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A Primer on the "Bell Case Synthesis Method" and a Lesson on Adult Child's Play

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ABSTRACT: The ability to successfully discern and communicate the relevant aspects of a judicial opinion is a fundamental skill that legal professionals must have. Despite its importance, many in the legal arena lack the ability to effectively demonstrate this skill. Needless to say, law students suffer from this same shortcoming. After years of reading inadequate briefs submitted by lawyers and reviewing deficient submissions by law students, I developed an original case synthesis method. This method, titled the "Bell Case Synthesis Method," teaches one how to select supporting cases and how to adequately explain the relevant aspects of selected cases. This original method has been tested for years and has proven to be quite valuable for memo and brief writing, as well as for the higher level thinking that is needed for success in law school and the practice of law. This article will benefit a broad audience, including lawyers, law students, paralegals, law clerks, inmate counsel and legal educators. In addition, it is timely, given the recent emphasis on producing practice-ready law school graduates.

KEYWORDS: *Legal Writing.*

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1. INTRODUCTION

There are times when charm and flattery can lead to an unearned result. Unfortunately, those times do not exist in the legal writing arena. Legal writers must be able to deliver substance if they want to achieve a result through their written submissions. And, in legal writing, what is considered substance is not fodder for debate. It is universally understood to be the content of the Discussion section of legal briefs or memorandums. Case analysis and case synthesis happen to be two of the most important skills needed for the development of a robust Discussion in a legal brief or memorandum.

Case analysis is the process of taking a case apart.[1] Once this is done, legal writers are often tasked with determining how individual cases complement each other to establish a single rule. This process of putting the pieces back together is known as case synthesis.[2] In many ways, these processes bear a kinship to that familiar practice of toddlers spending hours dismantling blocks then spending more hours putting them back together. For the toddler, this is a sign of developmental progress. For the legal writer, there are but two diametrically opposed outcomes when it comes to this subject-matter: professional impotence or professional prowess. This is said because, if a legal writer cannot successfully demonstrate mastery of these skills, legal victories will likely not be achieved. This comes at an emotional cost to the

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[1] *See* LAUREN CURRIE OATES & ANNE ENQUIST, THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH, AND WRITING (5th ed. 2010); "Case analysis is the use of cases to make legal arguments." DIANA ROBERTO DONAHOE, LEGAL WRITING: ANALYSIS, PROCESS AND DOCUMENTS 31 (2011); Case analysis has also been explained as "[c]omparing and contrasting decisions to assess the outcome of an issue posed by a factual scenario." ANDREA B. YELIN & HOPE VINER SAMBORN, THE LEGAL RESEARCH AND WRITING HANDBOOK: A BASIC APPROACH FOR PARALEGALS 391 (6th ed. 2012).

[2] *See* LLAUREL CURRIE OATES & ANNE ENQUIST, THE LEGAL WRITING HANDBOOK ANALYSIS, RESEARCH, AND WRITING (5th ed. 2010); "Case synthesis is the weaving together of cases to create a clearly enunciated rule." DIANA R. DONAHOE, EXPERIENTIAL LEGAL WRITING ANALYSIS, PROCESS AND DOCUMENTS 32 (2011); Case synthesis has also been explained as the "binding together [of] several opinions into a whole that stands for a rule or an expression of policy." RICHARD K. NEUMANN, JR., LEGAL REASONING AND LEGAL WRITING STRUCTURE, STRATEGY, AND STYLE 155 (6th ed. 2009).

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writer, but matters are even worse for the party in need of a written advocate. The aggrieved party will never be able to realize results in the judicial arena—not necessarily because the merits don't compel such—but often because the writer lacks the ability to articulate the legal position effectively. The personal toll of this is incalculable. Conversely, the writer who can demonstrate mastery of these skills increases his odds of personal success and simultaneously fills a meaningful void in society when it comes to successful advocacy and access to justice.

