Hello, I'm Professor Melissa Hale and I want to talk to you about why outlining should actually be called synthesizing. So, you might have heard all about outlining in law school, or orientation, or from people who have been to law school, and why it's so important. So, I'm going to talk about why it should actually be called synthesizing instead, and what are some tips as you go about approaching outlining for yourself. My goal is to help you outline more effectively, but also take away some of the stress and make this more accessible for you.

So, first of all, why do I want to call it synthesizing? Well, according to the dictionary, the definition of outlining is: a line that marks the outer limits of a figure, like a style of drawing without shading, a condensed treatment of a particular subject, a summary of a written work or synopsis, or a preliminary account of a project.

Well, when we traditionally use the term in academics, we tend to use it in regards to writing, so we can get rid of the outlining the drawing definition. I might outline what I want to say in this podcast, or outline before I write an essay, and that's why using the term outlining for what we do in law school can be confusing. Technically, when we refer to outlining for class, we're referring to the definition that says a condensed treatment of a particular subject. So, in theory, you want to take your notes from Contracts class and condense them into a smaller set of notes. So technically, outlining is correct. But it doesn't really tell us the whole story, and it can lead to some confusion.

By contrast, the definition of synthesizing is: make something by synthesis, especially chemically, combine a number of things into a coherent whole, or produce sound electronically. Now, we're not worried about producing sound. What we are worried about is combining a number of things into a coherent whole. That's what we're doing when we say outlining, when people tell you to outline for your classes, to outline to prepare for exams. We're talking about combining a number of things to create a whole. We're not condensing so much as trying to find the big picture. Seeing how the rules that you've learned—the parts of law school that you've learned—can fit together.

So, for example, you read case one and you get part of a rule. You read case two, you get more of that rule. Case three gives you another part of that rule. Now, synthesizing means that you're going to put it all together, take those three cases, and make one rule.

When you learn law, you're almost always working backwards and doing this. So, for example, let's say you want to know how you would define the United Kingdom. Or, in particular, what makes up the United Kingdom? You read one thing that tells you that the United Kingdom is a sovereign country in Europe. You read another article that tells you the UK is off the northwestern coast of mainland Europe. Finally, you read something else that says the UK includes Northern Ireland and Great Britain. So now you can put it all together and find out that it is a constitutional monarchy, it's a European country off the mainland, and includes Northern Ireland and Great Britain. So we have a working definition. We have a general rule about what constitutes the United Kingdom. But part of your outline might be explaining each of these elements a bit more. For example, what is Great Britain? So now you read a case or an article to learn that Great Britain is, in fact, England, Wales, and Scotland. You might also want to know, what is a constitutional monarchy? What makes something a constitutional monarchy? This is creating your outline. You're learning more about the rule and how to use it, and what the different parts mean. You're synthesizing them until you have the big picture, or until you fully understand the rule and how to apply it. I use the United Kingdom as an example, but obviously in law school we're going to be dealing with definitions of rules, which is a little bit different.

So that brings us to step two. Why do I need to synthesize? Why can't I just memorize the rules? Well, first, it's the best way to put together a rule—you could look them up somewhere—but, this is preparing you for when you're actually practicing law and you have no commercial supplement to rely on. However, more importantly, for your purposes today or this year, you need to understand the rule and how it works for an exam. We've got a couple CALI Lessons on types of exams you will have, and what hypotheticals are, you can go see those now. But basically, you're synthesizing information so that you can answer your hypothetical exams or fact patterns. And you will know not just what the rule is and how to memorize it, but how to apply it to this new hypothetical or new situation.

For example, let's leave the UK for a moment, and use something with a slightly less clear definition. We're moving on to food. Is a hotdog a sandwich? I use this in my Thinking Like a Lawyer CALI Lesson, and the CALI Lesson on Rule Synthesis also uses sandwiches. Because food makes for fun examples. So, if our hypothetical asks us, is a hotdog a sandwich, first, we need to find out what is a sandwich? What is the rule for a sandwich? And secondly, what are some examples of other sandwiches that we can compare or contrast to a hot dog? If you did the CALI Lesson on Rule Synthesis, the lesson had you read restaurant reviews of sandwiches to put together a definition of what makes a sandwich a sandwich. Some reviews talked about having something between bread, some reviews talked about meat, others didn't mention meat, some reviews talked about a sandwich being hot or grilled, some had cheese, some didn't. But they all work together to help you get a sense of what constitutes a sandwich, so that if your exam said, “Is this new item, like a hot dog, a sandwich?” you have the tools to answer it. That's what you're doing. That's what you're synthesizing.

