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Research Guides

LEGAL FORMS

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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 through the Goodson Law Library, located in resources that provide standard language as well as resources that contain fill-in-the-blank forms. This research guide lists resources in print and electronic formats for each type of form.

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 “boilerplate” 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 can be divided into the following categories: **General** forms (see Section II); forms for particular **subjects or proceedings** (section III); forms for particular **geographic jurisdictions** (section IV); or sometimes combinations of the previous categories. Researchers may find forms in print or in online legal research services, such as Westlaw, Lexis Advance, and Bloomberg Law, available to current Law School students, faculty, and staff. To access forms on **Westlaw**, click “Forms” under All Content. On **Lexis Advance**, select “Forms” under Explore Content to view available sources. Within **Bloomberg Law**, follow the path

Corporate & Transactional > Corporate Transactions to find forms. The remainder of this guide provides information for locating both print and online versions of legal forms.

II. GENERAL FORMS

Sources for general forms are often formatted as encyclopedias, with an alphabetical arrangement of the subjects and forms. Multi-volume sets and abridged sets are available. Most print publications have a topical index to aid in finding the appropriate forms, while online versions may be searched or browsed.

General forms can be categorized as **legal forms** or **pleading and practice forms**. Legal forms address substantive matters, such as 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.

American Jurisprudence Legal Forms, 2d ed. (Reference KF170.A542 & online in Westlaw) is a multi-volume set. It uses an encyclopedic arrangement and is supplemented by annual pocket parts. It provides brief tax analysis for many forms and includes cross references to entries within the encyclopedia *American Jurisprudence 2d* and annotations in *American Law Reports*.

West's Legal Forms, rev. 2d, 3d, 4th, & 5th eds. (Reference KF170.W47 & online in 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 (no longer updated at KF170.R33 but current online in Lexis Advance), published by Matthew Bender, is also commonly known as *Rabkin & Johnson* after its authors. This set is organized by broad topics and provides extensive discussion of the use of the forms and of the topics to which the forms relate.

Nichols Cyclopedia of Legal Forms Annotated (online in Westlaw) is a collection of over 230 transactional chapters, arranged in encyclopedia format. 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.

Other general form books can be found by searching the Duke University Libraries catalog, with a “subject heading” search for *forms (law)*. The search can be limited geographically, e.g., *forms (law) – united states*.

III. FORMS BY SUBJECT

Many publishers provide legal forms related to a specific practice area. 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.

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* (Stevens Federal Area, Level 3), as well as in bankruptcy practice manuals and form books published by many companies:

- *Norton Bankruptcy Law and Practice 3d* (KF1524 .N6722 & online in Westlaw).
- *Collier on Bankruptcy*, 16th ed., rev. (KF1524 .C655 & online in Lexis Advance) published by Matthew Bender. The contents of volumes 11-13A of the set are bankruptcy forms.

Other bankruptcy forms can be located by a search of the online catalog using a subject heading search for *bankruptcy – united states – forms*. For more information about bankruptcy law resources, consult the Goodson Law Library research guide **Bankruptcy Law** (<http://law.duke.edu/lib/researchguides/bankruptcy/>).

B. Contracts & Business Transactions

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. Some general contracts form books include:

- *Warren's Forms of Agreements: Business Forms* (no longer updated at KF808 .W37 but current online in Lexis Advance), published by **Matthew Bender**.
- *Williston, A Treatise on the Law of Contracts: Forms* (also known as *Williston on Contracts: Forms*), 4th ed. (Reserves KF801 .W53 4th Forms & online in Westlaw). Forms from all aspects of contract law, corresponding to the chapters of the treatise *Williston on Contracts* (Reserves KF801 .W53).

Other contracts form books can be found in the online catalog by searching the subject headings *contracts – united states – forms* or *commercial law – united states – forms*. For more information about transactional forms and other practice materials, consult the Goodson Law Library research guide **Transactional Resources: Tools for Doing a Deal** (<https://law.duke.edu/lib/researchguides/transactional/>).

