

Addendum B

Getting in a Good Reading Groove

Developing new habits takes conscious effort. The best way to develop healthy reading habits in law is to force yourself to think consciously about what you are reading and how you are reading it. This addendum introduces you to a beginning checklist you can reproduce (copies available online at <http://www.unc.edu/~ramckinn>) and use for the next several weeks as you read cases. This beginning checklist is long – too long to use forever or on every case you are reading. However, as you learn to read law like an expert law student, you should use it on at least one case a day in each of your classes for the first two or three weeks of school.

After you have integrated the questions raised in this checklist into your daily reading habits (so that the questions come up in your mind automatically and you are reading with these questions in the back of your head), you can (and should) shift to the second Checklist (“Focus and Enjoy”) found in Addendum C. That checklist is designed to condense the questions raised in the beginner’s checklist into four succinct and efficient questions that you should ask yourself *each and every time* you read a case throughout law school. By chunking the questions raised in the first checklist into the broader questions raised in the second, you will be moving from a beginner stage to an expert stage of casebook reading. If you try to use the second checklist first, it won’t do the same thing for you. Instead, you may find that you miss information altogether (instead of including it automatically) because you won’t have developed the right “reading groove” through practice.

Beginning Case-Reading Checklist (Developing the Right Reading Habits)

A. Before You Read the Case

My purpose for reading this case today is:

I have the following amount of time to complete my reading:

I have looked at the following external cues:

- _____ Course Title
- _____ Table of Contents
- _____ Course Syllabus
- _____ Background Reading in Text
- _____ Section Heading & Sub-heading
- _____ Running Header
- _____ Other cases in this cluster
- _____ Notes & Problems
- _____ Case Name & Citation
- _____ Judge's Name & Stature

I am aware of the following internal cues/thoughts:

- _____ I have prior knowledge about this area of the law
- _____ I have prior knowledge about the era or geographical location of decision
- _____ I have prior knowledge about these facts
- _____ I have some emotional reactions to this topic or the area or date of decision

I have the following hypothesis about what this case will show and how it will fit in my professor's overall plan for this course:

I am *guessing* that the following words *might* be key “magic” words (see Chapter 11) that will characterize rules & principles in this area of the law:

B. As You Read the Case:

_____ I marked sections that made no sense and decided whether to figure them out or move on. If I decided to figure them out, I did the following:

- _____ made an inference from the content
- _____ looked up a word in a legal dictionary
- _____ asked a peer, an upperclass student, or my professor
- _____ reread the section more carefully
- _____ read ahead to see if there were cues later in the case
- _____ paraphrased in my own words, using Plain English
- _____ other

_____ I asked questions of the opinion's author (the judge) and/or responded to thoughts the judge expressed in the opinion.

_____ I visualized the operative conflict facts in living color (see Chapter 9).

_____ I can explain accurately to a layperson how this case wound through the courts and got here.

_____ I have modified or affirmed my hypothesis at various points.

_____ I have made up at least one hypothetical to test what I think the rule is in this case.

_____ I am still confused about:

_____ I feel satisfied about:

_____ If there were related “Notes & Problems,” I read them and they caused me to also think about:

C. After Reading the Case:

I believe the main point of reading this case in the context of this course is to learn:

The main point this case contributes to my coursework is based on the following broader policy considerations or big-picture rationales (why is this result “fair” or a good idea):

If the decision had been mine to make *at the time this case was decided*, I would:

_____ agree

_____ disagree

Because:

I could rationally apply this rule to a modern situation today, such as (or, alternatively, this rule could not be applied to a modern situation today because):

If the decision were mine to make *today* (not when the case was decided), I (personally) would:

_____ reach a similar result under similar facts

_____ reach a different result

Because:

D. After Reading a Cluster of Related Cases and Text:

In addition to the author's choice of cases themselves, the author's background information and related Notes & Problems caused me to speculate that the following are common themes in this area of law:

The specific issues/factors/elements are the kind of things a judge would consider if faced with a new conflict arising in this area of law:

Stated succinctly, the majority rule appears to be:

Stated succinctly, alternative rules (if applicable) appear to be:

Stated succinctly, the following exceptions or defenses appear to exist to this rule:

The big-picture policy/fairness reasons for the development of these rules appears to be:

These policy reasons should be balanced against the following potentially conflicting policy/fairness concerns:

The key (“magic”) words that hold special meaning (beyond a layperson’s meaning) in this area of law are: