

CHAPTER 12

NOTE-TAKING

When students ask me to reveal the deep dark secrets of successful study strategies for law school, they're always surprised by the simplicity of my answer: read every assignment, brief every case, attend every class, *take good notes in every class*, and prepare course outlines. The C.R.E.D.O. chapter (Chapter 10) covered the importance of consistency in reading assignments and attending class. The previous chapter addressed case-briefing and the next one tackles outlining. Here we take up note-taking.

As shown by dozens of educational studies, taking notes furthers two important goals: encoding and storage of information. With regard to encoding, the process of taking notes enhances attention, idea-processing, organization, and retention of classroom material. In other words, writing down lecture content leads to better learning of the content than simply listening to it, even if one never reviews the notes. Thus, while students think it's a blessing when professors give them copies of their PowerPoint slides or notes, which some law professors do, they're missing out on one of the primary benefits of note-taking: the encoding function. One note-taking study showed that students who took and reviewed their own notes on a lecture performed better on a test than students who were given a copy of the lecturer's notes to review.¹⁰⁵

Numerous studies also support the storage function of note-taking. Students who take notes and review them before tests perform better than those who don't. Who knew? Certainly, given the volume and complexity of material presented in a law school course and the long time lapse between its delivery and the exam—fifteen weeks from the first week's material until the exam—"storing" key classroom content is essential to success in law school. Using a computer analogy, your brain could be seen as the computer's temporary memory and your notes as the hard

¹⁰⁵ Judith L. Fisher & Mary B. Harris, *Effect of Note Taking and Review on Recall*, 65 J. EDUC. PSYCHOL. 321, 323 (1973).

drive on which you're able to store the information permanently. Without good class notes, you'll have little hope of remembering what you will need to know to perform well on a law school exam.

As said earlier, casebooks are not designed to teach or explain the law *per se*. While cases selected for inclusion in casebooks usually stand for particular rules or principles, the rules won't necessarily be clearly identified or articulated, nor will the case cover all of the satellite doctrines or exceptions to the rule or show how the rule is or should be applied to fact patterns different from the one involved in the case. These are areas that will be, or at least should be, fleshed out in class.

Study aids can help fill these gaps, but are not sufficient standing alone. The same case can be viewed and interpreted through different lenses. Professor Fleener might approach a case from a historical perspective, while Professor Tweener may approach the same case from a law and economics standpoint. Even professors who approach the case from a plain vanilla, black-letter law approach may emphasize, define, and organize rules differently than the study aids.

The only approach that matters to you is the one taken by the professor who will be grading your exam and that professor's approach can only come from one source: class presentations. Accordingly, it's critical to work diligently at capturing the law and its application as they emerge during class presentations. Carrying out this mission will be much easier to do in some courses than others, as professors and their teaching styles vary greatly. The amount of effective notes a student is able to take in a course depends greatly on the particular professor.

Most law professors will attempt to present the material in a clear ("clear" being a relative term when it comes to law), organized fashion designed to facilitate student understanding and effective note-taking of the material. Some professors, however, look down on what they see as "spoon-feeding" the law to students, based on a belief that developing analytical skills requires students to bear the burden of figuring out the law on their own. Recall that a hallmark of the traditional Socratic method was to ask questions without providing answers. Other professors may spend more time discussing the policies behind

rules than the rules themselves. Attempting to take meaningful notes in courses taught by such professors can be frustrating.

And then there are those professors who are simply unclear or poor communicators. They deliver jumbled lectures and engage in confusing questioning and question-answering not for pedagogical reasons, but because they are inexperienced, unorganized, unprepared, or simply have brains that work that way. Needless to say, effective note-taking in classes taught by such professors also will be difficult. Students will be forced to fill in the blanks on their own through other means, primarily study aids.

Let's assume you're in a class conducive to effective note-taking. How do you become a successful note-taker? Effective note-taking consists of more than just trying to write things down. It's a four-step process that includes: (1) effectively processing the material as you're hearing it; (2) selectively capturing the key material while omitting unnecessary content; (3) filling in gaps after class before they fade from memory; and (4) conducting subsequent periodic review.

You Have to *Process* Material to Understand It

Your first challenge is to be an effective "encoder," which requires attentive listening. Yes, of course this sounds obvious, but it is much easier said than done, especially for a generation that has grown up with many more distractions than previous ones, including wi-fi in the classroom. I've already admonished you in Chapter 6 to avoid the temptations of multitasking on your computer in class, which is the biggest attention-distracter, so we won't rehash that here.

