Chapter 14: Case Synthesis

# What is Case Synthesis?

**Case synthesis** is the process you use to predict what the legal outcome should be for your particular current situation. Being able to synthesize past cases to predict the outcome for a current situation is a foundational precept of both legal writing specifically and legal analysis more generally. Remember that our legal system is based on precedent forming the foundation of predicting future outcomes. Case synthesis and rule synthesis are closely related; however, where “rule synthesis blends several cases to form one holistic rule, case synthesis” instead “blends several cases to identify a common denominator among the precedents that can serve as the basis of analogy.” David Romantz & Kathleen Elliot Vinson, Legal Analysis: The Fundamental Skill 40 (1st ed. 1998) (citations omitted). The specific and relevant facts of the past cases and the current situation are critical when synthesizing cases because it is the facts of each situation that determine the outcome of the rule. When you synthesize a rule from statutes and cases, you are identifying what test to be applied. Then, with case synthesis, you are identifying the likely outcome of a rule when applied in a specific situation.

# Ways to Synthesize Cases

There are several approaches to analyzing cases to determine an outcome in a specific situation. The easiest way is to find several cases that have identical facts, identical reasonings, and identical holdings. Sadly, case synthesis is rarely as simple and straightforward. However, you need to compare facts, reasonings, and holdings in any type of analysis that you do. Finding what is the same (or similar) and what is different (or can be different) is essential to providing a likely prediction.

The first thing to look for across your cases you found when conducting your legal research is whether the cases articulate a similar rule that would answer the legal question in your current situation. This should go without saying, but you should only concern yourself with cases that are likely to address your legal question, meaning cases that dealt with the same legal issue that you are currently researching. You should sift extraneous cases out prior to beginning your case synthesis. When you synthesize cases, you should shift your thinking from seeing each case as its own unit and instead see the cases as supporting a rule or portion of a rule.

If you can find a set of cases that articulate a similar rule, the next step is to identify similar relevant facts across the cases. How do you know if the fact is relevant? Look to the court’s reasoning and the court’s holding to see which facts it stated it considered when applying the legal rule. Also read to see what facts the court must have assumed to be true to reach the conclusion that it did. You have to understand how the court weighed facts in the past to decide how to match facts in past cases to your current situation. Keep in mind that not all cases will consider all the same categories of facts. At this point, you should be keeping up with all categories of facts that the courts have used in their reasoning. Later, you will narrow them down.

Once you have identified relevant facts across your case set, you should then move on to comparing holdings in your set of cases. When the rule applied in cases is similar but the holding is different, ask yourself where the facts differed between the cases. Why did the court decide the cases differently? Correctly identifying where the difference in facts leads to different outcomes is the lynchpin in determining how to fact-match when conducting your analysis and determining your prediction. You will use those factual distinctions and compare it to your case to determine how the court would likely rule on your case.

While you performed your analysis of your case set, you should also have been keeping track of your findings. Two ways to organize your findings are to use an outline and to use a case chart. At this point, you have analyzed your case set and (1) confirmed each case is dealing with the same legal issue; (2) determined what facts the court considered relevant by examining the court’s reasoning in each case; and (3) compared holdings in each case to discover what factual differences lead to different outcomes. These three steps should determine how you organize your outline or your chart. Do not organize case by case! Your final written analysis should be organized by parts of the rule or by relevant facts and not cases, so go ahead and organize your thinking in the way your final product should be organized.

Please note this quick caution about case synthesis when looking at persuasive authority from other jurisdictions (which you will use when you write your brief in the spring). You will not fact-match when you are using cases from other jurisdictions; instead, you will policy-match. We will discuss this in more depth when you write your briefs, but I want to make sure to flag this for you when you consult this chapter while writing your brief.

To see an example of how Case Synthesis works with several cases, please see Appendix F (Case Synthesis Example).

# Conclusion

Case synthesis is the process of using rule synthesis, where you find a generally applicable legal rule, to decide how that legal rule should be applied given a specific set of facts.

# For Further Reading

David Romantz & Kathleen Elliot Vinson, Legal Analysis: The Fundamental Skill 33-54 (1st ed. 1998).

Gertrude Block, Effective Legal Writing: A Style Book for Law Students and Lawyers 160-65 (5th ed. 1999).

Helene Shapo, Marilyn Walter, Elizabeth Fajans, Writing and Analysis in the Law 78-83 (7th. Ed. 2017).

D. Schmedemann, C. Kunz, Synthesis: Legal Reading, Reasoning, and Communication 29-50 (5th ed. 2017).