Features of good Law summaries

Some common features of good summaries

1. They are legibly written and well laid out

Taking lecture notes is inclined to make even the best writers a little untidier than they were before becoming a law student. If you have a problem reading the occasional word in your notes it is worth making the effort to write more neatly when you are doing your summary. There are two reasons for this:

- You need to be able to merely glance at each page in order to find what you are looking for. Remember you are working under a time constraint in an exam. Working your way through cramped illegible writing is a waste of time and only produces anxiety. If each page is well set out you can read to the point instead of around it.

- If you have problems reading your own writing then how will the examiner manage? Try improving your writing while you have the time.

2. They make good use of the abbreviations and phrases you have developed and used during the year

All the law reports have standard abbreviations for their titles. Although they may seem confusing at first, they are excellent shorthand and soon become familiar with use. They save a great deal of time and writing space and they are well worth the trouble of getting accurate. You will have learnt about these and will have used them in assignments. They may be used in your reading lists. By the time you come to write a summary, using them accurately should be second nature. There are other abbreviations you can develop for yourself. These are particularly helpful when you are taking lecture notes and for your summary.

<table>
<thead>
<tr>
<th>Sample abbreviations</th>
<th></th>
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<tbody>
<tr>
<td>casebook</td>
<td>cb</td>
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<tr>
<td>issued materials (cases)</td>
<td>im (ic)</td>
</tr>
<tr>
<td>Luntz, Hambly &amp; Hayes</td>
<td>Lhh</td>
</tr>
<tr>
<td>contract</td>
<td>ctt</td>
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A good student develops a standard set of abbreviations and uses them consistently. When you come to write your summary you can use these and thus get more information clearly and legibly on the page. You are then able to take in more information at a single glance, an important point when you are working under a time constraint.

3. They contain all the information you need in order to retrieve the original material

In an exam you are not expected to give case citations in full – but it can help if you refer to the case names accurately. The examiner might be able to guess if you refer to Carlyle v Carbolic Smoke Ball instead of Carlill, but it is likely to cause some irritation. Some students find they prefer to use an abbreviation (eg Carlill or CSB) throughout their summary but others find it preferable to use the full reference, perhaps even the abbreviation thereafter. For most students the latter habit is probably to be encouraged for a number of reasons:

- You must use the full name the first time you cite a case in the exam. You cannot just say Smith – there might be more than one Smith.
- It is a good work habit which you will find useful later in your course, if not now.
- It is frustrating and time consuming hunting for an elusive reference in the primary materials (it is good to put the full citation, not just the name).

The full citation to a case provides some useful information about it without taking up very much room. You may not use this information in an exam except on very rare occasions, but:

- the date – did the decision come before/after the other case you think you want to mention? Did it influence the other decision?
- the place – is the case an Australian, English, New Zealand or even United States decision?
- the strength of the authority – is it a State Supreme Court, High Court, House of Lords decision?

If the case is also in your case book or issued materials refer to the page number/s as well. This is particularly important for Torts where the surrounding material may also be valuable. The case book's index does not give page numbers but refers to paragraph numbers instead. In the unlikely event that you need to refer back, you can do so quickly. When you refer to a major point in a text book, perhaps one that takes up several pages, then you may also wish to refer to that page number eg: Acceptance – communication of (Treitel, p.18).

You won’t necessarily write all this information into the exam but it will aid you in preparing an answer. It may also prove useful for the next exam, for an assignment, preparing for a tutorial etc. (It helps to write out answers to tutorial problems.) The small amount of additional effort required is well worthwhile. Ideally you should go into the exam knowing your work so well that your summary is no more than a psychological boost you don’t even need to
4. They are all indexed

Indexing is an additional issue of retrieval. An exam question will normally cover more than one issue. (If you think it doesn’t, re-read the question – you have probably missed issues.) As you read through the question and spot each issue you will need to note it down on your scribble paper during the reading time. You can then go straight to the relevant sections without having to search through for material before you can begin planning your answer.

