

Study Prep

What does it take to be a successful student? Success does not depend on how naturally smart you are. Successful students and paralegals aren't born, they're made. What this means is that even if you don't consider yourself naturally "book smart," you can do well in this course by developing study skills that will help you understand, remember, and apply key concepts in school and on the job.

There are five things you can do to develop good study habits:

- Be engaged
- Ask questions
- Take notes
- Make an outline
- Mark your text

Be Engaged

If you've ever heard elevator music, you know what easy listening is like—it stays in the background. You don't pay attention to it and you probably forget it after a few minutes. That is *not* what you should be doing in class. You have to be engaged. Being *engaged* means listening to discover (and remember) something. As you listen with attention, you will hear what your instructor believes is important. One way to make sure that you are listening attentively is to take notes. Doing so will help you focus on the professor's words and will help you identify the most important parts of the lecture.

Ask Questions

If you are really engaged in a course, you will ask a question or two whenever you do not understand something. You can also ask a question to get your instructor to share her or his opinion on a subject. However you do it, true engagement requires you to be a participant in your class. The more you participate, the more you will learn (and the more your instructor will know who you are!).

Take Notes

Note taking has a value in and of itself, just as outlining does. The physical act of writing makes you a more efficient learner, since you must think about what you are writing. In addition, your notes provide a guide to what your instructor thinks is important. That means you will have a better idea of what to study before the

next exam if you have a set of notes that you took during class. Paralegals usually take notes while listening to work instructions, doing research, or talking to clients or witnesses. It is a skill that increases the quality and accuracy of results.

Make an Outline

As you read through each chapter of this textbook, you might make an outline—a simple method for organizing information. You can create an outline as part of your reading or at the end of your reading. Or you can make an outline when you reread a section before moving on to the next one. The act of physically writing an outline helps us retain the material, thereby giving us a better chance of earning a higher grade. Even if you make an outline that is no more than the headings in this text, you will be studying more efficiently than you would be otherwise.

To make an effective outline, you have to be selective. Outlines that contain all the information in the text are not very useful. Your objectives in outlining are, first, to identify the main concepts and, then, to add details that support those main concepts.

Your outline should consist of several levels written in a standard format. The most important concepts are assigned Roman numerals; the second most important, capital letters; the third most important, numbers; and the fourth most important, lowercase letters. Here is a quick example from part of Chapter 12:

- I. Trial Procedures
 - A. Preparing for trial
 - B. Contacting and preparing witnesses
 1. Contacting witnesses and issuing subpoenas
 2. Preparing witnesses for trial
 - a. Tell witnesses what to expect
 - b. Role playing
 - c. Numerous details
 - C. Exhibits and displays
 - D. The trial notebook

Legal "Shorthand"

Members of the legal profession usually use abbreviations and symbols as part of a shorthand system to allow for greater efficiency when taking notes. Rather than writing out common legal terms, here are some of the shorthand abbreviations and symbols often used:

Δ or D	defendant
π or P	plaintiff
≈	similar to
≠	not equal to, not the same as
[therefore
a/k/a	also known as
atty	attorney
b/c or b/cz	because
b/p	burden of proof
cert	<i>certiorari</i>
dely	delivery
dep	deposition
disc	discovery
JML	judgment as a matter of law
JNOV	judgment <i>non obstante veredicto</i> (notwithstanding the verdict)
JOP	judgment on the pleadings
juris or jx	jurisdiction
K	contract
mtg	mortgage
n/a	not applicable
neg	negligence
PL	paralegal
Q	as a consequence, consequently
§ or sec	section
s/b	should be
S/F	Statute of Frauds
S/L	statute of limitations

You can expand on this list by creating and using other symbols or abbreviations. Once you develop a workable shorthand system, routinely use it in the classroom and then carry it over to your job. Most organizations you will work for will also use symbols and abbreviations, which you can add to your shorthand system.

Mark Your Text

Because you own your textbook for this course, you can greatly improve your learning by marking your text. By doing so, you will identify the most important concepts of each chapter, reinforce your knowledge as you mark, and at the same time make a handy study guide for reviewing material at a later time.

Different Ways of Marking

The most common form of marking is to underline important points. The second most common method is to use a felt-tipped highlighter, or marker, in yellow or some other transparent color. Marking also includes circling, numbering, using arrows, jotting 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 an exam.

