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*Research Guides*

# FORM BOOKS

I. INTRODUCTION .....	1
II. GENERAL FORMS.....	2
III. FINDING FORMS ONLINE.....	3
IV. FORMS BY SUBJECT .....	3
A. Bankruptcy.....	3
B. Contracts .....	4
C. Pleading and Practice .....	4
D. Taxation .....	5
V. FORMS BY JURISDICTION .....	5
VI. SELF-HELP FORM BOOKS.....	6

## I. INTRODUCTION

The term "form" carries many meanings. *Webster's New Collegiate Dictionary* gives two definitions that are particularly useful to legal researchers: "a prescribed order and set of words" and "a printed or typed document with blank spaces for insertion of required or requested information." Both kinds of forms are available in the Law Library, in resources that provide standard language as well as resources that contain fill-in-the-blank forms. This research guide lists locations in print and electronic formats for each type of form book.

Law students who are just beginning to draft a document often turn to forms to identify the language that will accomplish their goals. Experienced attorneys use forms as checklists, to ensure they have not overlooked any possibilities. In the case of "boiler plate" contracts (contracts using standardized language), the use of forms saves the drafter's time. In some areas, such as bankruptcy and patent practice, the use of certain forms is required by law. Also, many non-lawyers use form books for help with writing a lease, a will, or a contract.

The sources for forms in the library can be divided into the following categories:

1. General forms
2. Forms for particular subjects or proceedings
3. Forms for particular geographic jurisdictions
4. Combinations of types 2 and 3

## II. GENERAL FORMS

Books containing general forms are often arranged as encyclopedias, with an alphabetical arrangement of the subjects and forms. Multi-volume sets and abridged sets are available. Most have a topical index to aid in finding the appropriate forms.

General forms can be categorized as **legal forms** or **pleading and practice forms**. Legal forms address substantive matters. Examples include forms for contracts, wills, and leases. Pleading and practice forms provide language used in pleadings and motions filed with a court in litigation. These supply language for complaints, answers, motions to dismiss, and other motions.

**Pattern jury instructions** are forms used by lawyers and judges to draft the charge given to a jury. North Carolina pattern jury instructions are on Reserve, and available electronically to members of the state bar via Casemaker (<http://www.ncbar.org/casemaker/index.aspx>). Check the online library catalog for other jurisdictions by doing a “subject keyword” search for “**INSTRUCTIONS TO JURIES [STATE]**” (e.g. *Instructions to juries North Carolina*).

*American Jurisprudence Legal Forms*, 2d ed. (Practice & Procedure KF170.A542; also available on Westlaw) is a multi-volume set now owned by West. It uses an encyclopedic arrangement and is supplemented by annual pocket parts. It provides brief tax analysis for many forms and there are cross references to *American Jurisprudence 2d* and annotations in *American Law Reports*.

*West's Legal Forms*, rev. 2d, 3d, 4th, & 5th eds. (Practice & Procedure KF170.W47; also available on Westlaw) is a multi-volume set arranged alphabetically by major types of forms, rather than as a straightforward encyclopedia. For example, “business organizations” is the first major topic and comprises forms relating to corporations and partnerships. This set also supplies a brief tax analysis for many of its forms.

*Current Legal Forms with Tax Analysis* (KF170.R33 & LexisNexis), published by Matthew Bender, is also commonly known as *Rabkin & Johnson* after its authors. Like many other Matthew Bender publications, the set is housed in looseleaf binders. It provides extensive discussion of the use of the forms and of the topics to which the forms relate. The set is organized by broad topics. **NOTE:** the Law Library no longer receives printed updates of this title, although the older forms may still be useful as a starting point. Current members of the Duke Law community may access more recent versions of *Current Legal Forms with Tax Analysis* on LexisNexis.

*Cyclopedia of Legal Forms Annotated* by Clark Nichols (Practice & Procedure KF170.N54; also available on Westlaw) is published by West. The set was first published in 1925, and has undergone several revisions. One advantage it has over *West's Legal Forms* is the presentation of forms from various jurisdictions. For example, the chapter on acknowledgments gives the statutory forms of acknowledgment from all of the states. Nichols uses the encyclopedic arrangement.

