

*“For these reasons, Mr. Smith respectfully requests . . . .”*

# **Conclusion and Prayer in the Appellate Brief**

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# *In a Nutshell . . .*



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## Today You Will Learn

- I. What the Conclusion Is and
- II. What the Prayer Is and What Requests for Relief Are Available for It.

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# **I. What the Conclusion Is**



# Conclusion

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- TRAP 38.1 does not require a Conclusion section.
- Nonetheless, most good advocates either
  - include a short Conclusion section *after* the Argument & Authorities and *before* the Prayer or
  - incorporate the Prayer into the Conclusion (more common).
- If you include a Conclusion, it should briefly touch on your major points, all of which build up to why you should recover.

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## **II. What the Prayer Is and What Requests for Relief Are Available for It**



# Prayer: General

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- The Prayer is NOT the same as the Conclusion.
  - The prayer is a request for *specific* relief, i.e., how you want the appellate court to dispose of the *judgment* (or appealable *interlocutory order*) of the trial court.
  - The prayer also includes any requests for alternative relief.
  - It does not use the verb “pray.”
  - Example of prayer: “BFI respectfully requests that this Court reverse the judgment of the trial court and render judgment in favor of BFI.”

# Prayer: Possible Dispositions— TRAP 43.2

## 43.2. Types of Judgment

The court of appeals may:

- (a) **affirm** the trial court's judgment in whole or in part;
- (b) **modify** the trial court's judgment and **affirm** it as modified;
- (c) **reverse** the trial court's judgment in whole or in part and **render** the judgment that the trial court should have rendered;
- (d) **reverse** the trial court's judgment and **remand** the case for further proceedings;
- (e) **vacate** the trial court's judgment and **dismiss** the case; or
- (f) **dismiss** the appeal.