Despite the importance of these skills, many official players in the legal arena lack the ability to effectively demonstrate them. After a decade as an appellate court employee who regularly read barren briefs submitted by lawyers and inmates and nearly twenty years of reviewing deficient submissions by law students and paralegal students, I developed an original case synthesis method, called the "Bell Case Synthesis Method."[3] This was prompted by the realization that the current pedagogy proceeds on a deeply flawed presumption. It falsely assumes that the sound critical thinking skills needed to compete in law school or in the legal arena confers upon one the ability to critically analyze cases and to synthesize them effectively. The Bell Method was created upon the belief that every adult legal writer innately possesses these cognitive fundamentals by virtue of having passed the toddler stage. This method transposes what is organically contemplative into a deliberate, conscious approach to reasoning and communicating. More directly, the Bell Method converts an abstract intellectual skill into a formula-driven one that is performed through the use of a template that is scholastic in nature.

In Section I, I will explain the Bell Method by introducing the three stages of the process: (1) completion of the companion chart; (2) use of the companion chart to determine the worth of a case; and, (3) conversion of the companion chart content to a written summary of the case. Thereafter, in Section II, I will demonstrate the Bell Method by illustrating each of the three above-referenced stages. My hope is to offer a tool that lawyers, law students,

[3] The "Bell Case Synthesis Method," created by the author in 2008, is hereinafter referred to as the "Bell Method." It includes an original chart and an original method of organizing and presenting the substance of a case discussion.

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law clerks, paralegals, inmate counsel and legal educators can use to ensure the composition of intellectually satisfying, judiciously drafted legal documents.

2. THE BELL METHOD EXPLAINED

"Cases are synthesized because it is hard to find a single decision that articulates the precise rule of law to support a point in a memo or brief."[4] "Synthesizing authority requires finding a common theme from two or more sources that ties together the legal rule."[5] "Often one case holding will expand another, so the two holdings can be combined, or synthesized, to reflect an accurate statement of law."[6] The Bell Method teaches one how to select, from research findings, potentially useful cases, how to discern when a case is actually a beneficial authority and how to adequately explain the relevant aspects of the selected cases to a reader.[7] The Bell Method works equally well for objective and persuasive writing. The process begins with the factual scenario that needs to be resolved and the case(s) being considered as authority. There are three steps following this.

Step 1. Completion of the Bell Chart [8]

The Bell Method first requires completion of the companion Bell Chart. The chart is designed to address one legal issue at a time. The chart is a private instrument to be seen exclusively by the writer. It was created to aid with the higher order thinking needed to do case analysis and case synthesis. To complete the chart, case analysis is done as each case is critically read and picked apart. At this stage in the process, The Bell Chart is just a chart. Later,

[4] ANDREA B. YELIN & HOPE VINER SAMBORN, THE LEGAL RESEARCH AND WRITING HANDBOOK A BASIC APPROACH FOR PARALEGALS 461 (6th ed. 2012).
[5] *Id.*
[6] YELIN & SAMBORN, *supra* note 5.
[7] For other methods, *see* LINDA H. EDWARDS, LEGAL WRITING AND ANALYSIS 122-125 (3rd ed. 2011) (discussing the work of Professor Michael Smith); RICHARD K. NEUMANN, JR. & SHEILA SIMON, LEGAL WRITING 54-58 (2nd ed. 2011); JUDITH M. STINSON, THE TAO OF LEGAL WRITING 66-67 (2009); Paul Figley, *Teaching Rule Synthesis with Real Cases*, 61 J. Legal Educ. 245 (2011); Tracy McGaugh, *The Synthesis Chart: Swiss Army Knife of Legal Writing*, 9 Persp: Teaching Legal Res. & Writing 80 (2001).
[8] The "Bell Chart" was created by the author in 2008 for use with the Bell Method.