Why Marking Is Important

Marking is important for the same reason that outlining is—it helps you to organize the information in the text. It allows you to become an active participant in the mastery of the material. Researchers have shown that the physical act of marking, just like the physical acts of note taking and outlining, helps you better retain the material. The clearer the material is organized in your mind, the more you'll remember. Studies indicate that active readers (those who engage with the text by outlining or marking) typically do better on exams. One reason this may be true is that outlining and/or marking require sharper concentration, and greater concentration facilitates greater recall.

Two Points to Remember When Marking

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. Don't mark too extensively. Just as an outline cannot contain everything that is in a text (or, with respect to note taking, in a lecture), marking the whole book isn't useful. If you do mark the whole book, when you go back to review the material, your markings will not help you remember what was important.

The key to marking 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 adding information to your subject outline.

With these skills in hand, you will be well on your way to becoming a great student. Here are a few more hints that will help you develop effective study skills.

Test Prep

You have worked hard reading your textbook, paying close attention in class, and taking good notes. Now it's test time, when that hard work pays off. To do well on an exam, of course, it is important that you learn the concepts in each chapter as thoroughly as possible; however, there are additional strategies for taking exams. You should know which reading materials and lectures will be covered. You should also know in advance what type of exam you are going to take—essay or objective or both. (Objective exams usually include true/false, fill-in-the-blank, matching, and multiple-choice questions.) Finally, you should know how much time will be allowed for the exam. By taking these steps, you will reduce any anxiety you feel as you begin the exam, and you'll be better prepared to work through the entire exam.

Follow Directions

Students are often in a hurry to start an exam, so they don't bother 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 only a few minutes are left at the end of an exam, you should guess on the 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 other types of exams, particularly those with essay questions, different parts of the exam carry different weights. You should use these weights to apportion your time accordingly. If the essay portion of an exam accounts for 20 percent of the total points on the exam, you should not spend 60 percent of your time on the essay.

Finally, you need to make sure you are marking the answers correctly. Some exams require a No. 2 pencil to fill in the dots on a machine-graded answer sheet. Other exams require underlining or circling. In short, you have to read and follow the instructions carefully.

Objective Exams

An objective exam consists of multiple-choice, true-false, fill-in-the-blank, or matching questions that have only one correct answer. Students usually commit one of two errors when they read objective-exam questions: (1) they read things into the questions that do not exist, or (2) they

skip over words or phrases. Most test questions include key words such as:

- all
- always
- never
- only

If you miss any of these key words, you may answer the question wrong even if you know the information. Consider the following example:

True or False? All cases in which one person kills another person are considered murder.

In this instance, you may be tempted to answer "True," but the correct answer is "False," because the charge of murder is only brought in cases in which one person *intentionally* killed another. In cases in which a person *unintentionally* killed another, the charge is manslaughter.

Whenever the answer to an objective question is not obvious, start with the process of elimination. Throw out the answers that are clearly incorrect. 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.

If you follow the above tips, you will be well on your way to becoming an efficient, results-oriented student. Here are a few more suggestions that will help you get there.

- Instructors usually lecture on subjects they think are important, so those same subjects are also likely to be on the exam. This is another reason to take extensive notes in class.
- Review your lecture notes immediately after each class, when the material is still fresh in your mind. Then, review each subject once a week, giving yourself an hour to go back over what you have learned. Reviews make tests easier because you will feel comfortable with the material.

Grades aren't a matter of life and death, and worrying about them can have a negative effect on your performance.

- At times, you will find yourself studying for several exams at once. When this happens, make a list of each study topic and the amount of time needed to prepare for that topic. Then, create a study schedule to reduce stress and give yourself the best chance for success.
- When preparing for an exam, you might want to get a small group together (two or three other students) for a study session. Discussing a topic out loud can improve your understanding of that topic and will help you remember the key points that often come up on exams.
- Some professors make old exams available, either by posting them online or putting them on file in the library. Old tests can give you an idea of the kinds of questions the professor likes to ask. You can also use them to take practice exams.
- Cramming just before the exam is a dangerous proposition. Cramming tires the brain unnecessarily and adds to stress, which can severely hamper your testing performance. If you've studied wisely, have confidence that you will recall the information when you need it.
- Be prepared. Make a list of everything you will need for the exam, such as pens or pencils, a watch, and a calculator. Arrive at the exam early to avoid having to rush, which will only add to your stress. Good preparation helps you focus on the task at hand.
- Be sure to eat before taking a test. Having some food in your stomach will give you the energy you need to concentrate. Don't go overboard, however. Too much food or heavy foods will make you sleepy during the exam.

