CHAPTER 32A

FORMS: SELECTED SOURCES

Chapter Contents

§32A.01 Introduction
§32A.02 Major Sets: Non-Litigation
§32A.03 Major Sets: Litigation
§32A.04 Other Formbooks by Subject
   [1] Admiralty
   [2] Alternative Dispute Resolution
   [3] Bankruptcy
   [5] Construction
   [6] Consumer Law
   [7] Criminal Law
   [8] Elder Law
   [9] Employment Law
   [10] Entertainment Law
   [12] Family Law
   [13] Franchising Law
   [14] General Practice
   [15] Immigration Law
   [16] Intellectual Property
   [17] Litigation
   [18] Matrimonial Law
   [19] Municipal Law
   [20] Patents & Trademarks
   [21] Pensions
   [22] Real Estate
   [23] Securities
   [24] Social Security
   [25] Tax
§ 32A.01  Introduction

“Don’t re-invent the wheel” is an admonition given to many new attorneys when presented with their first drafting assignment. Lawyers experienced in preparing contracts, wills, trusts, notes, mortgages, pleadings, motion papers and other legal documents, rarely start from scratch. Instead, they begin by consulting formbooks containing examples of the pertinent legal instruments. These forms not only save time, but because they are often taken from the files of major law firms or litigated cases, are practice and court-tested. Most formbooks also contain the text of relevant statutes, case annotations, practice pointers, and commentaries.

Formbooks run the gamut from multi-volume/multi-jurisdictional sets containing thousands of forms pertaining to litigation or business transactions to highly specialized and jurisdiction-specific titles covering everything from alternative dispute resolution to worker’s compensation. Formbooks are generally updated regularly by either replacement looseleaf pages or cumulative supplements (pocketparts), and the cost of updating can add significantly to the cost of owning the title.

Formbooks are often accompanied by CD-roms, which contain editable and printable versions of documents. Many of the leading titles are also available online from Lexis, Westlaw and other publishers’ Web sites. Whatever the format, simple forms are only a starting point in drafting legal documents. Forms must invariably be tailored to the specific facts of a case or terms of a transaction, as well as to jurisdiction-specific requirements.

Many legal texts and treatises include sample forms or examples of legal documents in appendices or supplements. However, the following list is limited to those titles in which forms predominate. The description of title content, cost, format, and updating method and frequency provided in this chapter is based on information taken from the publishers’ Web sites.¹

§32A.02 Major Sets—Non-Litigation


Rabkin, Jacob and Johnson, Mark H. *Current Legal Forms with Tax Analysis.* Lexis Law Publishing. Provides thousands of forms and clauses for use in all aspects of commercial, real estate and general business practice including intellectual property, domestic relations and employment law. Basic tax issues and concepts are reflected in the forms. Drafting guidelines and checklists are also included. 34 looseleaf volumes. 2003 list print price: $2,079. 2003 list CD-ROM price: $1,258. Updated quarterly.

Nichols, Clark A. *Nichols Cyclopedia of Legal Forms Annotated.* West Group. Comprehensive collection of more than 230 transactional legal forms with related analysis, checklists, questionnaires, and tax information. No litigation forms or pleadings included. Forty hardbound volumes. Updated annually with cumulative supplement. 2003 print list price: $1,968. Also available on Westlaw and CD-ROM; prices vary.


*West Legal Forms.* West Group. Organized around major topics of law, prepared by practicing attorneys. Also includes commentaries, checklists, and references to West Key Number system. Forty-six hardbound volumes. Updated annually with cumulative supplements. 2003 list price: $1,938.
§ 32A.03 LEGAL RESEARCH

§32A.03 Major Sets—Litigation

*American Jurisprudence Pleading and Practice Forms, Annotated.* West Group. Comprehensive collection of more than 36,500 drafted, practice and court-tested state and federal forms, checklists and timetables needed for every stage of a case. Contains cross-references to other relevant publications. Seventy-three hardbound volumes. Updated annually with cumulative supplement. 2003 list print price: $2,700. Also available on Westlaw and CD-ROM; prices vary.

*Bender’s Forms of Discovery.* Lexis Law Publishing. Provides A-Z selection of sample interrogatories for more than 200 title categories from Accounting to Zoning. Also includes comprehensive, updated charts comparing the rules of the 50 states with the various federal discovery rules. Available in print or CD-ROM. Print updated with replacement pages. 2003 list price for either format: $2,618. Also available on Lexis; prices vary.

*Bender’s Federal Practice Forms.* Lexis Law Publishing. Thousands of court-tested forms needed for all aspects of federal actions from filing to appealing a case. Many forms selected from the files of prominent federal practitioners. All Official Forms are also included. Twenty looseleaf volumes. Print updated with replacement pages. 2003 list print and CD-ROM price: $2,747.