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the Bell Chart becomes an outline for the written Bell Method of case synthesis. Eventually, the chart is discarded. This is an illustration of the blank Bell Chart:[9]

Table 2

	(Unresolved Factual Scenario)	**(Comparison Case #1)**
1. WEIGHT OF AUTHORITY		
*** 2. PROCEDURAL DEVICE**		
*** 3. COA/ISSUE**		
*** 4. APPLICABLE LAW(S)**		
*** 5. FACTS** (Summarize operative)		**(SIMILAR & OUTCOME DETERMINATIVE)** **(DIFFERENT & OUTCOME DETERMINATIVE)**
6. DATE/APPLICABLE		
*** 7. HOLDING**		
*** 8. ANALYSIS** (Law then law applied to facts)		
*** 9. VALUE** (Why case is/is not useful? How it relates? / Policy considerations? Counterarguments?)		

Once a case is read, the writer must begin the process of inputting the case content onto the Bell Chart, which is comprised of three separate sections: (1) the numbered entries on the left side; (2) the middle section of the chart; and, (3) the right side of the chart. The numbered entries on the far left of the chart is the starting point. There are a total of nine sections. Each of these nine factors must be addressed on the chart (but not necessarily in the written summary that will appear in the document). These nine factors are what takes the mystery out of the case synthesis process because they guide

[9] The illustration contains one case. The chart can be expanded to include multiple cases. "While comparing one case to your case can be effective, it is often too simplistic or might not thoroughly and accurately reflect the law. Usually, multiple cases exist for each rule of law. Therefore, the judge will need to determine which prior cases are more on point and which are closer to the facts and issues presented by your client's case. By providing multiple cases for comparison, you present a broad view of the law and explain where your client's situation fits into that law." DIANA R. DONAHOE, EXPERIENTIAL LEGAL WRITING ANALYSIS, PROCESS AND DOCUMENTS 37 (2011).

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the writer through the necessary critical thinking steps. Without this guidance, the writer is left to his own devices. The next section on the chart is the middle section. The middle section of the Bell Chart is completed based on the factual scenario that needs to be resolved. The writer looks to the nine factors and asks each of those questions, based on the scenario to be resolved, an inputs answers. The far-right section of the chart is completed based on the case being considered as an authority. The writer looks to the nine factors and asks each of those questions, based on the case being considered as an authority, an inputs answers.

I will now endeavor to explain each of the nine factors on the left side of the Bell Chart:

> **Box 1-Weight of Authority:** Consider the hierarchy of courts. Which court authored this opinion? Simply state where the court appears on the hierarchy of courts, i.e. state supreme court. The intention is to have the writer consider whether the opinion is still subject to change and/or to consider the weight of a strong precedent. The writer should also be mindful of the fact that a court is generally bound only by decisions from higher courts in its jurisdiction so it should be noted if the case is controlling authority.
>
> **Box 2-Procedural Device:** The legal dispute stems from some piece of paper that was filed in court. What is the name of this document? An example is a motion for summary judgement. This is a very important consideration as cases are considered because different procedural devices call for different standards of proof and burdens of proof. The intention is to have the writer consider if there are differences in the cases, which could make the cases too different to be used for support or even make the cases distinguishable. It is not unusual that a case will involve multiple procedural devices, including some introduced at each stage that the case has travelled along the hierarchy. The writer must address only the one that comports with the scenario at issue.
>
> **Box 3-Cause of Action or Issue:** The writer must identify the legal issue that the court is addressing. While it is true that some cases involve multiple legal issues, the odds are that only one of those issues is being evaluated so that is the issue to insert here. If your

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research involves multiple issues, separate charts must be used for each issue.

Box 4-Applicable Law(s): Identify the law(s) or authority upon which the court bases its analysis. There are a range of options to insert, including statutory law, administrative agency rules, jurisprudence or custom. It is not unusual for a court to rely on multiple authorities or to use laws from multiple sources, such as a codified law in concert with law extracted from the cases. There is a direct correlation between this box and box #3 as the applicable law should be responsive to the cause of action/legal issue.

