

# FINDINGS OF FACT

## Critical, Underused Advocacy Tool

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It takes a village .... thanks to

Georgetown Law School  
Writing Center

State Prosecuting Attorney's  
Office

Texas Court of Criminal  
Appeals Writ Staff past and  
present – Michael  
Falkenberg and Michael  
Stauffer

Baldwin Chin

David Keltner

Andrea Jacobs

2

# STANDARDS OF REVIEW

3

Can Play Significant Role When Crafting Proposed Findings

Can be a game changer – when advocate uses strategically, depending on specific case

Differing standards are function of the discrete institutional roles between trial and appellate courts

4

# Strategy

Reframe

Recast

Move left or right on the sliding scale to a more favorable standard for your case theory



5

## DEFERENCE CONTINUUM

**NO**

DE NOVO

QUESTIONS OF  
LAW

**SOME**

ABUSE OF  
DISCRETION

CREDIBILITY;  
EVIDENTIARY  
RULINGS

**GREAT**

CLEARLY  
ERRONEOUS

QUESTIONS OF  
FACT

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