



## **I.R.C.P. 52. Findings and Conclusions by the Court**

### **Idaho Rules of Civil Procedure Rule 52. Findings and Conclusions by the Court.**

#### **(a) In General.**

(1) *For Actions Tried Without a Jury.* In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58. A party may raise the question of the sufficiency of the evidence to support the findings whether or not the party raising the question has made an objection to the findings or a motion to amend them or a motion for judgment.

(2) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

(3) *Judgment by Default.* The court is not required to state findings or conclusions in support of a judgment by default.

(4) *For a Motion.* The court is not required to state findings or conclusions when ruling on an interlocutory order made pursuant to a show cause hearing or on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(5) *Effect of a Master's Findings.* A master's findings, to the extent adopted by the court, must be considered the court's findings.

(6) *Questioning the Evidentiary Support.* A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(7) *Setting Aside the Findings.* Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witnesses' credibility.



**(b) Amended or Additional Findings.** On a party's motion filed no later than 14 days after the entry of judgment, the court may amend its findings, or make additional findings, and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59.

**(c) Assignment of Error.** No party may assign as error the lack of findings unless the party raised the issue to the trial court by an appropriate motion.

([Adopted March 1, 2016, effective July 1, 2016](#) [1].)

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### Links

[1] <https://isc.idaho.gov/rules/IRCP/03012016-Adoption-Newly-Formatted.pdf>