Chapter 13: Summary of Law

A **Summary of Law** is both exactly what it says and also far more challenging to write than it sounds. There are times in legal practice when you do not have a specific fact pattern that you are analyzing and instead you are focused on determining what the law says to do with a particular piece of a legal issue. In essence, a Summary of Law is the written product of the process of rule synthesis.

This is the first test of your skills that you have been learning thus far in this course. Your goal is to properly identify the legal issue you are being asked to examine and then to use sources of law, such as statutes and case law, to provide guidance on how a person should approach assessing the legal issue.

Remember how our legal system is founded on the English common law system? An earlier case might have stated a legal rule that was sufficiently clear to answer that particular legal issue, but a later case had facts that were just different enough to create ambiguity or confusion in how the legal rule should not be applied, which required the later case to clarify or expand on the earlier case’s legal rule.

In a Summary of Law, you are tracing how the law evolved and then reorganizing the material to produce a final product that is organized by topic rather than chronologically. Your job in this document is to do the “heavy lifting” for the reader and show clearly how and why the cases you discuss address the legal issue and answer the question posed. Put another way, your Summary of Law is where you demonstrate the work you did in finding and synthesizing the rule so that the reader does not have to conduct that process independently.

For your Summary of Law, you will have an introductory paragraph that provides the overall conclusion, the general rule, and the roadmap for the remainder of the document. For your body paragraphs, use a CRE-C structure. There is no Application section because in this document you are not applying the general rule to determine a specific outcome for a specific fact pattern. The Application section will come later in your case synthesis practice and your memoranda.

There is an example of Summary of Law in Appendix E that uses Unmarked Cases (Appendix A), Reading Cases (Appendix B), Briefing Cases (Appendix C), and Rule Synthesis Example (Appendix D) to write a Summary of Law showing how the author synthesized a rule from those cases.

# Conclusion

The Summary of Law is the first building block of written legal analysis. Your understanding of where laws come from, practicing reading and briefing sources of law, and shifting focus from the sources of law to legal issues come together to let you find and synthesize legal rules and provide descriptions of the sources of law on which you rely to formulate your rule. Remember that a Summary of Law is like a geometry proof; you are showing the reader not just what the final answer is but also the steps you took along the way to reach your conclusion.