Box 5-Facts: The middle column involves the facts from the scenario that is awaiting resolution. In as few words as possible, the writer must state the legally significant facts [hereinafter LSFs] and do so in bullet format.[10] The right column involves the facts of the case being analyzed on the chart. The writer must compare those facts (in the right column) to the facts in the middle column. In this instance, only LSFs are being used. As LSFs are extracted from the case, look to the middle column and ask: is this fact (from the case) very similar to the fact in the middle column or is this fact (from the case) very different from the fact in the middle column. Using bullet format and as few words as possible, insert your answer in the right column under the "similar" space if it is similar or under the "different" space if it is different.

Box 6-Date/Applicable: The writer must consider the date of the factual scenario that awaits resolution and insert it in the middle column. If possible, a month/day/year format should be used. Next, look at the date of the case being used and insert it in the right column. If possible, a month/day/year format should be used. This box often serves as an alert that law may have changed, that the selected case may not be the best one to use due to its age or that the selected case shows longstanding, time-tested principles because of its age.

[10] LSFs or determinative facts "are essential to the court's decision because they determine the outcome. If they had been different, the decision would have been different…[they] lead to the rule of the case—the rule of law for which the case stands as precedent….[these facts] can be identified by asking the following question: *If a particular fact had not happened, or if had happened differently, would the court have made a different decision*? If so, that fact is one of the [LSFs or] determinative facts." RICHARD K. NEUMANN, JR. & KRISTEN KONRAD TISCIONE, LEGAL REASONING AND LEGAL WRITING 31 (7th ed. 2013).

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Box 7-Holding: "N/A" will appear in the middle column since there has, obviously, not been a resolution of the legal issue before you. Next, locate the holding of the case you are using and insert it on the right column. If the case has many issues, tailor this to the one issue that you are analyzing on the chart.

Box 8-Analysis: "N/A" will appear in the middle column since there has, obviously, not been a resolution of the legal issue before you. There are two things that must go in the right column: the law the court used (at the top of this box) then how the court applied the facts to that law—their reasoning (at the bottom of this box). The entire focus of this box is on what the court expressed. If they considered it, it must be inserted succinctly. Thinking of law in terms of elements will make this process easier to conquer. To do this, list the law in elements (top box) then write the analysis (bottom box) as if it is a response to how the court decided each element (as opposed to a discussion of an entire legal provision).

Box 9-Value: "N/A" will also appear in the middle column since there has, obviously, not been a resolution of the legal issue before you. Before entering a response on the right column, consider: How does this case relate to the factual scenario at hand? Is this case useful? Why is this case useful? The best way to determine this is to apply the reasoning from the bottom of box #8 to the factual scenario you are attempting to resolve. There are two final considerations. Are there relevant policy considerations? If so, explain how this applies. Are there counterarguments to be discussed? If so, explain how this applies.

Step 2. Use of The Bell Chart to Determine The Worth of a Case

Once each case has been imputed onto the chart, the writer must determine which ones to include in the Discussion. This requires a mindset much like the one employed by those seeking a life partner. These people realize there are some relationship deal breakers, such as views on religion, politics, finances and children. When these things present themselves adversely in a potential mate, several at once, it's a hint that the search for a suitable mate must continue. The process of selecting suitable cases work the same way. All boxes

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must be considered as the case comparison is being done. Some of the boxes on the Bell Chart are deal breakers when it comes to determining if a case is worth using. Once the Bell chart is completed, you must give deep thought to the following boxes: 2-procedural device; 3-cause of action/issue; 4-applicable law(s); and, 5-facts. If these boxes don't line up, you are spending time with the wrong one.

If the case survives this litmus test, every brain cell must be summoned to box #9 where the writer must articulate the value of the case or declare the case to be lacking in value. There, the writer must consider the court's reasoning (that was explained in the bottom of box #8) against the factual scenario that awaits resolution. The writer must use the lesson the court taught (in box #8), but do so with the new facts (those from the scenario that awaits resolution). Lastly, the writer must contemplate policy considerations[11] and how they factor into the overall picture. The writer must do the same with counterarguments.

