Expert Reading and Note Taking

Strategies for Managing Cases and Getting the Most out of Class Attendance
Presented By the Academic Support/Bar Services Department

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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!
Remember IRAC—How We Read Cases

• What Issues are presented in the cases?
• What Rules are presented in the cases?
• How did the Court Analyze the case?
• What is the Conclusion/Holding/Law the court came up with based on the Facts of each case?
Expert Reading-Ask Why Am I Reading This Case?

- Look at your Syllabus or Table of Contents and chapter headings and subheadings in your case book to see what law you are covering
  - Chapter 1 - Bases For Enforcing Contracts
  - Subsection 2 - Remedying Breach - Own Words - Fixing the Breach
- Read the commentary before and after the case
- Reflect on what you discussed/read last week and look at your notes from class
- Read with questions about the law
When Reading

• Put devices away. Don’t brief while reading. Just read.

• If you don’t understand something, make a note. But keep reading—it may become clear as you read.

• Then go back. Find the IRAC. Brief.

---Understanding court’s rationale/policy will help you remember the point of the case.

---Write out exactly what you don’t understand. Listen for it in class. Go to office hours.

---Anticipate what the professor might ask.
Expert Note Taking—During Class

• Put devices away. Shut off messenger on laptop.

• Handwritten notes are better than typing on the computer.

• Don’t write down everything the professor says—be selective: listen, think, write.

• Think about what you read and how it compares to what you’re hearing. Refer back to your reading questions and listen for the answers.

• Take notes in IRAC format.

• The more you think and synthesize as you take notes, the easier it will be for you when you incorporate your notes into your outline.

• Make note of important points you heard in class.
Get the most out of going to class

• Go to class

• Listen to your professor

• Listen to students in your class

• Participate! Ask questions and volunteer to answer questions.

• Prepare well if you are “on call” for class
Always think Big Picture

• Make your own notes; don’t borrow someone else’s

• Don’t rely on the internet for information about the law or cases

• Always prepare for midterms and the final by making the material your own: master the material

• Be sure you can explain the law in your own words
After Class

- Within 24-48 hours after class, review your reading notes/briefs and class notes. Reconcile the differences.

- If you still have questions, see the professor immediately.

- At the end of each major topic, synthesize: Clearly set out your understanding of rules and elements of rules.

- Measure your progress. Practice, practice, practice!

- **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 hard cover sales.

- **Procedure**
  - Trial court originally dismissed P’s complaint for 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). The court also awarded (7k) in profit for the displacing copies.
US. Naval Cont’d

• **Issue**
  In basic terms: Were damages for P calculated correctly by the district court? 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 Sept. as it did in August?

• **Rule**
  Since damages for breach of contract compensate the injured party for loss caused by breach, they are generally measured by P’s actual loss. If the award greatly exceeds P’s loss, it is not in line with contract law because 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 book sales in Sept. Exact proof of what that loss is, is impossible to determine. Thus, court using the August sales as a measure of damages was not erroneous.

• **Holding**
  Not improper to use August 1985 sales as benchmark given inherent uncertainty because can exercise generosity in favor of injured party rather than breaching party. So not clearly erroneous for trial court to use the August sales as an assumption for P’s lost sales in Sept. Lost sales = expectation interests. 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 calculate how many books he would’ve sold the following month when D breached.

• D also won because the lost profits awarded to P in trial court were deemed not part of expectation interest.

• Also D won because P wanted more damages on appeal and actually got damages reduced!
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!
What Do You Think So Far?

- Reading and Briefing Cases?
- Taking Notes in Class?
- The US Naval Case?