The Expert Case Reader

- Reading efficiently and effectively
- Expert case readers are more successful in law school
- Recent studies
The Expert Case Reader

• Default Reading Strategies (highlighting, underlining, making margin notes, paraphrasing)
• Problematizing Reading Strategies (hypothesizing, problem posing, synthesizing, questioning)
• Rhetorical Reading Strategies (connecting to purpose, connecting to prior knowledge, evaluating)

• Top 50% students spent a mean time of 21.43% engaged in default strategies; 45.70% in problematizing strategies, and 32.87% in rhetorical strategies.

• In contrast, the bottom 50% students spent a mean time of 77.48% engaged in default strategies; 12.54% in problematizing strategies, and 9.55% in rhetorical strategies.
The Expert Case Reader

The more successful students:

1. “Connected with purpose;”
2. Established the “context” of the case before they began to read;
3. “Talked back to the text;” and
4. Used a diversity of reading strategies, including “hypothesizing” and “problematising” within the text.
The “Expert Reader” Skill Set

1. Experts never (or hardly ever) read without being aware of time;
2. They modify their reading strategies – often on the spot – to fit the task at hand;
3. Experts develop a hypothesis about an area of reading and about a specific case before reading;
4. They happily modify a hypothesis if it becomes clear that they were initially wrong;
5. They use common sense to check the validity of their hypotheses by making up questions and hypotheticals as they read - in effect, they “test” themselves as they move through text;

Adapted from Ruth Ann McKinney, Reading Like a Lawyer (Carolina Academic Press, 2005).
The “Expert Reader” Skill Set

6. Experts use the reading cues available to them to speed up their reading and the development of hypotheses about a case;

7. They are aware of reading as a “social activity,” and carefully choose who to “engage with mentally”;

8. They read selectively;

9. They pay attention to their feelings and don’t read when they’re too distracted to understand the material; and
10. Most importantly, expert law students read for the “main idea.”
The "Expert Reader" Skill Set
Reading Cases (an overview)

- Preview your reading
- Read carefully
- Read actively
Reading Cases (a closer look)

Put the cases in context

- Read the Table of Contents
- Consult a hornbook/study aid
- Examine the citation

Read the Cases for an Overview

- All at once
- Be alert to structure and procedure
- Identify the legal issue
- Find the decision and the rule

Re-read the Cases Analytically

- Notice unfamiliar and qualifying words
- Determine relevant facts/picture the facts
- Study the rationale
- Synthesize the cases
- Hypothesize!
Reading Like an Expert

McDonnell Douglas Corp v. Green
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## Summary of Contents

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Don’t read to impress your peers or to avoid embarrassment in class;
Don’t highlight as your only means of taking notes;
Don’t write a brief as an end in itself;
Don’t read passively, expecting to be taught some “truth” by each case;
Don’t try to save time by reading only the cases, rather than the supporting background information and “Notes & Problems” provided by your casebook author;
Don’t read when you’re too tired to engage effectively.
• Engage in a dialogue with the author of the opinion.
• Monitor yourself as you read.
• Know the purpose of your reading.
• Modify your reading purpose to match the time you have available, the likelihood that you’ll be called on in class, and the relative importance of the material assigned.
• Pay attention to what you do and don’t know about the subject of the case.
Expert Reading Recap – The Do’s

• Use case-briefing as a tool to help you “chunk” information into useful clusters and to help you focus your reading quickly on the “who, what, when, where, and why” that is important to lawyers reading cases.

• Have an opinion about what you’re reading.

• Be flexible as you read.

• Rephrase difficult passages better in your own words.

• Use the details contained in cases to lead you to the larger picture.
Time and Stress Management

- Create a Study Schedule and Stick to It
- Remember the “Hour Rule” When Studying
- Reward Yourself with Breaks
- When Possible, Study During Daylight Hours
- Read As Close to Class Time As Possible
- Review Your Notes Within 24 Class
- Set a Cease Study Time
- Allow Enough Time for Sleep
- Eat a Well-Balanced Meal
- Make a Plan for Living
- Don’t Spin Your Wheels
Questions?

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