When a decision to make an analogy between cases is made, the writer is showing "that two situations are so similar that the reasoning that justified the decision in one should do the same in the other."[12] Certainly, the writer should be on the lookout for similarities because it must be determined if the similarities make the cases analogous, but this can't be the end of the inquiry. Sometimes the differences in the case can be helpful so remember it's not only similarities that matter when it comes to case synthesis:

> [A]t times you will find only cases where the holdings run contrary to your preferred outcome. In these situations, you will distinguish the unfavorable case by arguing that the rule doesn't apply at all or that it should be applied differently. While distinguishing cases can

[11] Public policy might be thought of as "the collective morality of the people." *See* Roderick C. White Sr., *How the Wheels Come Off: The Inevitable Crash of Irreconcilable Jurisprudence: Laws Based on Orthodox Judeo-Christian Theology in a Pluralistic Society,* 37 S.U.L.REV. 127, 178 (2009); "'Analyzing policy' means explaining how an outcome will benefit or disadvantage society. Because both sides of an issue can generate reasons why society would be better off if their side won, think of generating policy rationales as looking for the strongest policy reasons that benefit a particular side…." TERRILL POLLMAN, JUDITH M. STINSON, ELIZABETH POLLMAN, LEGAL WRITING EXAMPLES & EXPLANATIONS 134 (2nd ed. 2014); "Lawyers make policy arguments when there is no applicable rule on the subject…, when existing rules are ambiguous, and to bolster other legal arguments." DIANA R. DONAHOE, EXPERIENTIAL LEGAL WRITING ANALYSIS, PROCESS AND DOCUMENTS 6 (2011).

[12] RICHARD K. NEUMANN, JR. & KRISTEN KONRAD TISCIONE, LEGAL REASONING AND LEGAL WRITING 117 (7th ed. 2013).

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> make you feel as if you are on the defensive, this technique can help you produce very effective legal arguments. However, do not feel as if you have to distinguish a case merely because it is different. All cases are different from one another. The question is whether the differences are legally significant.[13]

"Distinguishing is the opposite of analogy: a demonstration that two situations are so fundamentally dissimilar that the same result should not occur in both."[14] If you see a relative connection between the factual scenario that awaits resolution and what you entered into box #9, the case is likely valuable and you will need to include it in your discussion. If you conclude that the case has no value, discard it and begin the process again with the next case in your research stack.

Step 3. Converting the Bell Chart to a Written Summary of the Case

Once the case comparison is concluded, the writer must, during the written summary process, include the required Bell Chart boxes that have an asterisk. Next, the writer must decide if the optional boxes, which have no asterisk, should be included. If the optional boxes contain no pertinent information, the box should be ignored.

At this stage, the writer must shift his thinking from previously viewing the Bell Chart as a mere chart made up of nine separate factors to now viewing the chart as the outline of a case that will be explained in three separate sections or paragraphs. The point to grasp here is that every case is discussed through at least three paragraphs or sections. Usually, Section I can be addressed in a single paragraph. Section II normally can be resolved in one or two paragraphs. Section III can often be resolved in one or two paragraphs. In each of these sections, the writer must construct a flowing paragraph while not calling attention to any boxes. The writer simply weaves the content of the boxes into the discussion. Here is an illustration of the three paragraph/section conceptualization of the Bell Chart that is needed during the writing process:

[13] DIANA R. DONAHOE, EXPERIENTIAL LEGAL WRITING ANALYSIS, PROCESS AND DOCUMENTS 35 (2011).
[14] RICHARD K. NEUMANN, JR., LEGAL REASONING AND LEGAL WRITING STRUCTURE, STRATEGY, AND STYLE 154 (6th ed. 2009).

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Case #1: Section I or Paragraph I

Box 1-Weight of Authority: This is an optional box (thus the absence of an asterisk on the chart). If the weight of the case is not impressive, don't mention it.

Box 2-Procedural Device: This content must be included (thus the asterisk on the chart).

Box 3-Cause of Action or Issue: This content must be included (thus the asterisk on the chart), but this must be done in a simple way and not formally. For example, if a motion for summary judgment were at issue, you would simply say something like: "in its discussion of this motion for summary judgment." You would not make a formal statement such as this: "Whether the plaintiff Oretha Hailey should prevail in her wrongful death action after her husband was killed by a cashier with a history of unprovoked and unpredictable episodes of violence?"

