

How to Draft Good Findings of Fact and Conclusions of Law

31st Annual Conference on State and Federal Appeals

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Overview

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

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The Basics

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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

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What are the purposes of FF?

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

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How are FF unique from other post-judgment motions?

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

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