Cramming just before the exam is a dangerous proposition.

- When you first receive your exam, look it over quickly to make sure that you have all the pages. If you are uncertain, ask your professor or exam proctor. This initial scan may uncover other problems as well, such as illegible print or unclear instructions.
- If the test requires you to read a passage and then answer questions about that passage, read the questions first. This way, you will know what to look for as you read.
- With essay questions, look for key words such as "compare," "contrast," and "explain." These will guide your answer. If you have time, make a quick outline. Most importantly, get to the point without wasting your time (or your professor's) with statements such as "There are many possible reasons for"
- When you finish a test early, your first instinct may be to hand it in and get out of the classroom as quickly as possible. It is always a good idea, however, to review your answers. You may find a mistake or an area where some extra writing will improve your grade.
- Grades aren't a matter of life and death, and worrying too much about a single exam can have a negative effect on your performance. Keep exams in perspective. If you do poorly on one test, it's not the end of the world. Rather, it should motivate you to do better on the next one.

Read Prep

This textbook is the foundation for your introduction to paralegal studies. It contains key concepts and terms that are important to understanding law and the practice of law. This knowledge will be important not only for you to succeed in this course but for your future paralegal career. For this reason, it is essential that you develop good reading skills so that you can get the most out of this textbook and other class materials.

All students know how to read, but reading for a college-level course goes beyond being able to recognize words on a page. Students must read to learn. Read a chapter with the goal of understanding its key points and how it relates to other chapters. In other words, you have

to be able to explain what you read. To do this, you need good reading habits and skills, which are necessary for success as a paralegal.

Reading for Learning Requires Focus

Reading (and learning from) a textbook is not like reading a newspaper, magazine, or novel. The point of reading for learning isn't to get through the material as fast as you can or to skip parts to get to the stuff you think is most interesting. A textbook is a source of deep information

How to read this book:

1. Preview
2. Read in detail
3. Review

about a subject. The goal of reading a textbook is to learn as much of that information as you can. This kind of reading requires concentration. When you read to learn, you have to make an effort to focus on the book and tune out other distractions so that you can comprehend and remember the information you have read.

Reading for Learning Takes Time

When reading your textbook, you need to go slow. The most important part of reading for learning is not how many pages you get through or how fast you get through them. Instead, the goal is to learn the key concepts that are presented in each chapter. To do that, you need to read slowly, carefully, and with great attention. It will be the same on the job—careful reading is essential in legal work.

Reading for Learning Takes Repetition

Even the most well-read scholar will tell you that it's difficult to learn from a textbook just by reading through it once. To read for learning, you have to read assigned material a number of times. This doesn't mean, though, that you just sit and read the same section three or four times. Instead, you should follow a preview-read-review process. Here's a good guide to follow:

The First Time

The first time you read a section of the book, you should preview it. During the preview, pay attention to how the chapter is formatted. Look over the title of the chapter, the section headings, and highlighted or bolded words. This will give you a good preview of the important ideas in the chapter. You should also pay close attention to any graphs, illustrations, or figures that are used in the chapter, since these provide a visual illustration of important concepts. You should also give special attention to the first and last sentence of each paragraph. First sentences usually introduce the main point of the paragraph, while last sentences usually sum up what was presented in the paragraph.

The goal of previewing is to identify the main idea of the section. Of course, you may not be able to come up with a detailed answer yet, but that's not the point of previewing. Instead, the point is to develop some general ideas about what the section is about so that when you do read it in full, you know what to look for.

The Second Time

After the preview, you'll want to read through the passage in detail. During this phase, it is important to read with a few questions in mind: What is the main point of this paragraph? What does the author want me to learn from this? How does this relate to what I read before? Keeping these questions in mind will help you be an attentive reader who is actively focusing on the main ideas of the passage.

