

# Findings of Fact

Justice Tracy Christopher  
Fourteenth Court of Appeals  
29<sup>th</sup> 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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