Taking notes

Maybe don't take notes

I have a colleague who sometimes bans students from taking notes in seminars. It is a brilliant idea. You might be thinking that we are both crazy: how can it be a good idea not to take notes?

The trouble with taking notes is that it is too often a way of stopping yourself from thinking about the material. Instead, by taking a note of something that was said, you can vacate the moment at which you need to think about an idea and to internalize it until a later time. In a seminar, if you are writing notes then you are not really thinking about what is going on, and so a seminar becomes another lecture in which no-one is really thinking and the seminar leader is simply talking to herself.

So, what we need to do is to re-think what note-taking is all about, and indeed to re-think what the education is all about. Of course you want to take notes: but you should minimize the amount of note-taking that you do.

The effectiveness of your work is bound up in more than just note-taking

I do not know what the purpose of note-taking really is. Most students assume that taking notes is what they are supposed to do. Most students assume that taking notes constitutes 'work' and that if eight hours are spent typing notes up, then that constitutes a useful day's work. There is no doubt that most law students are assiduous, hard-working and well-meaning, and that eight hours spent in that manner is productive. There is no doubt that this constitutes hard work, but I am not sure that it is necessarily productive. Much of the process of taking notes, making notes and organizing notes is actually a process of beautifying a Word file: selecting the right font, shading sub-headings, and so on. But, at the end of that process, what have you actually learned? What do you actually *know*? The test of the *effectiveness* of your work is the amount that you both *know* and *understand* at the end of that process.

Taking notes in lectures

I have prepared a batch of podcasts on note-taking, which I suggest you consult: what I have attempted to do is to put together some exercises to show you how you might work more effectively in lectures. The discussion in this section is intended to introduce those podcasts.

The real question when we think about taking notes in lectures is: what are you trying to get out of lectures? You are trying to understand the detail of the law, and you are trying to have all of that detail put into context and put into focus: but you are also trying, on your particular course, to understand what your law school's focus is and what is likely to come up on your examination. It is usual to suppose that what you are taught and how you are taught it are the first and last word in all of the law in this jurisdiction. In truth, no undergraduate course ever gets into absolutely every nook

and cranny of the law. There are simply not enough weeks in the year to cover all of an area of law in lectures. That is why I write substantial textbooks to support my teaching: because I cannot *say* everything, I need to have a lot of it written down; moreover students must learn about the law for themselves; and most legal topics have a huge amount of discarded case law (like disused satellites floating in space) and forgotten doctrines beyond the things that are said in lectures and in the leading cases. The beauty of a common law system is that if an idea is not used in a leading case, then we can assume that it is forgotten: until, that is, a later case or journal article unearths it.

It must be said that there are a lot of law programmes in the UK which do not see their principal goal as being to teach substantive law. Instead their goal is to present a theoretical understanding of how law functions, or of its social roles, or something of that sort. After all, this is the principal interest of many academics and forms the basis of their research. For them, the theoretical context or the journal literature are more important than the detail of the substantive law. My approach is different to that. My preference is to teach substantive law, inter alia, as a means of getting into theoretical discussion. It seems to me that students can only form a theoretical view of the law for themselves once they have had the chance to come to know the detail of that law, and then to consider for themselves whether or not theoretical models or academic arguments about the law are convincing. (I discuss all of this elsewhere.)

So, here are some ideas for you in lectures.

(1) Read in advance of lectures
This is my number 1, top tip for success. A well-organised course will have given you course documents in advance: that is, you should know what is being lectured in the next lecture and which cases will be covered.[1] If you read in advance of the lecture – which need only be a quick half-hour reading through the upcoming material – then what you will get out of lectures will improve a hundredfold. Imagine, if the lectures were lectures about how you organise your bedroom, then you would be in a perfect position to agree or disagree with things that are said, to formulate your own responses, and importantly to spot which information your lectures do and do not concentrate on.[2] If you want to get a First, then read in advance of all of your lectures.

(2) Put your lectures and seminars in the middle of your preparation
For many students, work begins when the lecturer screams for silence the second or third time and ends when you come out of your seminar and stuff your notes into your bag (not to be seen again until April). This is bad practice. Maybe you type up your notes after your seminar – that is good, provided that you are thinking about your notes as you go and not simply typing while thinking of something else.

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[1] My own course documents (which are available on this web site) give the entire course in one document, including cases and textbook references, and also include a timetable specifying which topics will be covered in which lecture throughout the year.
[2] This is important because if you can understand what you are not being asked to focus on, then you will be able to see what in the textbook is important for your course and thus what is likely to 'come up' in the exams.

The best way to work, I would suggest, is to read in advance of lectures, then prepare for your seminars, and then as soon as possible after the end of your seminars write up your notes while all of the material is still fresh in your mind: it is at the end of the seminar that you are likely to know the material best, so write up any notes then because leaving a day means you will know the material less well. In this way, your lectures and seminars move into the middle of your preparation. This will make you more effective.