Box 4-Applicable law(s): This content must be included (thus the asterisk on the chart).

Box 5-Facts: This content must be included (thus the asterisk on the chart).

Box 6-Date/Applicable: This is an optional box (thus the absence of an asterisk on the chart).

Box 7-Holding: This content must be included (thus the asterisk on the chart).

NOTES:

The content is not negotiable, but the order is.

Section I will always be objective because it is merely an overview of the court's actions.

No other content is allowed in this paragraph/section.

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Case #1: Section II or Paragraph II

Box 8-Analysis: This content must be included (thus the asterisk on the chart).

NOTES:

The content is not negotiable.

Section II will always be objective because it is where the writer explains the law (s) the court used then shows how the court applied this law or reasoned its way to a legal conclusion. In this section, the writer must take great caution to paraphrase what the court said, did, thought and/or considered. Preface statements with "the court said/felt/thought/considered" to guard against accidentally inserting the writer's thoughts. Failure to do so gives the appearance of the writer expressing his independent thoughts, which has no authoritative value in law.

The writer should guard again using excessive quotes. The reader needs to see the writer's summary of the court's reasoning. Use of excessive quotes is tantamount to suggesting that the reader should use the excerpts provided to figure out for themselves what is valuable about the case.

No other content is allowed in this paragraph/section.

Case #1: Section III or Paragraph III

Box 9-Value: This content must be included (thus the asterisk on the chart).

NOTES:

The content is not negotiable.

Section III can be written objectively or persuasively so the writer must contemplate the ultimate objective for the written submission before this section is composed.

Ultimately, Section III should be responsive to the call of the question. This is accomplished by lifting the reasoning from box #8 and applying it to the scenario that awaits resolution and suggesting

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an outcome, based on that reasoning. Before Section III is concluded, the writer should consider policy considerations and counterarguments and address them if they add substance to the discussion of the case.

The writer should guard again using excessive quotes. The reader needs to see the writer's comparison of the cases. Use of excessive quotes is tantamount to suggesting that the reader should use the excerpts provided to figure out for themselves what is valuable about the court's reasoning.

No other content is allowed in this paragraph/section.

3. THE BELL METHOD ILLUSTRATED

In this instance, the writer is writing on behalf of Billie Holliday. This writer has located the case of *Guillory v. Interstate*. The writer will first complete the chart. Thereafter, the writer will do a synthesis of the case, using the three section Bell method.

The Billie Holliday Factual Scenario:

Erica Cane, the victim in this instance, was an employee of the Louisiana Office of Student Financial Assistance. Several days prior to her death, she notified her supervisor of an immediate need to secure a restraining order to protect her from acts of violence perpetrated by her spouse. Her request was accommodated. A few days later, while at work, Erica Cane received a death threat from her estranged husband. Shortly after alerting a co-worker and the authorities, she was shot and killed by her estranged husband at her place of employment on February 7, 1998.

Billie Holliday, individually and as tutrix of Erica Cane's four minor children, filed suit alleging negligence on the part of Erica Cane's employer, prompting the state of Louisiana to file a motion for summary judgment asserting its immunity from tort liability (pursuant to the Louisiana Workers' Compensation Act). Billie

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Holliday specifically alleged that the state of Louisiana was liable in tort because it failed to provide Erica Cane with a safe workplace and that the state of Louisiana was also vicariously liable for the failures of Erica Cane's co-workers to procure security guards in a timely manner and because the security guards had not been trained to use the multi-line phone system and, as a result, caused a delay in summoning the police.

A district court hearing was held before the Honorable Greg Mathis. At issue was the state of Louisiana's motion for summary judgment (opposing a tort action and contending that workers' compensation was the exclusive remedy). The court denied the State's motion, holding that La. R.S. 23:1031 did not bar Billie Holliday from bringing an action in tort against the state of Louisiana. The State filed an appeal asking the appellate court to determine if the trial court erred in denying its motion for summary judgment.

