

## Appeals: A district court's reasons for judgment

The Louisiana Code of Civil Procedure provides that a party may request written findings of fact and reasons for judgment within ten days after the mailing of the signing of the judgment in appealable non-jury cases.<sup>1</sup> A trial court's failure to issue written reasons, however, is not a basis for reversing the judgment.<sup>2</sup> What is the relationship between the court's judgment and its reasons, and what functions do they serve in the appellate process?

A trial court's judgment and its reasons for judgment are legally distinct.<sup>3</sup> An appeal is taken from a signed final judgment, not from the court's written reasons.<sup>4</sup> No appeal lies where a district court has issued written reasons but has not signed a judgment.<sup>5</sup> Once a district-court clerk mails notice of the signing of final judgment, the delays for filing an appeal commence, even if the district court has not issued reasons for judgment.<sup>6</sup> An appellate court reviews the judgment for correctness, not "the soundness of the reasons for the judgment."<sup>7</sup>

If a judgment is otherwise complete but also contains reasons in the same document, the judgment is nonetheless valid, and the court of appeal can treat the reasons as surplus language.<sup>8</sup> In particular, in submitting proposed judgments parties sometimes list a number of findings of fact and conclusions of law, and then continue, "Considering the foregoing: IT IS ADJUDGED that . . . ." What precedes the decretal language, however, should be considered reasons for

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<sup>1</sup> La. Code Civ. Proc. art. 1917(A). *See also* La. Code Civ. Proc. art. 592(A)(3)(b) (requiring timely requested written findings of fact and reasons for judgment on whether to maintain a class action); La. Code Civ. Proc. art. 1425(F) (requiring findings of fact, conclusions of law, and reasons for judgment on pretrial rulings to admit or exclude expert testimony).

<sup>2</sup> *Hall v. Folger Coffee Co.*, 03-1734 (La. 4/14/04), 874 So. 2d 90, 95 n.9.

<sup>3</sup> *See* La. Code Civ. Proc. art. 1918 ("A final judgment shall be identified as such by appropriate language. When written reasons for the judgment are assigned, they shall be set out in an opinion separate from the judgment.").

<sup>4</sup> *See* La. Code Civ. Proc. arts. 2082-83 (appeal of a judgment); *Wooley v. Lucksinger*, 09-0571, -0584, -0585, -0586 (La. 4/1/11), 61 So. 3d 507, 572 ("[A]ppellate courts review judgments, not reasons for judgment."), *citing Greater New Orleans Expy. Comm'n v. Olivier*, 02-2795 (La. 11/18/03), 860 So. 2d 22, 24 ("Appeals are taken from the judgment, not the written reasons for judgment.").

<sup>5</sup> *See Love v. AAA Temporaries, Inc.*, 00-0638 (La. App. 1 Cir. 9/28/01), 809 So. 2d 292, 294.

<sup>6</sup> *See Williams v. Atmos Energy Corp.*, 09-1061 (La. App. 5 Cir. 5/11/10), 42 So. 3d 409, 411; *Ricks v. East Jefferson Gen. Hosp. Foundation, Inc.*, 00-1695 (La. App. 5 Cir. 3/14/01), 783 So. 2d 457, 458.

<sup>7</sup> Stetter, *Louisiana Civil Appellate Procedure*, § 10:16 (Thomson Reuters 2011).

<sup>8</sup> *Hinchman v. International Bro. of Elec. Workers, Local Union #150* (La. 3/25/74), 292 So. 2d 717, 720 ("We hold that the language contained in the second sentence of C.C.P. 1918 is precatory, and does not render invalid a judgment which is complete and valid except for the inclusion of reasons."). *See also Martin v. JKD Investments, LLC*, 42,196 (La. App. 2 Cir. 6/20/07), 961 So. 2d 575, 578 (same); *Country Club of La. Prop. Owners Ass'n, Inc. v. Dornier*, 96-0898 (La. App. 1 Cir. 2/14/97), 691 So. 2d 142, 149 (same).

judgment and not part of the judgment itself, and so not presented to an appellate court for review.

When a judgment and the written reasons for it diverge, the final judgment controls.<sup>9</sup> Written reasons for judgment are considered to be merely interlocutory rulings, which do not embody the finality of a final, appealable judgment.<sup>10</sup> “Prior to final judgment, a trial judge may, at his discretion, change the substance or the result of interlocutory rulings.”<sup>11</sup>

Appellate rules specify that a district court’s reasons for judgment, if any, whether transcribed oral reasons or written reasons, be included in the record and attached to appellate briefs and writ applications.<sup>12</sup> But the reasons in themselves do not diminish an appellate court’s authority to render any judgment that is “just, legal, and proper upon the record on appeal” within the limits of the applicable standards of review.<sup>13</sup> Judgments are “often” upheld on appeal for reasons different from those assigned by the district court.<sup>14</sup>

Reasons for judgment may nonetheless serve to explain or explicate the trial judge’s determinations.<sup>15</sup> Although the appellate court’s duty is to review the trial court’s judgment, not its reasons, the reviewing court may “use those reasons to gain insight into the district court’s judgment.”<sup>16</sup> While not dispositive in themselves, the court’s reasons “provide an important aid for a reviewing court to use in determining if the trial court applied correct legal principles. . . .”<sup>17</sup> With the reasons as a frame of reference, the appellate court can better scrutinize the judgment. Reasons for judgment ultimately “improve the quality of justice” by eliminating confusion and guesswork for all concerned.<sup>18</sup>

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The authors, Douglas L. Grundmeyer and Jonathan C. McCall, are partners in the Appellate Practice Section of Chaffe McCall, L.L.P., and are co-chairs of NOBA’s Appellate Practice Committee.

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<sup>9</sup> *Thurman v. Thurman*, 521 So. 2d 579, 581 (La. App. 1 Cir. 1988); *Sanford v. Sanford*, 468 So. 2d 844, 845-46 (La. App. 1 Cir. 1985).

<sup>10</sup> Stetter, § 10:16.

<sup>11</sup> *Bordelon v. Dauzat*, 389 So. 2d 820, 822 (La. App. 3 Cir. 1980).

<sup>12</sup> Unif. R. – La. Cts. App., Rules 2-1.8(1), 2-12.4, and 4-5(C)(7); La. S. Ct. Rules, Rule I, § 5(g) and Rule X, § 3(5).

<sup>13</sup> La. Code Civ. Proc. art. 2164 (scope of appeal).

<sup>14</sup> *Wooley v. Lucksinger*, 61 So. 3d at 572.

<sup>15</sup> See *State in the Interest of Mason*, 356 So. 2d 530, 532 (La. App. 1 Cir. 1977), cited with approval in *Wooley v. Lucksinger*, 61 So. 3d at 572.

<sup>16</sup> *Wooley v. Lucksinger*, 61 So. 3d at 572. See also *Bonnette v. Conoco, Inc.*, 01-2767 (La. 1/28/03), 837 So. 2d 1219, 1227 n.5 (reading the trial court’s reasons for judgment to interpret the award of damages in the judgment).

<sup>17</sup> Stetter, § 10:16.

<sup>18</sup> Plotkin & Thomas, “Reasons for Judgment,” 28 *La. Bar Journal* 74, 75 (Sept. 1980).