So now, how can you apply this? Well, first of all, you do what works for you. Don't lose sight of this. You know what works for you—you've been studying, you’re in a graduate program—try to take what naturally works for you and make it work for synthesizing. You can use charts, flow charts, typical outlines of Roman numerals… I personally like if this then that types of flow charts, like a choose your own adventure. I also like charts that help you clearly compare and contrast. Honestly, I also like typical Roman numeral outlines. So you don't have to pick just one, you can vary it up depending on the class and the subject. For when I took Criminal Law, charts really worked well for me—a clear distinction between different types of theft crimes, for example. But, when I took Contracts, Contracts to me personally feels very linear, and so I really wanted a typical Roman numeral outline—that's what worked in my brain.

Second, you can do multiple things. I often encourage my students to start synthesizing and then make break off charts, or shift gears to something different, or keep condensing. It's okay if you have one large outline, and then a medium outline, and then a one-page checklist. And then you supplement that with charts or diagrams or mind maps. And your outline can be a combination of all of these things. Maybe you start with a typical Roman numeral outline and you insert charts or graphs. That's fine. Be creative. Don't feel constrained by doing one type of thing.

Other examples of things that might work as an outline or in an outline: decision trees—that's kind of my if this then that—draw a picture, add in color if you want to color code things. For example, in Property, drawing easements, drawing things, drawing the pieces of property, here's the piece of property, here's the border, here's a little river that goes through it, and this is what we're dealing with. If you're super visual, that's going to work for you. In Contracts, creating timelines in an outline might work. Drawings of family trees in Family Law, diagramming things… Learning to process this information in whatever way works for you is the process of synthesizing. Do not feel constrained by what someone else's outline looks like or the proper way to do it.

Finally, your outline should include things from different sources—your class notes, your case briefs, office hours, conversations with your professor or study groups—whatever helps you see the big picture. Just always remember that it's not a document you're turning in. You're not getting graded on how pretty the document is or how organized it is. Your goal is to learn how to use the rules. The format you ultimately choose doesn't matter, as long as it works for you.

To do this—to find out what works for you and make sure you're on the right path—I suggest doing practice essays or practice hypos with your outlines in progress. Is what you're doing working? That's a perfect way to check to see if it's working, not just for you, but for this particular subject. Do you need more information? Do you need less information? So doing those practice tests and using your outline as you go can really help you decide if you need to shift gears and if something would work better.

Think about how the subject will be tested—this is another thing you're going to get from practice hypotheticals. How do you need to organize and store, and most importantly, retrieve your information? For example, a colleague of mine uses shopping as an example, and I love this. Let's say you have a shopping list that you need to memorize. Instead of writing it down—we don't know why they won't let you take paper into the store, who knows—you need to memorize your grocery list, you can't have a piece of paper. So let's say you have a shopping list, and you organize it in your head by meal. That kind of makes sense to me, right? I need bread and I need mayo and I need cheese—all that's going on a sandwich. Or I need milk and cereal. I'm organizing it in my head by meal, great. But if I walk into the store and there is a produce section and a dairy section and a bread aisle or a bakery section, organizing by meal isn't going to make sense to me, it's not going to help me retrieve my items in the most logical or effective way. Instead, maybe I should have grouped my items based on where they were located in the store. What do I need from the produce section? What do I need from the bread aisle or the bakery? What do I need from the deli? And that grouping might make more sense as I try to walk through the store.

So, practicing hypotheticals or practice exams, that's helping you learn how the store is set up, so to speak. It's helping you learn how you're going to need to retrieve the information, which is going to help you build a better outline, even if you have to kind of go back and redo one. When I was a first year, I started to realize, only a couple weeks before exams, that I really needed checklists, as like a one-page checklist to finish my outline. It's okay if you don't realize that until closer to the exam. This whole thing is a learning process and a work in progress.

So, that is why I prefer synthesize. Your outline is not a project you must finish or anything that needs to be judged in terms of how it’s organized, or what it looks like, or how pretty it is. There is no one correct way to do this. The point is that you are working to understand how the material works together, and that should always be a work in progress.

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