The Completed Bell Chart Based on the Billie Holliday Factual Scenario & One Comparison Case:

Table 2

1. WEIGHT OF AUTHORITY	**(*Holiday v. State of Louisiana*)** appellate court (state)	***Case #1: Guillory v. Interstate*** Louisiana Supreme Court
***2.PROCEDURAL DEVICE**	Civil appeal re M.S.J.	Civil appeal re employer's M.S.J.
***3. COA/ISSUE**	Tort suit or workers' compensation?	Entitled to workers' compensation?
***4. APPLICABLE LAW**	Louisiana Workers' Compensation Act (1914) (codified as amended at LA. REV. STAT. ANN. §§ 23:1031 to 23:1379 (2012)) (generally); LA. REV. STAT. ANN. § 23:1031 (amended 2011) (specifically).	Louisiana Workers' Compensation Act (1914) (codified as amended at LA. REV. STAT. ANN. §§ 23:1031 to 23:1379 (2012)) (generally); LA. REV. STAT. ANN. § 23:1031 (amended 2011) (specifically).
***5 FACTS (Summarize operative)**	1. Erica Cane worked for the state of La. 2. Employer accommodated her request for a T.R.O. 3. While at work doing her	**(SIMIILAR & OUTCOME DETERMINATIVE)** 1. Teresa Guillory worked at gas station 2. As she was stacking cigarettes near a window, her husband, who never entered the building, shot through the glass and struck her.

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	job, Erica received a death threat from her estranged husband. 4. Shortly thereafter, he entered & shot her at her workplace. 5. Erica died.	---------- ***(DIFFERENT & OUTCOME DETERMINATIVE)*** 1. Husband shot from outside to inside (Doesn't change outcome under W.C. law). 2. Employer refused her request to carry a weapon at work (Doesn't change outcome under W.C. law). 3. Employer didn't accommodate request for R.O. (Doesn't change outcome under W.C. law). 4. Teresa survived (Doesn't change outcome under W.C. law).
6. DATE/ APPLICABLE	02/07/1998	03/30/1995
***7. HOLDING**	N/A	Shooting is not work-related so no W.C. Tort suit is remedy.
***8. ANALYSIS** (Law then law applied to facts)	N/A	Law: WC due when injury/accident: (1) arises out of; and, (2) in course & scope of employment. #1= look to character/origin of risk or risk— see if accident came about because of employment risks or purely personal risks. #2= Look to time/place of incident. Application: #2/In course & scope? Yes— #2= easy says the court. Stacking cigarettes as employed to do. #1/Arising out of employment? Court says #1 = harder question. Court feels accident is purely personal, i.e. marriage. Injury has nothing to do with risks of the job. Court feels #2 exists, but not #1.
***9. VALUE** (Why case is/is not useful? How it relates? Policy considerations? Counterarguments?)	N/A	Useful. Factually and procedurally analogous. Can apply analysis of #1/ "arising out of" to show shooting was personal & not connected to employment. P.C.? Yes. Counterarguments? No.

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Written Summary of the Case To Be Used As Authority in the Billie Holliday Discussion (Presented in Three Paragraph/Section Format):

In *Guillory v. Interstate Gas Station*,[15] the Louisiana Supreme Court addressed when an accident is considered to have "arisen out of" one's employment. *Guillory* involves a convenience store clerk who was shot by her spouse while the victim was at work stacking cigarettes as required by her employer. Mrs. Guillory survived and sought workers' compensation benefits. In response, the workers' compensation insurer filed a motion for summary judgment asserting the belief that Mrs. Guillory was precluded from recovery under the workers' compensation act because, according to the insurer, her injuries resulted from matters unrelated to her employment. The court agreed and held that workers' compensation benefits would not awarded.

Note how paragraph / section 1 contains content from boxes #1-#7 only and notice how the paragraph strings these boxes together so they flow without mentioning any boxes in particular.

