

Study Guide
to accompany

West's Paralegal Today
The Legal Team at Work
Third Edition

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CONTENTS

Study Skills

Chapter 1—Today's Professional Paralegal

Chapter 2—Career Opportunities

Chapter 3—Ethics and Professional Responsibility

Chapter 4—The Inner Workings of the Law Office

Chapter 5—Sources of American Law

Chapter 6—The Court System and Alternative Dispute Resolution

Chapter 7—Tort Law and Product Liability

Chapter 8—Contracts and Intellectual Property Law

Chapter 9—Real Property, Estates, and Family Law

Chapter 10—Agency, Business Organizations, and Employment

Chapter 11—Administrative Law and Government Regulation

Chapter 12—Civil Litigation—Before the Trial

Chapter 13—Conducting Interviews and Investigation

Chapter 14—Trial Procedures

Chapter 15—Criminal Law and Procedures

Chapter 16—Legal Research and Analysis

Chapter 17—Computer-Assisted Legal Research

Chapter 18—Legal Writing: Form and Substance

Study Skills

Every student has a different way to study. We give several study hints below that we think will help any student to better master the textbook. These skills involve outlining, marking, taking notes, and summarizing. You may not need to use all these skills. Nonetheless, if you do improve your ability to use them, you will be able to understand more easily the information in the text. Remember, though, that sometimes forgotten in the activity of studying are the reasons for studying in the first place. You may find it helpful, from time to time, to remind yourself of your own reasons for studying—you may be studying, for example, to be ready for tomorrow's class, to be prepared for the final examination, to attain a certain grade, to be awarded a degree, and ultimately to obtain a position in a professional field that you believe you will enjoy.

Making an Outline

An outline is simply a method for organizing information. The reason an outline can be helpful is that it shows how concepts relate to each other. Outlining can be done as part of your reading or at the end of your reading, or as a rereading of each section within a chapter before you go on to the next section. Even if you do not believe that you need an outline, our experience has been that the act of *physically* writing an outline for a chapter helps most students to greatly improve their ability to retain the material, master it, and thereby obtain a higher grade in the class with less effort.

To make an effective outline you have to be selective. Outlines that contain all the information in the text are not very useful. Your objective in outlining is to identify main concepts and to subordinate details to those main concepts. Therefore, your first goal is to *identify the main concepts in each section*. Often the large first-level headings within your textbook are sufficient as identifiers of the major concepts within each section. You may decide, however, that you want to phrase an identifier in a way that is more meaningful to you. In any event, your outline should consist of several levels written in a standard outline format. The most important concepts are assigned a Roman numeral; the second most important, a capital letter; the third most important, numbers; and the fourth most important, lowercase letters. Even if you make an outline that is no more than the headings in the text, you will be studying more efficiently than you would be otherwise. As we stated above, the process of physically writing the words will help you master the material.

Marking a Text

Why Marking is Important. Marking is important for the same reason that outlining is—it helps you to better organize the information in the text. It allows you to become an *active* participant in the mastery of the material. Research has shown that the physical act of marking, just like the physical act of outlining,

helps you better retain the material. The better the material is organized in your mind, the more you will remember. There are two types of readers: passive and active. The active reader outlines and/or marks. Active readers typically do better on exams. Perhaps one of the reasons that active readers retain more is because the physical act of outlining and/or marking requires greater concentration. It is through greater concentration that more is remembered.

Different Ways of Marking. The most commonly-used form of marking is to underline important points. The second most commonly-used method is to use a felt-tipped highlighter, or marker, in yellow or some other transparent color. Marking also includes circling, numbering, using arrows, brief notes, or any other method that allows you to remember things when you go back to skim the pages in your textbook prior to the exam.

Points to Remember When Marking

- 1. Read one section at a time before you do any extensive marking.** You can't mark a section until you know what is important, and you can't know what is important until you read the whole section.
- 2. Don't over mark.** Just as an outline cannot contain everything that is in a text (or in a lecture), marking can't be of the whole book. Don't fool yourself into thinking you've done a good job just because each page is filled up with arrows, asterisks, circles, and underlines. When you go back to review the material, you don't remember what was important. The key is *selective* activity. Mark each page in a way that allows you to see the most important points at a glance. You can follow up your marking by writing out more in your subject outline.

Summarizing the Material

Even if a certain chapter has a concept summary, it is still worthwhile for you to make your own summary points. The reason is that the more active you are as a reader, the better you will understand the material.

