

Findings of Fact

Justice Tracy Christopher
Fourteenth Court of Appeals
29th Annual Conference on State and Federal Appeals

Findings of Fact—Why Should You Care?

- Can extend the appellate timetable.
- Can simplify the issues for appeal.
- Can be a trap for the unwary.
- Can be requested for many hearings that you may not consider a “bench trial.”

Can Simplify the Issues for Appeal

- In a multi-cause of action case, or with multiple parties, or with multiple defenses—get findings!
- Otherwise you must defeat all causes of action and address all defenses in your brief.
- Failure to do so—appellate court can affirm on unbriefed issues.

Extending the Appellate Timetable

- Extends the appellate timetable if “required by the rules of civil procedure, or if not required, could properly be considered by the appellate court.”

Compare Linwood v. NCNB Tex., 885 S.W.2d 102, 103 (Tex. 1994) (request in a summary judgment did not extend the appellate timetable) *with IKB Indus. (Nigeria) Ltd. v. Pro-Line Corp.*, 938 S.W.2d 440, 443 (Tex. 1997) (request after an evidentiary sanctions hearing extended the appellate timetable).

- But not for accelerated appeals.

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