

THE SYNTHESIS CHART: SWISS ARMY KNIFE OF LEGAL WRITING

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Teachable Moments for Teachers ... is a regular feature of *Perspectives* designed to give teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. It is a companion to the **Teachable Moments for Students** column that provides quick and accessible answers to questions frequently asked by students and other researchers. Readers are invited to submit their own "teachable moments for teachers" to the editor of the column: Louis J. Sirico Jr., Villanova University School of Law, 299 N. Spring Mill Road, Villanova, PA 19085-1682, phone: (610) 519-7071, fax: (610) 519-6282, e-mail: sirico@law.vill.edu.

The standard curriculum for first-year legal writing courses usually includes some time devoted to teaching students how to synthesize or fuse rules of law from several cases. The rule resulting from this synthesis can then be applied to a hypothetical client situation. This synthesis (or fusion) of the rule and its application to the client's situation is usually demonstrated by using a chart called a synthesis chart. Some professors use another name for the chart such as fusion chart, decision chart, or something along those lines. The chart usually looks something like this:

In the chart, the issues students will analyze, along with the result of each case, are listed across the top of the chart as the first row. The case names and jurisdictions are listed down the left side of the chart as the first column. In each square within the chart are the facts from the cases that correspond to the issues to be analyzed. Once students have categorized information in this way, they can derive a general rule that comes from synthesizing the cases. Next, students can use the chart to help them apply that rule to their client's situation. I describe the chart to students as a way to manage all of the information needed to synthesize cases.

To make sure that students are off to a sound start on their analysis of the first memo assignment, I have them prepare a synthesis chart for their client's case, and I give them feedback on the chart. After the students have synthesized the cases, received feedback on their chart, and begun to draft the memorandum, we leave the synthesis chart behind. My reason for leaving the chart behind has always been that it has served its purpose and is no longer useful: We have finished the analysis phase of the project and are ready to begin communicating that analysis. This year, I realized that I had been underestimating the synthesis chart by casting it aside so early. The synthesis chart was like a Swiss Army knife that I had been using only as a knife. This year, I realized that the gizmo has a corkscrew, a spoon, and nail clippers!

This realization struck me in the middle of class (where I get all of my best ideas). I was explaining how to construct a synthesis chart. I heard myself say that once the issues had been identified and the cases selected, filling in the chart was just a matter of selecting the facts from the cases that matched the issues. What I heard myself describing as the

Synthesis Chart for False Imprisonment Cases			
	Element 1: Willful Detention	Element 2: Without Authority of Law	Result
<i>Black v. Kroger</i> Tex. App. 1975	<ul style="list-style-type: none"> threatened with not seeing child and with jail long-time employee 	<i>not discussed</i>	Recovery
<i>Morales v. Lee</i> Tex. App. 1984	<ul style="list-style-type: none"> threatened to call the police plaintiff left and came back 	<i>not discussed</i>	No recovery
<i>Randall's v. Johnson</i> Tex. 1995	<ul style="list-style-type: none"> ER insisted that EE "stay put" 	<ul style="list-style-type: none"> supervisor restricted EE to office on the clock subject (theft) was job-related 	No recovery
Our Case: Hall 2000	<ul style="list-style-type: none"> threatened with detention order 	<ul style="list-style-type: none"> off the clock subject (alcohol abuse) was job-related 	Probable recovery

content of the chart was *legally relevant facts*. I have used those same words—the facts that match the issues—year after year to explain the difference between relevant and irrelevant facts. However, identifying legally relevant facts seems overly complex to students, even though filling in a synthesis chart does not.

After that class, I went back to my office and took a good look at a synthesis chart. Suddenly, it was a completely different animal. Instead of being a tool to be used exclusively for *analysis*, every part of the synthesis chart could be used as an outline or checklist for *drafting* different parts of a legal memorandum. I began using the chart to transition between developing the analysis and communicating the analysis.

First, I explained to students that if they filled in their charts with the facts that correspond to the issues, they would automatically have an issue-by-issue catalog of the primary legally relevant facts from each case. For the first time ever, I had a “trick” to help them learn legally relevant facts. Traditionally, students have real difficulty grasping the difference between legally relevant facts, irrelevant facts, and elements or factors. Once I showed them that the legally relevant facts were the ones in the internal portion of the chart, the irrelevant facts were the ones with no place in the chart, and the elements or factors of law were the issues listed across the top of the chart, those concepts that used to be so difficult to grasp became very clear very quickly.