Listen to your *classmates* as well as your professors. Unlike other educational disciplines, in law school, due to the Socratic method, notes-worthy comments often will come from your fellow students. If a professor asks a question and a student gives an answer to which the prof gives thumbs-up approval, that's essentially the same thing as the professor saying it.

Also, class discussions are often one long complex chain, with professors chiming in clarifications and the like as it moves

along. You can't effectively tune out and then tune back in without missing important links in the chain. To test this proposition, rent a movie with a complex plot. Stop listening at intervals to check a sports score, shop for shoes, and send a few text messages, then tune back in to see if you still know what's going on in the movie.

Capture the Best, Leave Out the Rest

Due to the Socratic and case methods, it can be hard to get a handle on what you should be writing down during class, especially in the early days of law school. Instead of straightforward lecture, most of your classes will be filled with back and forth colloquies between the professors and students. Which parts are important? As one student wrote when asked to name his biggest surprise about law school:

The biggest surprise is the note-taking. It is not your usual note-taking, and I doubt that there is any real way to prepare for it. Law school classes are just not your usual lecture-based discussions, so you are left wondering whether you should write down the banter between teacher and student or just the hypotheticals, etc. People who are used to undergraduate lectures and things written on the board or shown on PowerPoint are in for a rude awakening.

Some law students write down too little, while some write down too much. It's easy to understand how capturing too little of the material could be a problem. If you don't record what you need to know in your notes, you'll forget it and won't have it available to study for the exam.

Students have a harder time understanding how they can write down too much. Isn't more always better? No. Students who try to write everything down in class spend too little time actually processing the information. You're not training to be a stenographer. You're trying to learn and understand law. You can't learn it without thinking about it. Note-taking research shows that when the presentation pace is quick and the informational density high, fast and furious note-taking

competes with the mental resources needed to process the information.¹⁰⁶

Handwritten Versus Computer Notes

This leads us to an important decision faced by new law students: whether to handwrite class notes or type them on a computer. A new trend in legal education in this regard is a seemingly backwards one. Until the past couple of academic years, at least 90 percent of my students used computers to take notes in class. Then suddenly one fall (which could be a great title for either a romantic comedy or disaster movie about the first year of law school: *Suddenly One Fall*), the majority of my new Torts students showed up carrying pens and pencils instead of computers.

What happened?

In 2014, a study emerged from Princeton University titled *The Pen Is Mightier than the Keyboard: Advantages of Longhand over Laptop Note Taking*.¹⁰⁷ The study gained publicity in news articles and subsequent currency in academic circles. Some law professors and academic support deans began advising students to abandon computers for note-taking. (The research may also have persuaded more law professors to prohibit computers in class.)

Through a series of experiments, the study found that college students who took notes in class by hand retained knowledge better than students who took notes on a computer. In the first experiment, students watched and took notes during 15-minute TED talks, then took a test on the content shortly thereafter. Not surprisingly, the hand-writers captured fewer words than the computer users in their notes.

The two groups performed equally well answering factual questions regarding the lecture content, but the hand-writers did better on conceptual questions. A second experiment was conducted, similar except that the computer-users were

¹⁰⁶ See Gilles O. Einstein et al., *Note-Taking, Individual Differences, and Memory for Lecture Information*, 77 J. EDUC. PSYCHOL. 522, 522–23 (1985).

¹⁰⁷ Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking*, 25 PSYCHOL. SCI. 1159 (2014).

instructed to not take verbatim notes, an instruction they largely ignored. The results were the same: roughly equal performance on factual questions, but worse performance by the computer-users on conceptual questions. A third experiment allowed all of the note-takers to review their notes a week later and the hand-writers again performed better on a test.

The authors speculated that the primary explanation is that students who write by hand process material more effectively and selectively than students who type their notes, some of whom try to create verbatim transcripts of the class. Taking verbatim notes, they said, likely leads to “shallower processing” of the material.

The insight is not new. Many others have made the same observation without the benefit of the study. All the way back in the first edition of *IL of a Ride*, I quoted this ringing endorsement of handwriting class notes from a student who finished number one in her class:

I do not find computers helpful in the classroom setting, although I'm sure I don't speak for most students. I never use mine in class. I know I am in the minority here, but I have always written much faster than I type. Even after becoming more proficient on the keyboard, I continue to retain much more information when I write. I have talked to a number of people who notice a similar difference in their retention of material when they write as opposed to type. For example, our Civil Procedure class last year did not allow laptop usage. Despite the difficulty of this class, some of my classmates did better in Civil Procedure than in their other classes where laptops were permitted. As a result, these students have made the decision to no longer use laptops to take notes in class and have indicated to me that they are already noticing an improvement in retention. Additionally, I think there is a lot of merit to the argument that laptop usage in class gets in the way of students engaging with the material.

