

Trachtenberg and Knight in *The Advocate* on Getting from a Damages Verdict to Judgment

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PRACTICES Litigation, Appellate

Turning a jury verdict into a judgment is both art and science. The issues are many, including everything from election of remedies to calculating interest and apportionment and damage caps.

In the 2024 Fall Edition of *The Advocate*, Haynes Boone [Appellate](#) Partner [Mark Trachtenberg](#) and Associate [Chris Knight](#) have put together a “check-list” article on forming judgments in Texas civil cases. In it, they cover a range of judgment formation topics, including how to determine proper damage amounts, apportionment of damages among defendants, settlement credits and offsets, and calculation of pre- and post-judgment interest.

Their article is a resource for trial and appellate lawyers in crafting legally correct judgments that will stand up on appeal.

Read an excerpt below:

Say you have obtained a favorable jury verdict, and the judge asks you to prepare a proposed judgment. The Texas Rules of Civil Procedure give you the broad parameters: rendition of judgment on a jury verdict is a ministerial duty; the judgment “should conform to the nature of the case proved and the verdict, if any, and shall be so framed as to give the party all the relief to which he may be entitled either in law or equity”; and the judgment shall contain the “full names of the parties, as stated in the pleadings, for and against whom the judgment is rendered.” See, e.g., Tex. R. Civ. P. 300, 301, 306. But many of the details of judgment formation come from statutory and common-law requirements and customs.

This paper is meant as a compilation—or checklist—of many of those requirements and customs. While we do not cover every question that could possibly arise, we do address some of the most common ones—like election of remedies, pre- and post-judgment interest, attorneys’ fees, and costs

II. Ascertaining the proper damages amounts to be awarded

The first step in forming a judgment from a jury’s verdict is to ascertain the amount of damages that is legally recoverable. See Tex. R. Civ. P. 301. This involves a number of considerations:

A. Election of Remedies Alternative recoveries in a jury verdict presents one of the most important judgment formation issues. There is an excellent discussion of this issue by Chris Dove in *Carefully Elect Your Remedies, and Preserve the Right to Elect Alternatives*, 2018 TXCLE Advanced Civil Appellate Practice, available at 2018 WL 6711775 (2018). The key questions are set forth below.

[Read more in the article here.](#)