Immediately following the first realization was the realization that this “trick” could also help students see when they had included legal conclusions in their statements of the issues. In the past, I would say in as many different ways as I could think of, “In your Issues Presented, you’ve included legal conclusions rather than legally relevant facts.” That never really seemed to go anywhere. Now I realized that I could say, “You’ve included information from the top of your chart, which contains your legal rules, when you really need information from *within* the chart, which contains your legally relevant facts.” Rather than having to describe those concepts in the abstract time and time again, I now had a quick, concrete reference I could point to to show the difference between the two types of information. The clicking sound of lightbulbs turning on has been

almost audible this semester.

Those two new tricks would certainly have been sufficient to justify encouraging students to keep and refine their synthesis charts even after I had seen and evaluated them. However, I discovered that the chart had even more value. My students usually seem to understand that comparing the facts of their client’s case to facts of previous cases is helpful. However, many students are unsure about exactly what that means in terms of drafting. Using the synthesis chart, I was able to show them that analogizing and distinguishing cases simply means comparing or contrasting the legally relevant facts that appear within one column of the chart. This seems to narrow the task of choosing facts to analogize. Rather than comparing the mountain of information in the case law to the mountain of information in the assignment, students had pre-categorized information in a manageable format. They simply had to take the information already organized in a single column and compare the squares from other cases to the square for their client’s case.

Students no longer had to abandon the synthesis chart after synthesizing the cases. They could now use it as a way to identify legally relevant facts, differentiate between facts and law, and analogize or distinguish cases. In using the chart for these purposes during the drafting phase of the project, students began to see more clearly the link between the way legal problems are analyzed and the way they are communicated.

Because the synthesis chart now seemed to have so many uses, I thought the students could use a road map for the chart that summarized its various uses as they drafted their memos. To provide this road map, I drafted a handout that I called *Anatomy of a Synthesis Chart* (chart follows).

This is the first year I have recognized and accessed the many features of my Swiss Army knife. I have already noticed an improvement in student recognition of legally relevant facts and in the analysis in their memos. In addition to being very impressed with how brilliant a teacher I accidentally was on the day I had my epiphany, I learned something that was even more valuable than the many ways to use a synthesis chart: I apparently have a lot to teach myself if I’ll only pay attention and listen.

“I began using the chart to transition between developing the analysis and communicating the analysis.”

Case	Factor 1	Factor 2	Factor 3	Result
<i>A v. B</i> Int. Ct. 1972	Fact X			
<i>C v. D</i> Int. Ct. 1983	Fact Y			
<i>E v. F</i> Int. Ct. 1997	Fact Z			
<i>Our Case</i> 2000	Fact Q			

Anatomy of a Synthesis Chart

This chart is designed to show you how a thorough, completed synthesis chart can help you even after you have planned your analysis and begun to draft your argument.

- Facts X, Y, Z, and Q are *legally relevant facts*. Remember that one of the goals of this assignment is to demonstrate that you know the difference between relevant and irrelevant facts by including only the legally relevant facts. If you have already identified those facts in your synthesis chart, then you have a quick reference for the legally relevant facts in your case and in the precedent cases. You will need to use relevant facts in your Issues Presented, Short Answers, Statement of Facts, and Discussion.
- Remember that in CREAC (the organization of your Discussion section), the “A” stands for “Application.” An effective way to demonstrate that a previous case does or does not apply to your case is through fact analogy. For example, if you want the same result as *A v. B* and *C v. D*, an effective way to argue for that result is to demonstrate how those cases are factually analogous to your case. For example, you would argue that Fact Q is significantly similar to Facts X and Y. Likewise, if you wanted to argue that you should not have the same result as *E v. F*, then you would argue that Fact Z and Fact Q are significantly different. Identifying and developing comparisons and contrasts between the cases is much easier if you have a chart with all of the facts organized.

- The elements (listed across the top of the chart) can help you organize your Discussion. They will guide you in deciding what points you will need to make to argue your case successfully. For example, if you have an aggregate rule that requires that you satisfy a majority of the elements, then the chart gives you a quick reference for which elements your case satisfies and, later, gives you a checklist to compare your Discussion with so you can make sure that you included all the elements you had intended to include.

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