

Bench Trial Decision Checklist¹

In a bench trial, “the court shall find the facts specially, state separately its conclusions of law, and direct entry of the appropriate judgment.” [MCR 2.517\(A\)\(1\)](#). “Brief, definite, and pertinent findings and conclusions on the contested matters are sufficient, without overelaboration of detail or particularization of facts.” [MCR 2.517\(A\)\(2\)](#). Articulation is designed to aid appellate review. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141 (1994). Findings are sufficient if it appears that the court was aware of the issues and correctly applied the law. *In re Cotton*, 208 Mich App 180, 183 (1994).

Items to Include in Oral or Written Decision:

- Statement of Case;
- Issues;
- Applicable statutes;
- Applicable jury instructions;
- Burden of proof;
- Any presumptions which may apply;
- Analysis;
- Findings of facts regarding essential elements and issues using a level of specificity that alerts a reviewing court of the controlling choices made between competing factual assertions, [MCR 2.517\(A\)\(1\)](#) and *Holbern v Holbern*, 91 Mich App 566, 569 (1979);²
- Conclusions of law, [MCR 2.517\(A\)\(1\)](#); and
- Direct entry of the appropriate judgment, see [MCR 2.517\(A\)\(1\)](#) and [MCR 2.602](#).

¹ See the Michigan Judicial Institute’s *Civil Proceedings Benchbook*, Chapter 7, on bench trials.

²The *Holbern* Court was considering GCR 1963 517.1, which is substantially similar to [MCR 2.517\(A\)\(1\)-\(2\)](#).

