

## Rule Synthesis One Page Tip Sheet

In your legal writing, you must learn to master the skill of rule synthesis to effectively communicate a summary of the relevant cases in one brief rule statement and explanation. In some instances, rules may be clearly laid out in a statute or in well-established case law, and you may simply quote from those sources. However, in most instances, you will need to reconcile a patchwork of rule statements, applications, and conclusions to form a clear and coherent interpretation of the rule of law. In a persuasive piece of writing, lawyers who master rule synthesis can craft a rule of law that is accurate, yet advantageous to his or her position.

Steps to Effective Rule Synthesis:

1. Create a single rule from each case on point that integrates the facts and conclusion of the case. We are not necessarily looking for the rule that the case applied, but rather, the rule that the case *created*.
2. Extract all rule statements from your case briefs and outline them together. Consider creating a table or flow chart to help organize and clarify the rules.
3. Arrange the rule statement in order of seniority of the courts—a district court case does not create a controlling rule, but may be useful if the higher court case law is unclear and district court interpretation illuminates the application of the ambiguous rule.
4. Summarize all rule statements into a single coherent and applicable statement or test. If the case law appears inconsistent, then consider that perhaps there is one general rule and several exceptions. This does not need to be one sentence, but it should not be longer than one paragraph. Remember, your rule statement is separate from your explanation or mini-briefs of cases you may additionally use to explain the rule.
5. If you are having difficulty, consider *why* the court ruled differently in similar cases. Look for patterns that distinguish cases based on their similarities or differences. Finally, compare the facts of the cases to each other to see why a court might have found one set of facts sufficient to establish liability and a similar set of facts insufficient.

## Rule Synthesis Worksheet\*

This silly example can help you pull test your ability to pull together a coherent framework from a seemingly random set of facts. We will use the case of crabby Mrs. McGinty and her garden hose. The goal is to predict from past practices (i.e., “cases”) when Mrs. McGinty will turn her hose on visitors. Mrs. McGinty’s prior garden hose decisions are presented below. After each scenario, there is space for you to craft a rule statement from each incident. Like a case brief, draft a rule for *each decision*. After reading all of the decisions, synthesize a general rule for Mrs. McGinty’s practice that is simply stated, readily applied, and consistent with all her prior actions. This general rule should help you predict what Mrs. McGinty will do in new situation by applying your new rule to fact.

### *Mrs. McGinty’s Garden Hose Practices*

1. On **Sunday**, two neighborhood boys, Cletis Culpeper and Tucker Carlton, Jr., sneaked onto Mrs. McGinty’s property to taunt Mrs. McGinty’s dog Houndie with sticks. Mrs. McGinty came off the porch and doused the boys with water from the garden hose, yelling, “You varmints get off my lawn a-fore I shoot you dead!” The boys ran away.

Rule: \_\_\_\_\_

\_\_\_\_\_

2. On **Monday**, Parson Skeeter nodded to Mrs. McGinty from the sidewalk, and Mrs. McGinty waved him over, calling, “Parson Skeeter, come out of the sun for a spell and have some lemonade with me on the porch.” Parson Skeeter ambled up the driveway past the “Keep Out” signs and sat a spell with Mrs. McGinty, nodding repeatedly as Mrs. McGinty regaled him with details of her battle with scabies.

Rule: \_\_\_\_\_

\_\_\_\_\_

3. On **Tuesday**, Trixie Pepper wandered onto Mrs. McGinty’s property to pick honeysuckles for a bonnet she was making. Mrs. McGinty sprang from behind the bushes with the garden hose, spraying Trixie and ruining her new home perm. Mrs. McGinty shouted, “Trixie Pepper, you brazen jezebel, you better get off my lawn a-fore I shoot you dead!” Trixie high-tailed it off Mrs. McGinty’s property in a flash, sobbing the whole way.

Rule: \_\_\_\_\_

\_\_\_\_\_

4. On **Wednesday**, Hooterville had its annual Founders Parade. Billy Joe Sandpiper was dressed as Abe Lincoln in a top hat and was walking down the street on stilts when suddenly a pig escaped from one of the 4-H cages, knocking Billy Joe over and onto Mrs. McGinty's property. Having seen the incident, Mrs. McGinty came over, dusted Billy Joe off and offered him some lemonade.

Rule: \_\_\_\_\_  
\_\_\_\_\_

5. On **Thursday**, Cletis Culpeper was being chased by a swarm of hornets, so he ran onto Mrs. McGinty's property and dove into the pond in the backyard. Mrs. McGinty saw the whole incident and laughed so hard, she fell clear off her rocking chair. She didn't bother with the garden hose or the shotgun.

Rule: \_\_\_\_\_  
\_\_\_\_\_

6. On **Friday**, Tucker Carlton, Jr. was chased onto Mrs. McGinty's property by Trixie Pepper, who was wielding a cricket bat and threatening to bash Tucker's head in for using her best dress to keep his prize-winning piglets warm. In running from Trixie, Tucker trampled Mrs. McGinty's patch of cucumbers (which she intended to sell at the county fair) and damaged the gate to Mrs. McGinty's chicken coop. Mrs. McGinty did not spray Tucker with water, given the ferocity of Trixie's swats with the cricket bat, but she immediately called his parents and demanded that they reimburse her for the damaged cucumbers and chicken coop.

Rule: \_\_\_\_\_  
\_\_\_\_\_

**Repeat all of your rule statements below in an outline form and create a synthesized rule:**

A synthesized rule that is easily understood, readily applied, and consistent can be applied to a variety of scenarios to predict the outcome. Given the rule you created above, what will happen in the following scenarios?

- 1. Holly Golightly tiptoes quickly into Mrs. McGinty's garden to pick a tomato.**
- 2. A kid on a bike in the Sunflower Parade loses control and crashes onto the property.**
- 3. A parade watcher intentionally jumps over the fence and onto the property to get out of the kid's way, squashing four of Mrs. McGinty's squash.**