

Reading Activities

Language Activity 7: Skimming and Scanning

An efficient attorney must be able to adapt his or her reading style to match the type of text and the purpose for which it is being read.

Skimming

To identify the main idea of a text, we run our eyes quickly over the text. This skimming of the text is usually three or four times faster than normal reading and is very useful to decide if you should then spend more time reading that text closely. It may be of interest for you to know that there is evidence that it is harder for many to skim on the computer than on the printed page.

There are several different ways to skim, and you may wish to try several to find the one that works best for you. We'll present one basic approach that works for most when reading legal texts, such as statutes or cases.

Begin by reading the title, the headings, and the subheadings of the text. If you find one or more sections that may be useful, let your eyes race quickly over the text, looking for key words or phrases. Some expert readers read only the first and last sentence of a paragraph, while others skim the entire text.

Exercise A

Use a watch to time yourself as you skim this short but complex text. You should spend less than ONE minute skimming it. Then turn to Part 3, Text 7 (page 285), and answer the question about the main idea of the text.

The jury's verdict, based on instructions incorporating the mature minor exception and the evidence in this case, implicitly found that Ms. Cardwell did have the judgment, ability, education, and training at her 17 years, 7 months to have the capacity to consent and did in fact consent to the Defendant's treatment. The same capacity to consent entails the ability to appreciate and weigh the risks and benefits of the treatment she sought and thus to give informed consent to it. The jury also found that the Defendant complied with the standard of care of his practice in providing her with sufficient information upon which Ms. Cardwell could give informed consent. The treatment was relatively minor, with a minimum risk of injury, and Ms. Cardwell expressed no concern about the treatment at the time it was to be administered. The jury could reasonably have found that Plaintiffs did not show that Defendant had deviated from the standard of care concerning the information ordinarily supplied to obtain informed consent to Defendant's treatment. Consequently, having the capacity to consent and having given informed consent, no battery occurred because Ms. Cardwell's consent was effective on the facts of this case.

Cardwell v. Bechtol, Tenn. 1987, 724 S.W.2d 739, 67 A.L.R.4th 479

Scanning

If you are looking up a word in dictionary, you scan the page until your eye catches the word or words you need. Usually when you scan, you are looking for an answer to a particular short question, such as, What is the definition of *informed consent*?

Exercise B

Use a watch to time yourself as you scan the text to find the answers to these short questions from Article 1 of the U.S. Constitution. This exercise should take less than two minutes.

1. How often are members of the House of Representative chosen?
2. How old must a Senator be to be elected?
3. To be a Senator, how long must he or she have been a citizen of the United States?
4. How long must a Representative be a citizen of the United States before he or she can be elected?

5. Who is the President of the Senate?
6. Originally, who chose the Senators?

Section 2

Clause 1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Clause 2: No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Section 3

Clause 1: The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Clause 2: (omitted)

Clause 3: No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

Clause 4: The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

Language Activity 8: Case Reading

The first year of law school is spent learning how to read legal cases. This brief introduction just touches on the parts of a case and what an expert legal reader does when faced with a new case to read. To improve your case reading skills, you need to read as many cases as you can and discuss them with your colleagues and your professors to ensure that you have correctly understood what you have read.

A typical American case has five parts (not necessarily in this order):

- Procedural History
- Facts
- Legal Issue(s)
- Reasoning
- Holding
- Disposition of Case