I also related a story from early in my career when I worked as a law clerk to a federal district court judge. In that role, I sat through many trials and got to know the court reporters who transcribed them. During one jury trial, I asked the court

reporter what she thought about the testimony of a key witness. She said she didn't remember anything about it. Surprised, I said something like, "How could you not remember any of it? You took down every word verbatim!" She said she never thinks about what's being said because it would interfere with her recording it accurately.

Too many computer-equipped law students do the same thing in trying to transcribe every word spoken by the professor. Not only does attempting to transcribe the class interfere with your actually hearing and processing the material (i.e., the encoding benefit of note-taking), it results in you writing down stuff you don't need. This clutter, in turn, often gets transferred to course outlines (see next chapter), reducing their effectiveness.

Having said that, while I don't dispute the results of the Princeton study, I also don't put complete stock in it with regard to law school note-taking. Taking a test about a short lecture almost immediately after hearing it (as in the first two experiments) or one week after the lecture (as in the third experiment) is much different from taking a comprehensive exam covering fourteen weeks of material, which is what happens in most law school courses under the single-exam format.

My concern is that students who hand-write class notes simply don't take down enough of the actual rules to remember them many weeks or even months later. During the past couple of years—the ones in which computers were largely absent in my Torts courses—I frequently articulated legal rules that were not in the casebook reading, but which many students were not writing down. I worried about where they planned to capture those rules from.

Also, perhaps countering the Princeton study, note-taking research shows that college students take down fewer than 50 percent of principal lecture points.¹⁰⁸ Studies also show a correlation between the quantity of notes taken and better test performance.

¹⁰⁸ See Alan C. Eggert & Robert L. Williams, *Notetaking in College Classes: Student Patterns and Instructional Strategies*, 51 J. GEN. EDUC. 173, 195 (2002).

Computerized notes also are easier to add to, edit, and reorganize. Moreover, much of the content of your course outlines (see Chapter 13) will be inputted from your class notes. On the other hand, many students report a strong benefit in having to type their class notes from their handwritten notes when preparing outlines as a form of periodic review, an important component of law school success discussed below.

So what's the verdict? As usual, there is no one-size-fits-all answer. In earlier editions, I endorsed using a computer to take notes in class, but qualified it with the same advice I share on almost every learning issue: *Students have different learning styles and should do what works best for them.* Take note, for example, that the top-of-her-class handwriting student quoted above said, "I have always written much faster than I type." That's important. I'm the opposite. I'm a terribly slow hand-writer. In the past, I blamed it on being left-handed; now, on being old and decrepit. If we were starting law school today . . . um, sorry, had to shake off a PTSD flashback . . . I would use a computer. But that's me.

If you decide to take notes on a computer, make a pledge to avoid taking them down verbatim. If you take notes by hand, be sure to write your heart out when it counts. A middle-ground approach might also work. One of my research assistants said she varies her approach depending on the professor's teaching style:

If the professor walks through the material slower, uses a lot of hypotheticals, and engages in a lot of class discussion, I am more likely to handwrite my notes. If the professor moves at a fast pace and sticks to Power Points, I am more likely to type my notes to keep up.

Keep in mind that your professor may make the decision for you by banning computers in class.

What *Exactly* Should You Try to Write Down?

We know now that in taking notes you don't want to write too much and you don't want to write too little. Like Goldilocks, you want to get it *just right*.

Generalizing is always fraught with danger when it comes to law professors, but whether you're writing by hand or using a computer, for most first-year courses *your primary goal* will be to record anything resembling a legal rule, test, principle, or doctrine, including sub-rules, exceptions to rules and sub-rules, and exceptions to exceptions. Whenever a professor begins a sentence with "The rule is . . ." or "The test is . . ." or other words to that effect, write it down.