Summarization helps you in your reading comprehension. It is the final step in reviewing the book. There is probably nothing else you can do that works as well to help you remember what your textbook has to say.

The importance of summarizations is that the notes you make are in your own words, not in the words of the author. Writing down a summary in your own words is the most effective use of your time. This allows you to process the information into your own memory by requiring you to think about it. You also have to make it part of your vocabulary. Whenever you cannot state important legal concepts in your own words, you probably haven't understood the concepts necessary to master the material. Indeed, summary notes are a good way to determine whether you have actually understood something. Don't simply make

a mechanical listing of quotes taken right out of the textbook. Rather, you should make summary notes using complete sentences with correct grammar. This forces you to develop your ideas logically and clearly. Also, summary notes written in this manner can be more easily remembered.

Be Brief. Your notes should condense the information in the text into statements that summarize the concepts. When you force yourself to make the statements brief, you best learn the material. By making only brief summary notes, you have to think about the essence of each concept and present it in a form that is compact enough to remember. You should typically have no more than a one-paragraph summary for each important topic in the chapter.

What Format to Use? The authors find that using 5" x 8" cards is the best way to take summary notes. Don't fill up each note card. You need to leave room to make additional notes later on when you are reviewing for the final exam. That is to say, leave margins for further notes and study markings. Additionally, if you leave enough room, you can integrate the notes that you take during lectures onto these summary notes cards.

Another reason to place your summary notes on 5" x 8" cards is that by doing so you have a set of flash cards you can use in studying for a final exam.

In taking notes, you may find it helpful to use some of the terms, abbreviations, and symbols that law students, lawyers, and judges use in their note-taking and writing. Symbols that are commonly used include "K," which is used to refer to a contract (and of course "Ks" for "contracts"). To indicate a reference to a plaintiff, the pi symbol, π , is often used, and a defendant is noted by delta, a triangle.

Some of the abbreviations that you may find helpful are those that appear in case citations—"S.Ct." for the United States Supreme Court, for instance. "Aff'd" means "affirmed"—that is, that the decision of a lower court was upheld by a higher court. "J" can be shorthand for "judge" and "JJ" for "judges."

Some of the terms you may run across include those that refer to plots of land. Regardless of the size of an estate, a farm, a suburban yard, or an urban homesite, reference is frequently made to the land as "Blackacre." If two properties are involved, the second is usually called "Whiteacre," and if there are references to three, the third is often "Greenacre."

Other terms that you may run across include Latin words. "Infra," for example, indicates that its accompanying reference is discussed "below," and "supra" indicates that the topic is discussed "above." "Inter alia" means "among other things." "Inter se" translates as "among or between themselves," which is used to distinguish rights or duties between two or more parties from their rights or duties to others.

How to Study and Take Exams

There is basically one reason why you have purchased this study guide—to improve your exam grades. By using this study guide assiduously, you will have the confidence to take your mid-terms and final examinations and to do well. The study guide, however, should not just be used a day before each exam. Rather, the guide is most helpful if you use it at the time that you read the chapter. That is to say, after you read a chapter in the textbook, you should directly go to the appropriate chapter in the study guide. This systematic review technique is the most effective study technique you can use.

Besides learning the concepts in each chapter as well as possible, there are additional strategies for taking exams. You need to know in advance what type of exam you are going to take: essay or objective or both. You need to know which reading materials and lectures will be covered. For both objective and essay exams (but more importantly for the former) you need to know if there is a penalty for guessing incorrectly. If there is, your strategy will be different: you will usually mark only that of which you are certain. Finally, you need to know how much time will be allowed for the exam.

Following Directions

Students are often in a hurry to start an exam so they take little time to read the instructions. The instructions can be critical, however. In a multiple-choice exam, for example, if there is no indication that there is a penalty for guessing, then you should never leave a question unanswered. Even if there only remain a few minutes at the end of the exam, you should guess at those questions about which you are uncertain.

Additionally, you need to know the weight given to each section of an exam. In a typical multiple-choice exam, all questions have equal weight. In some exams, particularly those involving essay questions, different parts of the exam carry different weights. You should use these weights to apportion your time accordingly. If an essay part of an exam accounts for only 20 percent of the total points on the exam, you should not spend 60 percent of your time on the essay.