West’s Federal Forms. West Group. This companion set to *Federal Practice and Procedure* provides extensive federal procedural forms, with commentary, arranged by type of proceeding and the particular court to which they pertain. Includes forms developed by the Administrative Office of the United States Courts, bankruptcy court judges, clerks and United States trustees. Twenty-two hardbound volumes. Updated annually with cumulative supplements. 2003 print price: $967.50.
§32A.04 Other Formbooks by Subject

[1]—Admiralty

Benedict, Erastus C. *Benedict on Admiralty*. Lexis Law Publishing. The most complete research tool in the field. Includes discussions of current maritime issues, explanations of judicial opinions, charter and party clauses, treaties, admiralty rules and reprints of hard-to-find primary materials. See volumes 3C, 4, 4A and 7 for marine insurance, practice, and procedure forms. Thirty-one looseleaf volumes. Updated three times a year with supplements and replacement pages. List price for either format: $2,989. Also available on Lexis; prices vary.

[2]—Alternative Dispute Resolution


[3]—Bankruptcy

*Collier Consumer Bankruptcy Practice Guide with Forms*. Lexis Law Publishing. Available with the Collier Consumer Bankruptcy Guide. The forms contained in this volume are divided into parts or topics that reflect the tasks performed in a typical consumer bankruptcy. Editorial analysis and guidance also provided. One looseleaf volume. Updated with replacement pages. 2003 list price: $363.


[4]—Business Organizations


Fletcher, William Mead. Fletcher Corporation Forms, Annotated. West Group. Divided into twenty-six categories covering all aspects of corporate law such as pre-incorporation contracts, bylaws, organization of corporations, financing, directors and meetings, foreign, non-profits, mergers and other miscellaneous forms. Twenty-six hardbound volumes. Updated annually with cumulative supplements. 2003 list price: $1,200.


McGaffey, Jere D. McGaffey Legal Forms with Tax Analysis. West Group. Focuses on agreements attorney create for corporation structure and compensation; acquisitions and redemptions; estate and personal planning; partnerships; and tax shelters, among others. Check-
lists and alternate clauses included. Eight looseleaf volumes. Updated semiannually with replacement pages. 2003 list price: $610.

Nonprofit Corporate Forms Handbook, West Group. Includes a wide selection on nonprofit corporation forms with suggestions for drafting documents that meet the requirements of selected jurisdictions. Official state and federal forms included, as well as hard-to-find forms. One softbound volume. Updated annually with additional volumes or pages. 2003 list price: $277.

[5]—Construction


Dib, Albert. Forms and Agreements for Architects, Engineers and Contractors. West Group. Provides extensive framework for drafting documents throughout the engineering construction cycle, offering over 500 pages of sample forms for litigation. Also contains complete contracts with alternative clauses. Commentaries and case citations included. Five volumes with disk. Updated with replacement pages. 2003 list price: $770.


[6]—Consumer Law

Consumer Class Actions: A Practical Litigation Guide. National Consumer Law Center. Includes numerous class action complaints,
sets of class discovery, motions relating to class action discovery and communications with class members, class notices, proposed settlements and accompanying memoranda, sample objections to settlement and requests for fees. CD-ROM with print guide. 2003 list price: $130.


[7]—Criminal Law

Complete Manual of Criminal Forms 3d. West Group. Contains more than 1,000 federal and state criminal forms from client intake to final appeal to the U.S. Supreme Court including jury selection and instructions, habeas corpus, and proceeding relating to incarceration and extradition. Updated annually with replacement pages. Three looseleaf volumes. 2003 list price: $390.

[8]—Elder Law


[9]—Employment Law

Cook, Joseph G. and Sobieski, Jr., John L. Civil Rights Actions. Lexis Law Publishing. Includes two volumes of forms and practice guides on such topics as the Americans with Disabilities Act, age dis-
crimination, privacy issues, property rights, voting rights, and fair housing. Seven looseleaf volumes. Updated with replacements pages and supplements. 2003 list price: $1,102.

Leader, Laurie E. Drafting Employment & Termination Agreements. Lexis Law Publishing. In addition to sample forms, this set includes in-depth practical and legal analysis of relevant issues and step-by-step checklists to aid in protecting a company’s relationship with key personnel. One looseleaf volume. Updated with replacement pages. 2003 price: Call for pricing. Also available as part of Authority Employment Law Library on CD-ROM.