It's not sufficient to get general principles, which nearly all students will do successfully. The most successful students are those who capture—and understand—the more specific subordinate rules. A group of note-taking researchers categorized lecture points on four levels, with level-1 ideas being the most general and levels 2–4 representing subordinate ideas clarifying, defining, and describing the general ideas. They found that 91 percent of students listening to the lecture captured the level-1 ideas in their notes, but the percentages declined with each level of increased specificity. The students recorded only 60 percent of level-2 ideas, 35 percent of level-3 ideas, and 11 percent of level-4 ideas.¹⁰⁹

Law school exams emphasize and reward specific analysis over general analysis. For example, if a Torts essay question involving intentional torts presents a fact pattern in which A shoots B, 100 percent of the class is going to recognize that act as a tortious battery. To give you some idea how much recognition and understanding of general issues and principles count as compared to specific issues and rules, when I give an issue-spotting/problem-solving intentional torts essay question worth 100 points, mere recognition of a simple battery in the question facts usually counts for only a few points. More specific identification and analysis of subordinate issues, such as whether the tortfeasor had the requisite intent to commit a battery or a legal privilege to do so, count for much more, usually in the neighborhood of 15–20 points. So don't just write down the "big rules." Record the small ones too: the distinctions, the exceptions, etc.

¹⁰⁹ See Kenneth A. Kiewra et al., *Qualitative Aspects of Notetaking and Their Relationship with Information-Processing Ability and Academic Achievement*, 14 J. INSTRUCTIONAL PSYCHOL. 110, 113 (1987).

To enhance understanding of a rule, include in your notes, if it's not already contained in your case briefs, the *core reasoning* underlying the rule. Understanding the "why" of a rule will make it easier to remember and apply it. As an example, you'll learn in Torts that a tortious battery can result from an intentional *offensive* touching of a person even if it doesn't cause physical harm. From one of our cases, my students learn, and we discuss in class, that the reason the law allows recovery for merely offensive batteries is to protect human dignity. In fact, offensive batteries are what we call a "dignitary tort." Understanding this reasoning allows students to answer questions they might otherwise miss.

In class I pose a hypothetical in which Student A kisses Student B after she falls asleep while studying for an exam. Student B finds out about the kiss later and is extremely offended. Does B have a valid claim for battery even though she was asleep and had no contemporaneous awareness of the kiss? Students who understand the reasoning behind allowing recovery for offensive batteries (and write it down so they don't forget it) can correctly answer that she would have a valid claim because a person's sense of dignity can be just as offended if they find out about an offensive bodily contact after the fact.

You should also strive to capture in your notes (either during or after class) the essence of the professor's primary hypothetical fact patterns posed in class. Remember that your goal is to learn to analyze and apply law, not simply memorize it. An added benefit is that professors often base exam questions on hypotheticals used in class or closely related to hypotheticals they used in class.

What can you safely leave out of your notes? Frequently, in Socratic case-dialoguing a turning point occurs where the dialogue shifts from fleshing out the assigned case and corresponding rules to a more generalized discussion of the issues marked by "What do you think?"-type questions. At this point, you usually can relax and enjoy the discussion without worrying about having to write much down. Most professors expect 1Ls to analyze and solve legal problems on the exam, which usually does not require extensive policy discussion. But

1L profs do use policy questions, so, again, generalizing is always risky.

In addition to extended policy discussions, you're usually safe in omitting discussion of off-topic tangents, anecdotes by the professor, statistics offered by the prof to back up points, and cases and statutes the professor mentions offhandedly, but which are not part of the assigned reading.

Comparing Two Students' Notes

Before we move on to other note-related tips, let's take time out for a real example to highlight what we've covered so far. Below is a comparison of class notes taken in a Torts class by two students we'll call Jane and Roger regarding the privilege of self-defense to the tort of battery. The privilege of self-defense, where applicable, operates to negate what would otherwise be an actionable tortious battery (i.e., an intentional harmful or offensive bodily contact on a person).

I'll spare you further legal explanation because the class notes below, particularly Jane's, do a good job of explaining the doctrine. Jane's class notes are on the left and Roger's on the right. Jane did a great job capturing the salient information. Roger did an okay, but not a great job. I'm sure some other students took far worse notes, but Roger's notes suffer from omissions and errors. Jane finished second in her class of approximately 150 students after her first year, whereas Roger finished somewhere in the middle. In other words, the comparison below is between the notes of a "top student" and an "average student." My added comments are bracketed and in bold on Roger's side of the ledger. I inserted spacing as necessary to make the same basic points line up side-by-side.