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 (Reference KF8836.A45 & online in Westlaw) is arranged similarly to *American Jurisprudence Legal Forms*. This set includes cross references to *American Jurisprudence* and *American Law Reports*. The book contains forms suitable for federal and state practice.

Bender's Federal Practice Forms (online in Lexis Advance) is arranged to parallel the federal rules of procedure. As a companion to *Moore's Federal Practice* (Reference KF8840 .M663 & online in Lexis Advance), cross-references to the discussion in the treatise set are included with the forms.

Bender's Forms of Discovery (online in Lexis Advance) 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.

Federal Procedural Forms Lawyers Edition (Reference KF8836.F4 & online in 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.

West's Federal Forms (Reference KF8836 .W4 & online in 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.

D. Taxation

The **Internal Revenue Service** (<https://www.irs.gov/forms-instructions>) provides free IRS forms and related publications dating back to 1864.

The **Federation of Tax Administrators** (<https://www.taxadmin.org/state-tax-agencies>) also provides links to state tax agency websites.

E. Other Subjects

Forms on other topics may be available in the appendices of treatises, such as Grenig's *Alternative Dispute Resolution*, 4th ed. (KF9085 .R63 2016 & online in Westlaw). To locate treatises on a subject, search the **Duke Libraries Catalog** (<https://search.library.duke.edu/>) for the keywords or subject heading [*topic*] – *united states* – *forms*.

Treatises are also available through the legal research services **Westlaw**, **Lexis Advance**, and **Bloomberg Law**, available to the Duke Law School community. In addition, **Fastcase** (<https://search.library.duke.edu/search?id=DUKE006257307>) is available to the Duke University community and contains a variety of treatises and forms. Within Fastcase, forms can be found under Search Jury Instructions/Practice Manuals, Search Loislaw Libraries, and Search Legal Forms.

IV. 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.

Pattern jury instructions are forms used by lawyers and judges to draft the charge given to a jury. North Carolina pattern jury instructions are in the Walker North Carolina Area (Level 3), and available electronically through the UNC School of Government (<http://www.sog.unc.edu/resources/microsites/north-carolina-pattern-jury-instructions/pattern-jury-instructions-online-library>). Check the library catalog for other jurisdictions by doing a subject heading search for *instructions to juries* – [*state*].

The library has a number of forms sets for North Carolina. Douglas, R.D., *Douglas' Forms* (NC Area KFN7468 .D682 & online in Lexis Advance) is a multi-volume set, containing both pleading and practice forms and general forms, such as for real estate and wills. The 2009 "Transactions in Turbulent Times" supplement covers common transactional forms related to economic downturns; although this appears at the end of the print and online *Douglas' Forms* set, the content is not specific to North Carolina. It can also be accessed and searched separately by the source title *Transactions in Turbulent Times*.

Thorp, W.L., *Thorp's North Carolina Trial Practice Forms*, 7th ed. (NC Area KFN7930.A65 T48 & online in 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. (NC Area KFN7975.A65 V3), 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. (NC Area KFN7975 .J69 2015 & online in Lexis Advance) follows a similar chronological arrangement. Forms are included in the appendix to each chapter.

Price, R.M., *North Carolina Criminal Trial Practice Forms*, 6th ed. (NC Area KFN7975.A65 P742 2016 & online in 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 with the subject heading *forms (law) – [state]*. The library has a limited collection of forms from other states. Additional materials may be found in online services, as described in Section I.

V. SELF-HELP LEGAL FORMS

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. Many self-help books, such as *101 Law Forms for Personal Use* (Ref. KF170 .L46 10th ed. 2016), are kept in the Reference Collection. To find self-help form books in the online catalog, use a subject heading search for *law -- united states -- popular works*.

WashLaw Legal Forms (<http://www.washlaw.edu/legalforms/>), maintained by the Washburn University School of Law Library, provides links to various free legal form websites, including court forms, tax forms, and business & contract forms.

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