

THURGOOD MARSHALL SCHOOL OF LAW LIBRARY

Pathfinder Series

DeCarlous Spearman, Law Library Director

Revised: April 2015

FINDING & DRAFTING USING FORMS & FORMBOOKS

Introduction

Drafting documents is an integral part of your daily work in the practice of law. All lawyers draft documents. Civil litigators draft demand letters, letters of representation, original petitions, complaints, interrogatories, jury instructions, settlement agreements, appellate briefs, etc. Criminal lawyers draft plea agreements, writs of habeas corpus, appellate briefs, etc. Transactional attorneys draft contracts, wills, sale of goods, deeds, letters of credit, leases, promissory notes, articles of incorporation, etc. Even more than doing research, you will find that legal drafting is the most heavily used component of practicing law.

Although every document you create will be unique to that client, you do not have to reinvent the wheel. This guide is intended to provide you with an overview of some of the most useful resources for attorneys in drafting legal documents.

Forms are available in various formats. **Commercially published formbooks** provide general drafting information as well as forms specific to subject, jurisdiction, and document-type. **Court-prepared forms** are standardized forms provided by courts for frequently used pleadings or other court procedures. Many firms have **in-house databanks** in which legal documents prepared by attorneys have been archived as forms. Finally, **your own forms file** can be a good source of information. Many formbooks are available in paper and electronic formats.

Formbooks

Formbooks are considered secondary sources that contain sample legal forms, couched in standard, court-tested language. Forms usually appear in several alternatives, *e.g.*, a long, detailed form or a short form. Usually optional clauses are included that can be added to the basic form when appropriate.

Formbooks are typically multi-volume, looseleaf sets, arranged alphabetically by topic. Forms are accessed by using the index, usually a separate volume that directs the user to appropriate topics and sections. Many formbooks also have comments related to a topic.

Loose-leaf Services

In practice, attorneys use sets of ring binders that report the law on a particular subject. These sources are called looseleaf services. The material is placed in binders so it can quickly be updated. To learn more about looseleaf services, make an appointment with a law librarian to go over the organization and use of these invaluable publications. Please note most formbooks are looseleaf services.

One author describes looseleaf services as:

“Looseleaf services are like vacuum cleaners pulling together everything on a subject. Unlike vacuum cleaners, when you open a looseleaf service, everything is in order and easy to find. The only loose thing about them occurs when you drop the binder.” Marie Wallace, Practice Pointer: Looseleaf Services, 1 no. 2 Perspectives: Teaching Legal Res. & Writing 63 (January, 1993).

CAUTION: Formbooks are very useful sources for legal documents. Remember, they were not drafted with your unique legal situation in mind. Many attorneys consciously or unconsciously use ‘model’ examples as replacements for thinking. Formbooks cannot be used as a short cut to avoid thinking. Check and double-check that the form complies with the requirements and practices of your jurisdiction and your institution. **YOU MUST REVIEW THE LAW.**

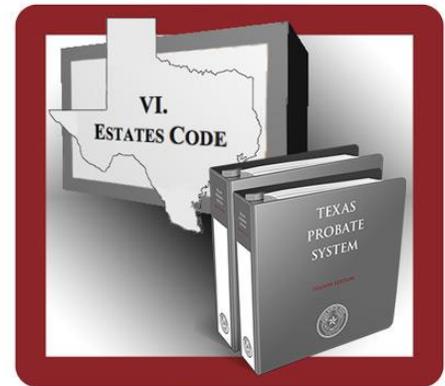
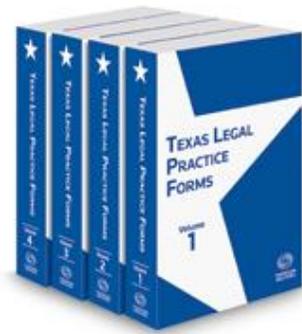
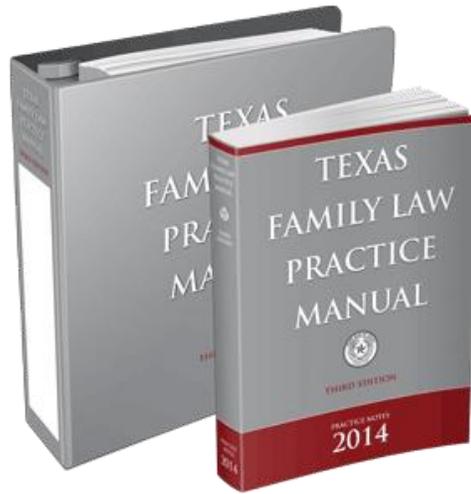
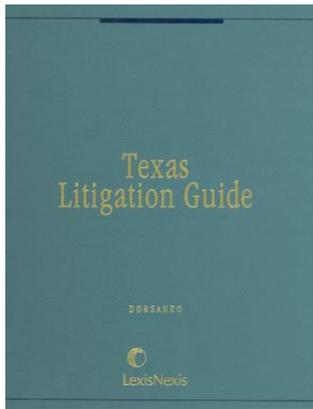
Finding “The Law” (Code/Statutes & Cases)