You need to make sure you are following the instructions correctly. Some exams require a No. 2 lead pencil to fill in the dots on a machine-graded answer sheet. Other exams require underlining or circling. In short, you have to look at the instructions carefully.

Lastly, check to make sure that you have all the pages of the examination. If you are uncertain, ask the instructor or the exam proctor. It is hard to justify not having done your exam correctly because you failed to answer all of the questions. Simply stating that you didn't have them will pose a problem for both

you and your instructor. Don't take a chance. Double check to make sure.

Taking Objective Examinations

The most important point to discover with any objective test is if there is a penalty for guessing. If there is none, you have nothing to lose by guessing. In contrast, if a half-point is subtracted for each incorrect answer, then you probably should not answer any question for which you are purely guessing.

Students usually commit one of two errors when they read objective-exam questions: (1) they read things into the question that don't exist, or (2) they skip over words or phrases.

Most test questions include key words such as:

- All
- Always
- Never
- Only

If you miss these key words you will be missing the "trick" part of the question. Also, you must look for questions that are only *partly* correct, particularly if you are answering true/false questions.

Never answer a question without reading all of the alternatives. More than one of them may be correct. If more than one of them seems correct, make sure you select the answer that seems the most correct.

Whenever the answer to an objective question is not obvious, start with the process of elimination. Throw out the answers that are clearly incorrect. Even with objective exams in which there is a penalty for guessing, if you can throw out several obviously incorrect answers, then you may wish to guess among the remaining ones because your probability of choosing the correct answer is high.

Typically, the easiest way to eliminate incorrect answers is to look for those that are meaningless, illogical, or inconsistent. Often test authors put in choices that make perfect sense and are indeed true, but they are not the answer to the question under study.

When taking a multiple-choice examination, you may find the following method to be helpful. First, before reading the entire problem, read the *question* that the problem asks. If the problem is longer than a single sentence—that is, if it involves a set of facts—the question is usually the last sentence. Does the question involve, for example, a contract issue? Does it ask you to evaluate a set of facts, a claim, or a defense? The idea is to get a grasp of the answer toward which the problem is pointing. Always be clear on what is being asked—it may

knock out one or two of the answer alternatives. Next, read the facts, paying particular attention to those facts that are directed to the question. If you are allowed to write on the examination, underline relevant facts. Then reread the question. Finally, read the answers. If possible, consider each alternative as a true/false question and eliminate the false ones. Sometimes, there may be two responses that seem equally correct—choose the “Best” right answer.

Writing Essay Exams

To write an essay exam, you should be prepared. One way of being prepared is to practice writing timed essays. In other words, find out in advance how much time you will have for each essay question, say 15 minutes, and then practice writing an answer to a sample essay question during a 15-minute time period. This is the only way you will develop the skills needed to pace yourself for an essay exam. Do your timed essay practice without using the book, since most essay exams are closed book.

Usually you can anticipate certain essay exam questions. You do this by going over the major concept headings, either in your lecture notes or in your text. Search for the themes that tie the materials together and then think about questions that your instructor might ask you. You might even list possible essay questions as a review device; then write a short outline for each of those most likely questions.

As with objective exams, you need to read the directions to the essay questions carefully. It’s best to write out a brief outline *before* you start writing. The outline should present your conclusion in one or two sentences, then your supporting argument. It is important to stay on the subject. If the essay question is presented in the form of a hypothetical fact situation to which you are to apply some of the principles that you learned in your class, you may find the following format to be useful in answering the question: **I**ntroduction, **P**rinciple, **A**pplication, **C**onclusion.

Begin your answer with a short introduction. In this introduction, identify what the question is about—for example, “the main issue in this sales question concerns which party bears the risk of loss.” Also state how the question will be answered—“each of the two lawsuits will be discussed.”

Next, state the general principle that applies to the situation and, if there is an applicable exception, state the exception. In your application of the principle to the facts, discuss the main issue before any subsidiary issues. In your discussion, you may want to argue both sides. If so, argue one side first, then argue the other side.

After arguing both sides, you may want to come to a conclusion, particularly if the question has asked you to do so. In that case, you might

respond to the question as if you were a judge. We can tell you from firsthand experience that no instructor likes to read answers to unasked questions.

Finally, make a strong attempt to write legibly. Again, speaking from experience, we can tell you that it's easier to be favorably inclined to a student's essay if you don't have to reread it five times to decipher the handwriting.

So, now you know our suggestions. Maybe you have some of your own. Think about them. Good luck!