Running your eye down the index may also help to jog your memory about an issue you would otherwise miss – or may be uncertain about. Students have sometimes made lists of all the issues they can think of before an exam and taken that in, then marked them off in coloured pens for each question. To make sections readily physically accessible some students stick paper tabs to the pages beginning each section or cut a graduated series of thumb guides at the sides of the pages. It is for you to choose the method you feel is best but don’t overdo it – it is usually sufficient to begin each major section in this way.

5. A summary makes good use of the note form

Many students have difficulty writing a summary because they attempt to write it out in sentences. When you are working under pressure, as you will be in an exam, it is generally much easier to retrieve information from notes than it is to retrieve it from complete sentences. It is worth remembering that what you are writing is a summary of what you know and for your use. You are not writing an essay to be read by someone else.

Notes should cover the relevant points, they do not need to use every ‘and’, ‘but’ and ‘with’. Here is an actual example of the ‘essay’ style, followed by two examples of the ‘note’ style:

Donoghue v Stevenson can be cited for at least four propositions. The first of these is that there is a tort of negligence. The second is that there need not be a contract between the plaintiff and the defendant for liability in tort to arise. The third is that manufacturers owe a duty of care to people who use their products, especially if intermediate exam is not possible. The last point is concerned with deciding whether the defendant ought to have been aware that his act or omission would cause damage.

Donoghue v Stevenson says:

1. tort of negligence exists
2. no need for contract between plaintiff and defendant
3. manufacturers owe a duty of care to ultimate consumer
   intermediate exam
   ‘neighbour principle’
4. reasonable foreseeability question

The example below is almost too brief, unless you really know your work:

D vs S:

neg. exists

d n need K (P+ Def)

manuf owed DC to consumer if no interim XM

R foreseeable?

It is suggested that the second of these is, for the majority of people, easier to read and use. There is more information in a smaller space than the first and, with abbreviations, not much more space than the third. Write so that it makes sense to you and leave out what you find to be superfluous. As you gain confidence your notes
can become more and more abbreviated. Check yourself occasionally to make certain that your notes are not so abbreviated that you have difficulty in understanding them. Consistent use of abbreviations helps prevent this.

6. They contain checklists and other visual aids
Just as it is difficult to retrieve information from a summary written entirely in sentences, it can also be difficult to retrieve information from a summary written entirely in one format. Flow charts, diagrams and other visual aids, such as tables, can help you understand a concept. They can also help you plan your answer in an exam.

7. They make good use of colour, underlining and highlighting
A summary which makes good use of colour is easier to read and use. Don’t be tempted to overdo this. It can be distracting to read a rainbow effect. Nevertheless it can help to know that, for example, your case names are written in red. That way you can look for just a case name without having to read everything on the page – and this saves time. An efficient system for some people might look like this:

<table>
<thead>
<tr>
<th>Colour coding</th>
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<tbody>
<tr>
<td>red</td>
</tr>
<tr>
<td>blue</td>
</tr>
<tr>
<td>black</td>
</tr>
<tr>
<td>pencil</td>
</tr>
<tr>
<td>highlighter</td>
</tr>
</tbody>
</table>

Some students just use pencil and highlighter, others only red and blue pens. Decide what is right for you and use it consistently.

8. Notebook or loose-leaf folder?
The last seven points should help you organise a summary which suits you and your learning style. The last point about summaries and their organisation is the question of notebook or loose-leaf folder. Some students prefer to write their summaries in notebooks, others prefer loose leaf folders, some merely staple or tie their summaries together. It is up to you but it is probably worth noting that, unless you are the ‘back of the envelope’ sort of person, you cannot write a satisfactory summary on scrap paper. A4 paper is probably the best – and don’t be afraid to leave gaps if you don’t feel satisfied that you have covered all the points, particularly if you decide to use a notebook.