(3) Listen in lectures, don't just transcribe the lecture
In a perfect world you would just listen in lectures and absorb what your lecturer is trying to tell you. If you just spend all of your time scribbling or typing frantically, trying to record every word that is spoken, then you will not actually be taking very much into your mind. Instead, you will be entirely reliant on what you have recorded in your notes: but usually students cannot then recall the context in which any of these words were spoken, nor can they differentiate between important ideas or ordinary ideas – unless, of course, you have developed a system after listening to my materials on how to take notes in lectures. It would be better, I would suggest, to read in advance and to listen as much as possible in lectures, and then only note the important points or record the material on which the lecture focused over-and-above the stuff you have already read in the textbook.

(4) Recording lectures
Recording lectures depends upon whether or not your lecturer will allow you to record lectures: some people do not like it at all. The advantage of recording lectures is that you have a record (literally) of the lecture. The downside is that you miss a lot trying to listen to a grainy recording of the lecture some time after it was delivered without all of the visual stimulus and understanding of the odd sounds, the unexpected laughter, the precise diagrams or slides used. Also, it requires you to find about 40 hours for each subject to go through those lectures again: and then what will you with the recordings anyway? Transcribe them? Listen to them over and over? The best way would be to read in advance of lectures, listen to the lectures and record them, and then read more after the lectures to prepare for seminars and use the lecture recording to give you structure or inform your reading (depending on the strengths of your particular lecturer).

Of course, if you're studying a subject on which I have written, you will have podcasts available to you on this web-site to summarise the material. And obviously you will be using one of my books …!

All the many things that are going on in lectures, and how students contribute to lectures being good or bad

A lot of things are going on in lectures. In truth, lectures are a form of theatre. The lecturer tries to hold your attention from the front and to convey a message or a story or simply a lot of information to you. It is theatre very, very importantly in the sense that if the lecture hall has even one or two people who are talking or not focusing, then the lecturer will be acutely aware of it; just as actors will tell you that an audience which shuffles about during a performance or coughs or whatever will severely interfere with their performance. A lecturer can see everyone who is texting under the desk; a lecturer can tell when people are actually typing messages into

Facebook or emailing (because the typing pattern bears no relation to what is being said in the lecture); and can *hear*, not just see, anyone even whispering. It is hugely distracting. Given that lectures are the principal mechanism for conveying information to a year-group, this means that the quality of everyone's education is being harmed. A lecturer will quickly lose confidence and interest in giving the best lecture she can if the room is even slightly disruptive. If the best actors in the world cannot get beyond this problem, then it is not surprise that lecturers struggle.

Lectures can be a very ineffective means of conveying information, particularly if the lecture is conceived of purely as a means of reading out a textbook in front of a room of students. Lectures must be more than that. The students are important in the success of a lecture. Once upon a time, when students understood the need to stop talking when a lecture began, it was possible to start with a metaphor (maybe a line from *Hamlet*, or a reflection on current affairs, or a poem, or a philosophical idea) and to run that metaphor superbly through the entire lecture: making the whole experience much more rewarding for everyone in the room (while also giving an unconscious idea about how to write an essay in the area). If even a few people keep talking through those opening moments, then the urge to unpack such precious ideas gently and carefully is lost in the need to yell over the noise in the room.

And that is another bug-bear of lecturers: students who throw their pens down when the lecturer starts thinking out loud. Students assume that it is only *fact* which should be written down and remembered, and that *thoughts* are not worth recording or absorbing. Sometimes a hand will go up and a voice will ask 'is this on the exam?'. And so another chance for education is lost. It is only the people who absorb and record those thoughts who will have any chance of getting a first; the people who drop their pens are putting a cap on their own potential. If the lecturer is the person setting and marking the examination, then one quick route to success is to understand they *think* about the subject matter, what their connection to that material is, and what they find particularly important: that is usually what is going to be on the exam or those are the ideas which can get you that precious first.

Taking notes in seminars
When you go on holiday and you spend almost all of your time taking photographs or recording the event on your camcorder, you actually experience most of your trip through your camera lens. As a result you don't really take a lot of that trip into your mind because you are concerned with filming the trip. Consequently, when you come home and bore your family and friends with your film and photographs, you are showing them records of a trip that you were not actually on, because you were locked into your camera lens and not properly present on the trip. Taking notes in seminars can be a little bit like that. Rather than participating in the discussion, you spend your time scribbling down as many ideas as you can. This means you are not really there in the seminar because you are too busy writing. Furthermore, there is always the problem that all you are doing is simply adding the pages of notes in your world. If you have too many notes, it will become difficult (unless you have a decent note-taking system) to distinguish important points from unimportant points, outrageous hints for the examination from mere confusion. It is much better to participate in the discussion and then take a note of what has been said later: don't worry, you're not losing anything because in fact your intellect is gaining far more

from the discussion than simply scribbling notes down. Also, if all you are doing is writing notes, then you are just transcribing the work of other people but not giving anything back: and that's not really ethical is it?

In my view, a good seminar leader will do five things:

(1) ensure that everyone has understood the basic material;
(2) facilitate a stimulating discussion of the material;
(3) ensure that everyone participates;
(4) spot anyone in difficulties and resolve those difficulties without derailing the seminar; and
(5) leave everyone with a structure within which to answer problems or prepare essays in that field.