The *Guillory* court approached its analysis of Mrs. Guillory's entitlement to workers' compensation by separately considering the terms "arising out of" and "in the course and scope of employment." In so doing, the court interpreted the meaning of a "dispute" over matters "unrelated to…employment" as referenced in La. R.S. 23:1031(D). The *Guillory* court explained that a determination as to "course and scope" can only be reached by looking to the time and place of the incident in question. When applied to Mrs. Guillory's case, the court reasoned that Mrs. Guillory, a service station clerk, was shot while stacking cigarettes inside the service station. Thus, the court rather effortlessly decided that Mrs. Guillory was acting within the "course and scope" of her employment at the time and

Note how paragraph / section 2 only includes content from box #8. Also, note how law is presented at the beginning of this paragraph and application appears at the end of this paragraph.

[15] *Guillory v. Interstate Gas Station*, 94-1767 (La. 03/30/95); 653 So. 2d 1152.

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in the place she was shot. As to the latter part of the inquiry ("arising out of"), the court advised that one must look to the risks of the job. The court then reasoned that Mrs. Guillory was not shot because of employment-related risks because there was nothing about her workplace or official duties that caused her injury on the night in question. Instead, the court noted that the shooting happened in the context of an ongoing marital dispute, which just happened to have visited Mrs. Guillory's workplace. In furtherance of this thinking, the court expressed that Mrs. Guillory was shot for reasons unrelated to her employment. In reasoning that the shooting was purely the result of marital difficulties and, in no way, related to her employment duties, the court concluded that the employer was not responsible for her injuries.

Note how paragraph / section 3 only contains content from box #9. Also, note how this paragraph is responsive to the call of the question or the legal issue that the writer is addressing.

Guillory is quite insightful. The *Guillory* court's guidance on the meaning of "arising out of" employment helps to evaluate Ms. Holliday's case. The *Guillory* court suggests focusing attention on whether the accident came about because of employment risks or because of purely personal risks. Ms. Cane was estranged from a man she had a history of domestic violence with. Shortly before she was murdered at work, he called her at work and threatened her. When the *Guillory* court's reasoning is applied, a single view emerges and that is that Ms. Cane's shooting, though it happened at work, was the result of a purely personal marital dispute and was in no way related to her duties as an employee of the Office of Student Financial Assistance. Thus, it is my informed view that Ms. Cane's shooting was totally unrelated to her employment, making Ms. Holliday's remedy a tort action and not a workers' compensation action. As an

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additional consideration, there is at least one policy consideration at issue. A ruling suggesting that a tort remedy is permissible would be unjust to employers whose liability would expand exponentially. This can cause harm to Louisiana's businesses who would have to bear these additional costs and, in turn, harm the public who could then have fewer employment options. For this added reason, a remedy in tort is advocated.

4. CONCLUSION

"Synthesis is the bringing together of various legal authorities into a unified cohesive statement of the law."[16] "By focusing on the reasoning and generic facts that the cases have in common, synthesis finds and explains collective meaning that is not apparent from the individual cases themselves."[17] "Synthesis adds analytical insight to…legal documents and makes reading them easier."[18] This is arguably one of the most challenging of legal writing tasks. It is also the one that plays the greatest role in professional and legal success and, astonishingly, it calls upon intellective processes routinely performed by toddlers and certainly demonstrable by adults.

The Bell Method is a proven way of achieving case synthesis. The results have been astonishing. Prior to the development of the Bell Method, students would omit needed content from case discussions, spend too much time discussing irrelevant content from cases, lift an endless string of quotes and paste them into documents without any personal explanation of why the material was extracted or students would miss the entire point of the case. After introduction of the Bell Method, most of these concerns dissipated. When one gives thought to how high the stakes are at the point in time that Discussions are drafted in the legal profession, I suspect there is little need for

[16] YELIN & SAMBORN, *supra* note 5.
[17] NEUMANN, *supra* note 15, at 155.
[18] YELIN & SAMBORN, *supra* note 5.

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convincing that taking it apart only to put it back together is more than mere child's play.