Policies and Procedures

You are responsible for reading the policies and procedures section of the Orientation app. A few highlights:

- Blind grading. Come to SAO with questions/concerns, not professor.
- Regular and punctual attendance is required.
Texas Law Resources

Services for Students with Disabilities

Academic Advising
- Optional session in Fall re: elective
- Mandatory session in Spring

Skills Sessions
- All in the app and on calendar

Academic Support
The Green Grocer
Case Synthesis: Putting It All Together

Your task:

- Listen carefully to each of the following stories, describing a parent making decisions on a case by case basis about a teen’s social outings.
- Interpret the parent’s statements in an attempt to identify the parent’s decision in each case the apparent policies supporting the decision.
- Refine your understanding of the parent’s rules as you see multiple cases and think about how they build on one another.
Case Briefing

Brief: a short, structured, summary of the important elements of an opinion.
Structure of Opinions

1. Caption and citation
2. Author
3. **Facts**: Place close attention to determinative facts.
4. Procedural history: How did the case get before the court?
5. What legal **issues** do these facts raise? What question has the court been asked to answer?
6. What **rule** does the court apply?
7. What conclusion does the court come to? What’s the **result/holding**?
8. **Analysis/reasoning**: justifying the “fit” between the facts and the selected rule, citing authorities that support this choice of rule and distinguishing authorities that do not.
9. Concurring/dissenting opinions
Parker v. Twentieth Century Fox

**FACTS:** Parker signed K to be lead in movie musical, “Bloomer Girl.” D canceled movie, offered P a role in dramatic Western (“Big Country, Big Man”) filming in Australia. P lost director/screenplay approval rights. P did not accept. P sued for lost salary.

**PROCEDURAL HISTORY:** P sued for breach of K, won at SJ. D appealed.

**ISSUE:** Is Parker entitled to her lost salary under the contract even though she turned down the alternative role?

**RULE:** Wrongfully fired employee gets agreed salary for period of service, less the amount the employer shows the employee has earned or could have earned during the same period in a comparable or substantially similar job.
Parker v. Twentieth Century Fox, *cont.*

**HOLDING:** Affirmed; Parker is entitled to the full amount of lost salary because “Big Country” was an inferior job.

**REASONING:** D did not prove affirmative defense that the new job as comparable or substantially similar to the original job. “By no stretch of the imagination” can a dramatic lead be considered the same as the lead in a song-and-dance movie. Lost director/screenplay approval. The new film was an inferior job, so P was not required to mitigate her damages by accepting the role.

**Concurring/dissenting opinions:** None here.

**Thought exercise:** What would you write?

**DEFINITIONS, Statutory language, dicta, etc.**

- Summary judgment
- Mitigation
- Breach/breach of contract
- Affirmative defense
- Affirmed
Better Notes: Step One
Go to class prepared.

1. Bring highlighters
2. Briefs
3. Review notes from the day before and briefs for today’s cases.
4. Even if you type, make sure you have paper and pen with you in case you need to capture a drawing, underline something in your book, etc.
Better Notes: Step Two
Improve your listening skills.

1. It starts with a positive attitude and goals.
2. Concentrate on concentrating.
Better Notes: Step Three
Develop an organized method.

1. Make them brief
2. Abbreviations
3. Note unfamiliar words/concepts to look up later.
4. Try Cornell or some other template to keep you organized.
Examples – on brief

Palsgraf (I) v. Long Island R. Co. (A)
1928 – (Legal / Proximate Cause)

Facts: Two men catching a train on A’s platform – A’s guards helped 2nd man onto train, but dislodged a nondescript package man was carrying. Package contained fireworks, which went off and caused scales on other end of platform to fall and injure I.

Issue: Is A liable for I’s injuries due to negligence of A’s guard, who caused the package to fall?

Rule: Foreseeability test – a reasonable person must foresee the harm caused by an act in order to be held liable.

Holding: A’s actions were not a proximate (legal) cause of I’s injury. A wins because a reasonable person would not foresee that the dropped package would subsequently cause the injury to I.

Analysis: “The risk reasonably to be perceived defines the duty to be obeyed.” Since nothing alerted A’s employee to the potential danger of fireworks and falling scales, he could not reasonably foresee the chain of events that caused the injury and therefore A cannot be held liable. Duty only to foreseeable I’s. Dissent – liability should be based on the wrongfulness of the act, not the foreseeable consequences

Distinguish Wagon Mound – chain of events in Palsgraf
far less likely than chain of events in Wagon Mound.

Why? What is the threshold of foreseeability?
Examples: Cornell Method

Cornell Note-Taking

<table>
<thead>
<tr>
<th>CUES</th>
<th>NOTE-TAKING COLUMN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**The Cornell Method**

1. **Notes**
   - This is the section where you should take your notes during the course of the lecture. Use bullets, sentences, short-hand, etc.

2. **Cues**
   - Questions, main points, visual clues, and other clues that jog your memory go here. Fill this section in after class.

3. **Summary**
   - Most important points and main ideas go here. Fill in this section after class when you are in the reviewing process.

http://youveenteredlawland.com/note-taking-at-law-school/
http://lawschooltoolbox.com/tips-for-using-the-cornell-note-taking-method/
Cornell handwritten

http://lawschooltoolbox.com/tips-for-using-the-cornell-note-taking-method/
Better Notes: Step Four
Selective content

1. Details, facts or explanation that expand or explain main points.
2. Hypos, examples, problems offered by prof.
3. Definitions
4. Any lists mentioned (elements of a rule, etc.)
5. Anything on the board.
6. Info that is repeated or explicitly spelled out – especially steps for analysis, test or preferred methods of answering questions.
7. “Buzzwords” your professor uses.
Better Notes: Step Five
Review and edit your notes.

1. Review within 24 hours, if possible. At the end of the week at the latest.
2. Edit for words or phrases that don’t make sense or are illegible.
3. Edit with a different color pen to distinguish notes/revisions.
4. Fill in key words and questions in the white space or left margin.
5. Note anything you don’t understand and ask prof.
What’s the point of all this?

You should be playing along in your head.
Handwriting Notes

Students who handwrite learn better.
Parting tips

Review, review, review
Get a study group/partner and work problems.
Do not get obsessed with study guides.
Computers are not necessary in class.