

# How to Draft Good Findings of Fact and Conclusions of Law

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## 31st Annual Conference on State and Federal Appeals

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1

## Overview

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- Findings of Fact - the Basics
- Findings of Fact - Advanced
  - Practical problems
  - Other strategy considerations

2

# The Basics

3

## What are FF and CL?

### **Findings of fact:**

- Take the place of a jury verdict
- Provide the factual framework for the judgment

### **Conclusions of law:**

- Legal basis for the judgment

4

## What are the purposes of FF?

- Narrow issues for appeal
- Provide basis to attack judgment
- Critical for preserving certain errors
- Pretrial and trial tool

5

## How are FF unique from other post-judgment motions?

- Shorter deadline
- Preservation requires filing multiple docs
- Preservation obligation falls on both parties

6

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## Title search: How to Draft Good Findings of Fact and Conclusions of Law

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