[10]—Entertainment Law


Lindey, Alexander. Lindey on Entertainment, Publishing and the Arts: Agreements and the Law. West Group. Comprehensive coverage of entertainment law and all areas of mass communications and the arts. Provides state-of-the-art forms with expert drafting advice and commentary. Practice-tested agreements and clauses for drafting contracts for sound recordings, computer software, music video pro-

[11]—Environmental Law


[12]—Family Law


Winer, Edward and Becker, Lewis. *Premarital and Marital Contracts: A Lawyer’s Guide to Drafting and Negotiating Enforceable*

[13]—Franchising Law


[14]—General Practice


[15]—Immigration Law


INS Forms for Applications and Petitions: Sample Forms with Annotations and Practice Pointers. American Immigration Lawyers Association. Includes more than 100 INS forms including selected Departments of State and Labor and Social Security Administration forms. Annotated forms include samples and practice pointers. One softcover volume. 2003 list price: $78/AILA non-member; $60/AILA member.
§ 32A.04[16] LEGAL RESEARCH

[16]—Intellectual Property

Raysman, Richard. *Computer Law: Drafting and Negotiating Form and Agreements*. Law Journal Press. Nearly 100 user-friendly forms and agreements on such key topics as: the Internet and electronic communications; hardware acquisition, financing and maintenance; computer contracting process; protection of software; status of source codes under bankruptcy; and patent, trademark and antitrust issues. Two looseleaf volumes with forms on disk. Updated with replacement pages and disks. 2003 list price: 265.50.


*Doing Business on the Internet: Forms and Analysis*. Julian S. Millstein. Law Journal Press. Contains over 60 forms and checklists from actual Internet deals and transactions. Topics covered include: registering domain names, contracting for Internet and Web site services; and patent, trademark and copyright issues, among others. One looseleaf volume. Updated with replacement pages. 2003 list price: $179.00.


Goldscheider, Robert. *Eckstrom’s Licensing in Foreign and Domestic Operations: Forms and Substance*. West Group. A collection of current forms and agreement covering all areas of intellectual property law as they relate to international licensing. Includes state-of-the-art forms, which can be modified to suit virtually any drafting need. Covers royalties, definitions of technology, patent and trademark licenses, and franchise agreements. Five looseleaf binders. Updated with replacement pages 2003 list price: $810.

Melville, L.W. *Forms and Agreements on Intellectual Property and International Licensing*. West Group. Forms are preceded by commentary, which describes various transactions and the parties involved. Covers non-competition clauses, copyright, and computer software, among other topics. Three looseleaf volumes. Updated with replacement pages. 2003 list price: $570.

[17]—Litigation


*Manual of Federal Practice Forms 2d*. Lexis Law Publishing. Provides all the basic forms for most federal cases organized chronologically in the order in which litigation usually proceeds. Forms include those associated with settlement, alternative dispute resolution, motion practice, discovery, pleadings and responses to pleadings, judgments and appeals. Three looseleaf volumes. Updated with replacement pages and disks. 2003 print price: $337.50. CD-ROM price: $375.00.

*Moore’s Manual: Federal Practice Forms*. Lexis Law Publishing. A condensation of *Bender’s Federal Practice Forms*, this set brings together the essential forms used in federal litigation from initial filing to appeal. These forms can also be used in the 39 states that have modified their procedural rules to model the federal rules. Seven looseleaf volumes. Updated with replacement pages. 2003 list price: $1,236. Also available on *Authority Federal Practice* and *Intellectual Property Library* CD-ROMs; prices vary.

Federal Local Court Forms. West Group. Extensive and updated resource provides current reproducible forms generated by the Administrative Office of the U.S. District Courts and various District Courts and Courts of Appeal, some of which were previously only available from the courts. State forms also included. Three looseleaf volumes. Updated annually with replacement pages. 2003 list price: $310.


Lane, Fred. *Lane Goldstein Litigation Forms*. West Group. Over 1,000 practice-proven chronologically-organized forms allowing for tai-

[18]—Matrimonial Law


[19]—Municipal Law

Moore, Ralph J. *Municipal Legal Forms: with Commentary*. West Group. Provides thousands of clear forms applicable to any municipality including municipal government forms such as licenses, applications, regulations and municipal business forms such as contracts and leases. Eleven hard bound volumes. Updated semiannually with cumulative supplements. 2003 list price: $900. Also available on CD-ROM; prices vary.

[20]—Patents & Trademarks

Brufsky, Allen D. and Kramer, Barry. *Patent Law Practice Forms*. West Group. Forms related to patent litigation include those relating to service of process, dismissal of actions, extensions of time, taking testimony, and special verdicts, as well as all others needed to litigate a case. Available in looseleaf or hardbound volumes with CD-ROM; prices vary.