Other general form books can be found by searching the Duke University Libraries catalog, with a “subject keyword” search for “**FORMS LAW.**” The search can be limited geographically, e.g., “**FORMS LAW UNITED STATES**” or “**FORMS LAW NORTH CAROLINA.**”

### III. FINDING FORMS ONLINE

1. **Westlaw** provides a variety of forms. To browse available forms, select the Directory link labeled “**Forms, Treatises, CLEs and Other Practice Materials**”. To search all available forms, go to the database “**FORMS-ALL.**”
2. **LexisNexis** also contains forms that can be found under **Legal > Secondary Legal > Forms & Agreements.**
3. **Findlaw Forms** (<http://forms.lp.findlaw.com/>) provides topical links to a variety of forms. One can also link to actual contracts produced by major corporations.
4. **WashLaw Legal Forms** (<http://www.washlaw.edu/legalforms/>) links to various free legal form sites, including court forms, tax forms, and business & contract forms. The site is maintained by the Washburn University School of Law Library.

### IV. FORMS BY SUBJECT

Many publishers provide form books limited to a particular type of practice. In some cases, particular forms are required, while in others they are recommended. In addition to the four topics below, a number of other specialized subjects, including corporations and real estate, have form books available. To find them use a “subject keyword” search in the online catalog using the following terms (without the quotes): “[**your subject**] **UNITED STATES FORMS.**”

#### A. Bankruptcy

One example of required forms would be those promulgated by the Administrative Office of the United States Courts for bankruptcy proceedings. Bankruptcy forms can be found in many publications, including *United States Code Annotated* and *United States Code Service* (Federal Alcove), as well as in bankruptcy practice manuals and form books published by many companies:

*Norton Bankruptcy Law and Practice 3d* (available on Westlaw); *Norton Bankruptcy Law and Practice 2d* (KF1524 .N67).

*Collier on Bankruptcy*, 15th ed., rev. (Reserve; also available on Lexis) published by Matthew Bender. The contents of volumes 11-13 of the set are bankruptcy forms.

*Bankruptcy Code, Rules and Forms* (Reserve); see also *Bankruptcy Code, Rules and Official Forms* (Reserve; also available on Westlaw).

Other bankruptcy forms can be located by a search of the online catalog using either a “subject keyword” or “subject begins with” search "**BANKRUPTCY UNITED STATES FORMS.**"

## **B. Contracts**

By its nature, the field of contracts involves the drafting and interpreting of documents. Contracts is a broad topic that can be further subdivided, e.g., real estate and commercial law. The two best known general contracts forms books are:

*Forms of Business Agreements with Tax Ideas, Annotated* (KF886 .C3), published by Institute for Business Planning.

*Warren's Forms of Agreements: Business Forms* (KF808 .W37), published by **Matthew Bender**. **Note:** The Library's print Matthew Bender forms publications are no longer updated regularly. While their content may be somewhat outdated, they are still valuable starting points from which to construct legal forms. Current members of the Duke Law community may access more recent versions of Matthew Bender publications on LexisNexis.

Other contracts form books can be found by searching using either a “subject keyword” or “subject begins with” search: "**CONTRACTS UNITED STATES FORMS**" or "**COMMERCIAL LAW UNITED STATES FORMS.**"

## **C. Pleading and Practice**

Law students and new lawyers frequently wish to know how to draft a pleading or a motion. Official forms are often found in or as an appendix to rules of procedure. For example, the Federal Rules of Civil Procedure include various official and suggested forms. For day-to-day pleading and motion practice, other resources are available:

*American Jurisprudence Pleading and Practice Forms Annotated* (Practice & Procedure KF8836.A45; also available on Westlaw) is arranged similarly to *American Jurisprudence Legal Forms*. Once again, this set includes cross references to *American Jurisprudence* and *American Law Reports*. The book contains forms suitable for federal and state practice.

*West's Federal Forms* (Practice & Procedure KF8836 .W4; also available on Westlaw) is arranged by the court one is practicing before, e.g., the U.S. Supreme Court, U.S. Courts of Appeal, and U.S. District Court. Volume I begins with forms used in practice before the United States Supreme Court.