Jane's notes

Self-defense

Test of the Privilege of Self-Defense (another objective test):

Were the circumstances such that a reasonable person would believe

Roger's notes

Self-defense

Reasonable Belief—If a reasonable person would believe that they were threatened with a battery or false imprisonment, they have a privilege regardless of

that they were threatened by a battery? Was the amount of force reasonable under the circumstances? Was it proportionate to the threat against you?

Hypo: A, a person who has martial arts training, is walking alone at night in a dangerous part of town. B comes up behind A and grabs A's shoulders from behind. A throws an elbow and shatters B's face. Turns out B is A's best friend playing a practical joke. B sues for battery. A claims self-defense.

What makes A's belief reasonable according to the facts? Under those circumstances—WHY?

- Dangerous neighborhood
- At night
- Alone
- B came up behind

Reasonable Belief: if a reasonable person under

a mistake. This is because the court believes in the "first law of nature is self-preservation."

[Roger got the basic rule down, but missed the "set-up" hypothetical (see Jane's notes on left) that formed the basis for most of the discussion. Getting the professor's hypotheticals down in your notes helps you understand how legal rules are applied. Note how the hypothetical that Jane captured involving A and B fleshes out the meaning of objective reasonableness (i.e., how would a reasonable person have acted under the same circumstances?), which is the test for a valid assertion of self-defense. The circumstances are what dictate whether conduct is reasonable, yet Roger—because he didn't take down the hypothetical—may have missed this crucial aspect, as we'll see below.]

[Critically, self-defense allows room for

these particular circumstances would believe that they were threatened by a battery, they have the privilege of self-defense to protect themselves.

- * Mistake: Self-defense is a privilege to prevent threatened battery and allows for a reasonable mistake.

Why? Self-preservation is the first law of nature
Why not make him wait and turn around? B/c it might be too late!

* You don't have to wait and determine that the force is absolutely necessary.

Hypo: suppose that A turns around and unloads a gun into B.

Unloading a gun into a person who grabs your shoulder would not be considered reasonable force.

Reasonable Force: if a reasonable person under the particular circumstances would believe that the amount of force used was proportional to the amount of force threatened.

reasonable mistakes in the decision to use force against another. Roger mentioned "mistake" in his basic statement of the rule at the beginning, but did not explain what it meant. Jane, as we see on the left, elaborated on the mistake concept and the policies behind it.]

Reasonable amount of force—
You are allowed to use the amount of force reasonably necessary to prevent the battery. You can use proportional amount of force to prevent the battery. You can however threaten to use more force than you are actually allowed to use.

[Again, we see that Roger got the basic rule down that not only must the *decision* to use force in self-defense be reasonable, the *amount* of

You are allowed to use the amount of force proportionate to the force that is threatened against you.

Note: You might be privileged to threaten more force than is proportionate against you. You can threaten more force than you can actually use.

A turns around and threatens B with a gun would be reasonable force.

Deadly Force—Force that threatens death OR serious bodily injury.

The only reason you can use deadly force is when a reasonable person would believe in your circumstances that you are threatened with deadly force.

Because we want to restrict it, there is the old rule “the Retreat Rule.” Now it’s a minority rule. Doesn’t have the relevance that it once did because of the modern use of guns.

force must also be reasonable. But we also see that Roger again omitted the hypothetical showing how this principle would be applied.]

Deadly force—threatens death or serious bodily injury. You must prove that he believed that he was threatened with deadly force.

[Oops. Roger misstated the rule regarding when it is permissible to use “deadly force” in self-defense in a manner that could prove fatal to his understanding of the entire doctrine. Note that he says that the actor must prove “he believed” he was threatened with deadly force. Because the privilege of self-defense is an objective rather than a subjective test, it’s not enough for the actor to prove he personally believed deadly force was

necessary. The test is whether a *reasonable person under the same circumstances* would have believed the use of deadly force was necessary. Since this same rule of objective reasonableness under the circumstances applies to the use of any force in self-defense, Roger's misstatement calls into question his understanding of the basic rule, even though he wrote it down correctly at the beginning of his notes. Roger's failure to capture the earlier hypothetical and explanation involving objectively reasonable mistakes may have led to this later error. Moreover, the absence of the earlier explanation in his notes would make it less likely that Roger would detect the contradiction and error when later reviewing his notes.]

Retreat Rule—if a person can safely retreat from the use of deadly force, they are required to do so to avoid defending with deadly force.

