**Effective Notetaking in Law School**

**INSTRUCTIONS:**

Please review the excerpt below before the Case-Briefing & Note-Taking Workshop. As you read, pretend you are a student in a class and are listening to the exchange below. Write or type the notes you would take if this were a real class. Your notes can be as detailed or as minimal as you would generally write for a typical class. Please have a copy of this excerpt and a copy of your notes available for the workshop.

***Torts Class Discussion (Excerpt)***

PROF: Good morning class. Last week we began our unit on international torts and discussed the tort of assault. Today, we’re going to talk about its partner in crime: battery. Sarah, who has the burden of proof in a battery case?

SARAH: The plaintiff.

PROF: And what kind of case must the plaintiff make out?

SARAH: A *prima facie case*.

PROF: And what does that mean?

SARAH: That the facts of the plaintiff’s case are good on their face, absent any defenses.

PROF: Good. On its face, the proof offered by the plaintiff is at least good enough that a judge will not dismiss the claim but allow it to go good enough that judge will not dismiss the claim but allow it to go to trail, so a jury may decide. The defendant may offer any number of defenses, but this won’t be necessary if the plaintiff cannot make out a prima facie case. Now, Sarah, tell me what the definition of a battery is.

SARAH: Um…when someone acts intending to cause a harmful or offensive contact against another person that results in that results in that person being harmed.

PROF: Do you have to actually touch the person?

SARAH: Yes?

PROF: Jose, do you have to actually touch the person?

SARAH: No, you don’t actually have to touch the person for the contract to be offensive.

PROF: What do you have to do?

JOSE: The contact is offensive if it offends a person’s reasonable sense of personal dignity.

PROF: So, if you’re wearing a baseball cap, and I come charging at you and knock your hat off of your head, have I just committed a battery?

JOSE: Yes, because the hat was an extension of my person, and you offended my sense of dignity.

PROF: Good. Now, lets take a look at today’s reading, in which the person didn’t even touch an extension of the person’s self. Keisha, what were the facts in *Vosburg v. Putney*?

KEISHA: The defendant kicked the plaintiff in the leg while they were at school.

PROF: Where were they?

KEISHA: They were in class.

PROF: Were they standing up fighting?

KEISHA: No, they were sitting in their desks on opposite sides of an aisle, and the defendant kicked the plaintiff from his desk.

PROF: So, what happened after the kick?

KEISHA: The plaintiff didn’t really feel pain at first, but later on, it became inflamed and really began to hurt him.

PROF: Okay good. Now, what court heard this case?

KEISHA: The Wisconsin Supreme Court.

PROF: Good. How did the court know what the facts of the case were?

KEISHA: The court got the facts from the trial record.

PROF: Okay, now what if the court thought that the facts-as the trial court found them to be-were more than likely not what really happened? What’s the standard of review then?

KEISHA: The court must accept the facts found at trial unless they are “clearly erroneous.”

PROF: Okay good. Now, why did the plaintiff win in this case?

KEISHA: The defendant intended to kick the plaintiff: it wasn’t an accident. That kick caused the harm the plaintiff suffered.

PROF: We’ll talk more about this later when we talk about defenses to intentional torts, but why don’t you take a stab at it now? Could the defendant raise any defense to his actions?