After you have completed a detailed read of the chapter, take a break so that you can rest your mind (and your eyes). When you resume studying, you should write up a summary or paraphrase of what you just read. You don't need to produce a detailed, lengthy summary of the whole chapter. Instead, try to come up with a brief paraphrase that covers the most important ideas of the chapter. This paraphrase will help you remember the main points of the chapter, allow you to check the accuracy of your reading, and provide a good guide for later review.

The Third Time (and Beyond)

After you've finished a detailed reading of the chapter, you should take the time to review the chapter (at least once, but maybe even two, three, or more times). During this step, you should review each paragraph and the notes you made, asking this question: "What was this paragraph about?" At this point, you'll want to answer the question in some detail, drawing on what you learned during your first two readings.

Reading with others is also a great way to review the chapter. After completing the reading individually, group members should meet and take turns sharing what they learned from their reading. Explaining the material to others will reinforce and clarify what you already know. It also provides an opportunity to learn from others. Gaining another perspective on a passage will increase your knowledge, since different people will key in on different things during a reading.

Whether you're reading your textbook for the first time or reviewing it for the final exam, here are a couple of tips that will help you be an attentive and attuned reader.

1. Set Aside Time and Space

To read effectively, you need to be focused and attentive, and that won't happen if your phone is buzzing with text messages every two minutes, if the TV is on in the

background, or if you're surrounded by friends or family. Similarly, you won't be able to focus on your book if you're trying to read in a room that is too hot or too cold, or sitting in an uncomfortable chair. So when you read, find a quiet, comfortable place that is free from distractions where you can focus on one thing—learning from the book.

2. Take Frequent Breaks

Reading your textbook shouldn't be a test of endurance. Rest your eyes and your mind by taking a short break every twenty to thirty minutes. The concentration you need to

read attentively requires lots of energy, and you won't have enough energy if you don't take frequent breaks. Studies indicate that hard concentration can rarely go beyond thirty minutes, as our minds need small rest breaks.

3. Keep Reading

Effective reading is like playing sports or a musical instrument—practice makes perfect. The more time that you spend reading, the better you will be at learning from your textbook. Your vocabulary will grow, and you'll have an easier time learning and remembering information in all your courses.

Write Prep

A key part of succeeding as a student is learning how to write well. Whether writing papers, presentations, essays, or even e-mails to your instructor, you have to be able to put your thoughts into words and do so with force, clarity, and precision. In this section, we outline a three-phase process that you can use to write virtually anything.

1. Getting ready to write
2. Writing a first draft
3. Revising your draft

Phase 1: Getting Ready to Write

First, make a list. Divide the ultimate goal—a finished paper—into smaller steps that you can tackle right away. Estimate how long it will take to complete each step. Start with the date your paper is due and work backwards to the present. For example, if the due date is December 1 and you have about three months to write the paper, give yourself a cushion and schedule November 20 as your target completion date. Plan what you want to get done by November 1, and then list what you want to get done by October 1.

How to Pick a Topic

To generate ideas for a topic, any of the following approaches work well:

- **BRAINSTORM WITH A GROUP.** There is no need to create in isolation. You can harness the energy and the natural creative power of a group to help you.

- **SPEAK IT.** To get ideas flowing, start talking. Admit your confusion or lack of clear ideas. Then just speak. By putting your thoughts into words, you'll start thinking more clearly.
- **USE FREE WRITING.** Free writing, a technique championed by writing teacher Peter Elbow, is also very effective when trying to come up with a topic. There's only one rule in free writing: Write without stopping. Set a time limit—say, ten minutes—and keep your fingers dancing across the keyboard the whole time. Ignore the urge to stop and rewrite. There is no need to worry about spelling, punctuation, or grammar during this process.

Refine Your Idea

After you've come up with some initial ideas, it's time to refine them:

- **SELECT A TOPIC AND WORKING TITLE.** Using your instructor's guidelines for the paper or speech, write down a list of topics that interest you. Write down all of the ideas you think of in two minutes. Then choose one topic. The most common pitfall is selecting a topic that is too broad. "Trial Procedure" is not a useful topic for your paper. Instead, consider something narrow that can be accomplished with some detail, such as "Motions for Judgment Notwithstanding the Verdict."
- **WRITE A THESIS STATEMENT.** Clarify what you want to say by summarizing it in one concise sentence. This sentence, called a *thesis statement*, refines your working title. A thesis is the main point of the paper; it is a declaration of some sort. You might write a thesis statement such