Never from a dwelling
 Never if the retreat would be unsafe (and if you are threatened with

Traditionally we had the retreat rule, a person must retreat if they can before using deadly force. It is now seen as the minority rule. You are not required to retreat from your home ever. [At common law, before a person could use deadly force in self-defense

a gun, you really can't
retreat safely)

Only applies to the use of
deadly force

**(except in his dwelling),
he had to retreat *if he
could do so safely*. Roger
got the basic rule down,
but left off the italicized
qualifier. What would
Roger do if the exam
involved a person
confronted on the street
by an assailant with a
gun? Would he know the
actor had no duty to
retreat, even in a
jurisdiction following the
retreat rule, before
responding with deadly
force? Jane would
because she got the entire
rule down.]**

From this example, we see the difference between good notes and average notes. Jane went beyond the general rules and captured many of the subordinate rules. Roger tended to stop after he got the general rules. Jane recorded the class hypotheticals. Roger didn't. Jane stated the rules more rigorously right than Roger. Jane also got more of the core reasoning behind the rules than Roger.

Fill in Gaps Quickly

Note-taking is a two-part endeavor: taking initial notes in class and filling in the gaps shortly thereafter. For a variety of reasons—the density of the material, professors who talk too fast, slow handwriting or typing, daydreaming—you're not going to be able to accurately capture every important point in your notes during class even if you're a good note-taker. As discussed, it's not even desirable to attempt to capture every point. So it's important that you clarify any confusion and plug any holes in your notes shortly thereafter, preferably the same day.

Dr. R.L. Kaplan, a neurologist, points out that most college students mistakenly think that after learning new information,

they gradually forget a little bit of it with each day that passes. Not so. Memory curves developed by psychologists more than 150 years ago show that the greatest memory loss occurs within hours—not weeks or even days—after learning the material. By the second day, people forget 40–70 percent of what they learned. For law students, this means that the material you learned in Property class on Monday is already being flushed from your memory by Tuesday. According to the memory curves, within thirty days after taking notes, students will have forgotten 95 percent of the material.

Thus, to the extent possible, you should update your notes daily or, at a minimum, weekly. Add details to the basic rules you wrote down to ensure they are complete and accurate. Fill in the professor's hypothetical fact patterns that you weren't able to get down in class. Resolve any points on which you were confused. Not only will it be easier to do this while the material is fresh in your mind, it's essential to do it because learning law is like building a brick house, with each brick being laid on top of the ones that precede it. The bricks on top are only as strong as the foundation below.

Tools for filling in gaps and clearing up confusion include: (1) study aids; (2) student outlines for the same course and professor from previous semesters (more about these in the next chapter); (3) CALI (Computer-Assisted Legal Instruction) exercises; (4) study groups; and (5) your professors. Most professors are happy to help students who are struggling to understand material *provided* the students have already tried to help themselves. As I write this, I'm shaking my head from an email I just received from a student asking me to clear up a question about an assigned case we covered last week because "my notes are kind of confusing me." I wrote back: "Have you tried reading the case?" The clear holding of the case directly answered his specific question.

If you have to miss class, make sure you get that material covered by borrowing a classmate's notes. If you have advance notice, check with the professor to see if the class can be recorded. As discussed in the C.R.E.D.O. chapter, you cannot afford *any* gaps in coverage.

Conduct Regular Periodic Review

Assuming you have managed to listen well, record good notes during class, and fill in any holes afterwards, you should sleep well at night, knowing that you're doing a good job of laying the major groundwork in your exam preparation. The final step in the note-taking process is periodic review. With only a few days between the end of classes and your first exams, you can't wait until the end of the semester to start reviewing the material. The importance of periodic review cannot be overstated.

At the beginning of their second semester, I asked a class of first-year students what they intended to do differently in the second semester than in the first semester. A large number of students said they intended to engage in more frequent periodic review of their notes and, closely intertwined, start working on their outlines earlier and do a better job of keeping them updated. Composing course outlines is, in fact, one of the best forms of periodic review. Course outlines are covered in the next chapter.

Consider Using a Computer Note-Taking Tool

Many law students use—and some swear by—computer note-taking programs such as Microsoft OneNote or Evernote to facilitate the organization of and ready access to their class notes, case-briefs, and other course materials. If you have an interest in a note-taking program, familiarize yourself with it prior to starting law school. You don't want to be trying to figure out a new computer program at the same time you're struggling to understand personal jurisdiction. Also remember that some professors ban computers in class, which will thwart your use of computerized note-taking, although the programs can still be useful for managing your notes outside of class.