[21]—Pensions

FORMS: SELECTED SOURCES § 32A.04[22]

[22]—Real Estate

Saft, Stuart M. *Commercial Real Estate Forms 2d on Disk*. West Group. Covers every kind of commercial real estate transactions with over 400 forms covering brokerage agreements, ownership entities, construction, title forms, co-ops and condos, and financing. Four volumes with disk. Updated annually with replacement pages and additional disks. 2003 list price: $460.

Saft, Stuart M. *Commercial Real Estate Financing*. West Group. Includes over 300 pages of adaptable loan forms. Sections discuss application process, lender’s diligence, promissory notes, interim, development and construction financing, assignment of leases, and wraparound mortgages, among others. One looseleaf volume. Updated annually with replacement pages. 2003 list price: $120.

Senn, Mark A. *Commercial Real Estate Leases: Preparation, Negotiation and Forms*. Aspen Publishing. Contains numerous complete and ready-to-use forms, as well as dozens of alternate clauses. All clauses are contained on disk. One looseleaf volume with disk. Supplemented annually. 2003 list price: $195.

*Current Leasing Law and Techniques: Forms*. Lexis Law Publishing. Over eighty forms and clauses containing legal analysis, checklists, practice commentaries and forms for every leasing transaction including rights and obligations of landlord and tenant; tax considerations; agreements with brokers, managing agents and third parties; assignments and subleasing; and for specific leasing transactions, such as shopping centers and offices. Six looseleaf volumes with disk. Updated semiannually with replacement pages. 2003 list price: $978.


Arnold, Alvin L., Douglas, James A., and Feld, Daniel E. *Modern Real Estate and Mortgage Forms 3d*. West Group. Provides complete documentation and tools required to execute real estate transactions. Includes purchase and sale agreements, leases, lease provisions, relat-
ed forms, debt financing, deeds of trusts and mortgages, loan applications, equity financing, limited partnerships, and other entities equity financing. One looseleaf volume. Updated semiannually with replacement pages. 2003 list price: $255.

Real Estate Transactions: Condominium Law and Practice: Forms. Various authors. Lexis Law Publishing. Includes all the forms needed to create all types of condominiums including high-rise buildings, senior citizen housing, townhouses, commercial and office buildings, on fee and on leasehold, as well as time sharing offerings. Eight looseleaf volumes. Updated three times a year with replacement pages. 2003 list price: $1,573.


[23]—Securities


Jacobs, Arnold S. Opinion Letters in Security Matters. West Group. Part of the Securities Law Series. Assists practitioners in carefully structuring and writing opinion letters. Includes an analysis of the 28 clauses most commonly found in securities-related opinions. It also reviews the negotiation of opinion letters, the use of local or special
counsel, back-up opinions and peer review. Four looseleaf volumes. Updated annually replacement pages. 2003 list price: $434.

[24]—Social Security

Ruskell, Richard C. Social Security Disability Claims: Practice and Procedure with Forms. West Group. All aspects of Social Security disability claims are covered from first interview to court appeal. Checklists and sample letters also included, as are official Social Security forms. One hardbound volume. Updated annually with cumulative supplements. 2003 list price: $139.50.

[25]—Tax


[26]—Uniform Commercial Code

Hart, Fredrick M. Forms and Procedures under the U.C.C. Lexis Law Publishing Complete guidance and procedural analysis regarding
both the mechanics of completing forms and the substantive law related to those forms. Forms arranged by article and include commentaries, variations, and optional clauses. Eight looseleaf volumes. Updated with supplements and replacement pages. 2003 list print price: $1,301. Also included in various CD-ROM libraries; prices vary.


[27]—Wills, Trusts & Estates


Wilkins, Robert P. *Drafting Wills and Trust Agreements 3d*. West Group. Provides a firms foundation for drafting any will or trust agreement using an estate planning system. Sets forth in a form-and-comment format the nuances of using the estate analysis checklists and retrieving and analyzing family and financial information. Tax issues discussed. Four looseleaf volumes. Updated annually with replacement pages. 2003 list price: $380.

Bickel, Dwight F. *Living Trusts: Forms and Practice*. Lexis Law Publishing. Practice-oriented publication featuring analysis by an estate planning expert and comprehensive collection of tested forms
including simple joint revocable trust for married persons, pour-over will, irrevocable life insurance trust, and forms for transferring real estate and investment assets into a living trust, among others. One looseleaf volume with disk. Updated annually with replacement pages. 2003 list price: $163.

Murphy, Joseph Hawley. *Murphy's Will Clauses: Annotations and Forms with Tax Effects*. Lexis Law Publishing. Contains over 1,400 will and trust clauses with related documents. Also contains suggested guidelines, checklists, complete wills and trusts, living wills and healthcare proxies, and tax consequences. Four looseleaf volumes. Updated twice a year with replacement pages. 2003 list price: $1,102.