover copies in September as it did in August?)

RULE: Purpose of damages for breach of K is to compensate the injured party for the loss caused by the breach, i.e. P's actual loss. If the award greatly exceeds P's loss, it is not in line with contract law: contract remedies are meant to be compensatory, not punitive. However, when exact loss is unknown, uncertainty is resolved against the breaching party.

ANALYSIS: The trial court's rationale not to award P D's paperback profits of 724K was not erroneous because it's not known that every person who bought a paperback would have bought a hardcover at that time. But it was not erroneous for the trial court to find that D's actions did in fact cause loss of some hardcover books sales in Sept. Exact proof of what that loss is is impossible. Thus, court using the August sales as a gauge was not erroneous.

U.S. Naval v. Charter (cont.)

HOLDING: No, trial court was not clearly erroneous in using the August sales as an assumption for P's lost sales in Sept. Lost sales = expectation interest. (Doubts are generally resolved against the breaching party.)

WHO WON & WHY: P won because D's actions did in fact reduce P's hardcover sales. It was not erroneous for court to calculate his "expectation interest" by using the previous month's hardcover book sales to guesstimate how many books he would've sold the following month when D breached.

During Class

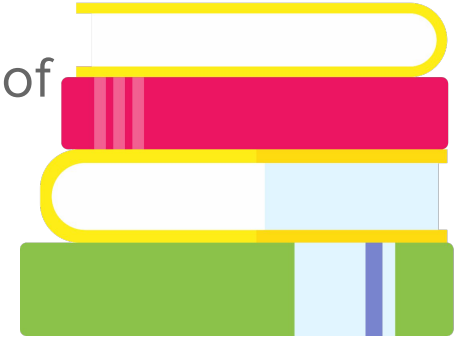
- Put devices away. Shut off messenger on laptop.
- Take notes selectively: listen, think, write.
- Reconcile what you read with what you're hearing. Refer back to your reading questions. Listen for the answers.
- Make a note of important points you heard in class.

After Class

- Within 24-48 hours after class, review your reading notes/briefs and class notes. Reconcile the differences.
- Still have questions? Go see professor immediately.
- At the end of each major topic, synthesize: distill your understanding down to rules and elements.
- Measure your progress. Practice, practice, practice!

Summary

- Learn to focus without distractions.
- Rephrasing into your own words helps you understand and remember.
- Read, think, then go back to brief.
- Always be able to answer: **who won and why**.
- Be intentional: What am I doing? Why am I doing it? Is it effective? If not, adapt. Come see ADP.
- Don’t over do it. Pre-class prep is only one aspect of studying!



Workshop #2
Pulling It Together: Creating an Exam-Targeted Outline

LS1: Tuesday, Sept. 6, 12:00-1:00, Rm 2201
LS2: Thursday, Sept. 8, 12:00-1:00, Rm 2202
LSN: Wednesday, Sept. 7, 5:15-6:15, Rm 2203