Subject Matter	Book
Civil Practice	O'Connor's Civil Trials
Corporation or Partnership Law	West Business & Commerce Code
Family Law	Texas Family Code
Probate	Texas Probate Code
Property	Texas Property Code
Criminal Law	Texas Criminal Code & Rules (Texas Lawyer Press)

Drafting Petitions, Motions, Discovery, Contracts

Subject Matter	Book – Table Copies/Desk copy
Civil Practice	- O'Connor's Texas Forms Civil Trials - Stevenson's Legal Forms and Practice Guide for Texas - Texas Legal Practice Forms, 2014 ed. - Texas Litigation Guide - Texas Practice Series
Corporation Law	Texas Transaction Guide
Family Law	Texas Family Law Practice Manual, 3rd ed.
Probate	Texas Probate System, 4th ed. ¹
Property	Texas Transaction Guide
Criminal Law	Texas Criminal Practice Guide

¹ The Texas Probate System: New Edition for a New Code; The replacement of the Texas Probate Code with the Texas Estates Code made the 4th edition of our *Texas Probate System* a uniquely important update, <http://texasbarbooks.net/texas-probate-system-new-edition-new-code/>.



Electronic Sources for Formbooks:

Texas ²	Federal
O'Connor's Online ³	O'Connor's Online
LexisNexis Matthew Bender ⁴	LexisNexis Matthew Bender
State Bar of Texas ⁵	United States Courts ⁶
Gale Legal Forms ⁷	
Texas Law Help ⁸	
Texas Judicial Branch ⁹	
ProDoc ¹⁰	

² Please note that most of these electronic resources are accessible via the Law Library Computing Network.

³ As with the O'Connor's print version, its online equivalent covers practice areas such as Annotated Codes, Business Law, Calculators, Criminal Law, Employment Law, IP Law, Family Law, Litigation, Probate, and Property. Jurisdictions include Federal, Texas and California. For more information, see a reference librarian for instructions on how to access these forms. We also request that you bring a USB drive since the forms in question will be downloaded to the device.

⁴ This resource covers multiple jurisdictions and practice areas. For Texas practitioners, this would include Texas Litigation Guide, Texas Transaction Guide, Texas Criminal Practice Guide, Texas Estate Planning, Texas Family Practice & Procedure, Texas Personal Injury Handbook, and Texas Probate Estate and Trust Administration.

⁵ The State Bar of Texas offers an array of legal forms specific to practice areas. See reference librarian for instructions on how to access these forms.

⁶ Federal court forms can be found here.

⁷ Gale Legal Forms can be downloaded into MS Word. This resource also provides completed examples.

⁸ This resource serves as a free guide for civil legal information and finding free legal assistance for law income Texans. It also provides forms that you can print or fill in online.

⁹ You can obtain standardized legal forms for Texas here.

¹⁰ ProDoc is a document assembly program that automates the preparation of legal documents. Law students or graduates can use ProDoc in the Law Library. See reference librarian for more information. It should also be noted that ProDoc is the Certified eFiling Service Provider for Texas legal practitioners.

Citing Legal Authority

Subject Matter	Book
Citing the Law	<u>A Uniform System of Citations</u> , (The Bluebook), 20th ed. Harvard Law Review Association, 2015.
Citing Texas Law	<u>Texas Rules of Form</u> , 12th ed., Texas Law Review, University of Texas at Austin School of Law, 2010.
Legal Writing Rules of Thumb	<u>The Lawyer's Book of Rules for Effective Legal Writing</u> , Thomas R. Haggard, 1996.