*Federal Procedural Forms Lawyers Edition* (Practice & Procedure KF8836.F4; also available on Westlaw) is a multi-volume set of forms used in federal civil, criminal, and administrative proceedings. For each of the more than 65 chapters, there are outlines, research references, annotations, state considerations, law practice checklists, and the forms themselves.

**Note:** The following form books, published by Matthew Bender, are no longer updated regularly in the Library's print collection. While their content may be somewhat outdated, they are still valuable starting points from which to construct legal forms. Current members of the Duke Law community can access the most current versions on LexisNexis.

*Bender's Forms of Discovery* (Practice & Procedure KF8900.A3 B458) covers the practice of discovery, the portion of pretrial practice used to learn information about one's (and one's opponent's) case. The set contains interrogatories arranged alphabetically by the subject of the action.

*Bender's Federal Practice Forms* (Practice & Procedure KF8836.B45) is arranged to parallel the federal rules of procedure.

*Moore's Manual: Federal Practice Forms* (Reserve), a companion set to *Moore's Federal Practice*, also published by Matthew Bender, has 3 volumes of forms.

## D. Taxation

The **Internal Revenue Service** (<http://www.irs.gov/formspubs>) provides all IRS forms and related publications dating back to 1990.

The following sites also provide links to federal and state tax forms:

- **Drake Software Inc.:** (<http://www.1040.com>)
- **Federation of Tax Administrators:**  
(<http://www.taxadmin.org/fta/link/FORMS.html>)
- **LSU Government Documents:** (<http://www.lib.lsu.edu/govdocs/taxes.html>)

## V. FORMS BY JURISDICTION

Most states have form books for practice in that state. They may be published by the state courts, by the state's bar organization, or by private publishers.

The library has a number of forms sets for North Carolina. Douglas, R.D., *Douglas' Forms*, 5<sup>th</sup> and 6<sup>th</sup> ed. (Reserve; also available on Lexis) is a multi-volume set, updated with pocket parts, containing both pleading and practice forms and general forms, such as for real estate and wills. The set uses broad topics for organization.

Thorp, W.L., *Thorp's North Carolina Trial Practice Forms*, 6th ed. (Reserve KFN7930.A65 T48; also available on Westlaw) is a detailed two-volume book which tracks the North Carolina Rules of Civil Procedure.

Van Camp, J.R., et al., *North Carolina Criminal Procedure Forms*, 3d ed. (Reserve), a one-volume book, arranges its forms to parallel the chronology of a criminal case, from pretrial through

motions, trial and notice of appeal. Each form is referenced to a provision of the *North Carolina General Statutes*. Irving Joyner's *Criminal Procedure in North Carolina*, 3d ed. (KFN7975 .J69 2005; also available on Lexis) follows a similar chronological arrangement. Forms are included in the appendix to each chapter.

Price, R.M., *North Carolina Criminal Trial Practice Forms*, 5th ed. (Reserve KFN7975.A65 P74 2003; also available on Westlaw) presents a comprehensive list of forms for criminal practice, also arranged to parallel the chronological order of a criminal proceeding.

To find general forms for a particular state, search the online catalog using either a "subject begins with" or "subject keyword" search for the term "**FORMS LAW [STATE]**." The library has a limited collection of forms from other states. Publishers also offer form books on specialized subjects for individual states. To locate these, search the online catalog using the subject keyword terms: "**[STATE] FORMS**" (e.g. NORTH CAROLINA FORMS).

## VI. SELF-HELP FORM BOOKS

An increasingly popular type of form book is designed for the non-lawyer, and is commonly referred to as "self-help". One of the major publishers of such books is Nolo Press (<http://www.nolo.com>). Nolo publishes books on general and specialized legal topics such as bankruptcy, divorce, and wills and estates. Self-help books such as Leonard, *101 Law Forms for Personal Use* are kept in the Reference Collection. To find self-help form books in the online catalog, use a "subject keyword" search for "**LAW UNITED STATES POPULAR WORKS.**"

Many publishers offer the forms in their books on computer discs. This allows the lawyer or secretary to draft forms without having to re-key entire pages. The Law Library does not collect forms in disc format; however, some books may be accompanied by CD-ROMs or DVD-ROMs.

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