

§ 5.2

Form Books

The Paralegal's Best Friend

A form book is a publication that provides examples, templates, guidelines, checklists and other assistance. Form books differ from treatises in that a treatise is a law book written by a private individual on a specific area of law. Treatises may, or may not, have selected forms related to a specific area of law, but they are primarily valued for providing commentary and guidance. For a paralegal, form books provide a wealth of information. Not only do forms make your job easier, forms save your client money and makes you a more productive paralegal.

Form books may provide sample interrogatories, requests for admissions, requests for production of documents, deposition questions, and even examples of trial examination questions. Through form books, the paralegal has instant access to thousands of questions that may pertain to discovery preparation. Some form books provide checklists which help ensure all the correct procedures are followed when creating a document or engaging in an activity such as serving process on a defendant. This makes the paralegal's job easier, and the result will also be a higher quality document.

408.11 DIVORCE AND SEPARATION Int. 3
 [Date, signature, certificate of mailing, or form of receipt of copy, see SIGNATURES, MAILING AND RECEIPT OF INTERROGATORIES.]

NO. 3
 INTERROGATORIES
 to
 Plaintiff or Defendant—Existence of Community Property

[Names of court and parties, description of action, introduction, and usual formal parts, see CAPTIONS AND FORMAL PARTS. Definitions of terms used in interrogatory, see DEFINITIONS.]

Note: The interrogatories in this form include several approaches in the determination of the existence and use of community and separate property. Consequently, some items of property may be covered in more than one question, from different aspects or in different detail. Counsel should determine which line of inquiry is most appropriate to his case and choose the questions accordingly. See Form No. 1 for questions relating to personal background, residence and domicile. See Form No. 2 for questions relating to earnings and property.

Agreements Affecting Community or Separate Property

- Has there been any agreement made between you and _____ (spouse) defining or otherwise affecting your respective rights and interests to property owned at the time of the agreement or earnings and other property to be acquired after the agreement?
- If so, for each such agreement, state:
 - Date agreement was entered into
 - Motivation for the agreement
 - Description of each item and class of property covered by the agreement

(Rev. 11-1-85 Pub. 107-V.1-100)

Form from hardbound publication

4A Bender's Forms of Discovery Interrogatories FORM NO. 66:4
 LexisNexis(R) Forms FORM 103-66:4

Q —Records of Property Ownership/Rights of Possession

5. State whether any deed, certificate, or other written record of the present ownership or right to possession of any property identified in response to the preceding interrogatory exists, and, if so, for each record, state:

- a description of the record;
- the ownership interests or title to the property contained on the record; and
- the name and address of the present custodian of the record, and attach a copy of each record of ownership or title in your possession to your answers to these interrogatories.

(See also similar questions in other forms in this title and in title OWNERS AND OWNERSHIP.)

Identification of Community Property

6. State whether you claim that any property exists that is the community property of you and the divorcing spouse, and, if so, for each item or class of property, state:

- a description of the property;
- the present location of the property;
- the name and address of the person in possession of the property;
- the basis of the right to possession by the person identified in response to the preceding subparagraph;
- the recent equity value of the property to the community;

Form from online research site

QUICKVIEW | LOCATING FORM BOOKS

Westlaw

1. *Sign in* and locate the *Main Window* in the center of the page
2. Click on *Forms* in the main window.
3. In the *Form Finder* page that opens, enter your *search query* in the main *Search Bar* at top, or...
4. ... If you prefer, navigate to specific forms collections by selecting database links for *Forms by State*, *Forms by Topic*, or *Forms by Publications* in the main window, then enter your query in the new page
5. Select a form from the list of *search results* and have any relevant documents delivered by printing, download, or email

Lexis

1. In the *Categories* drop-down menu, click on the *Sample Forms* link
2. Enter a *query* in the text box, then click the *Search* button
3. Select the desired forms from the *Results Page*,
4. Have the form delivered by email or download, or copy-and-paste to a *Word* document

Law Library

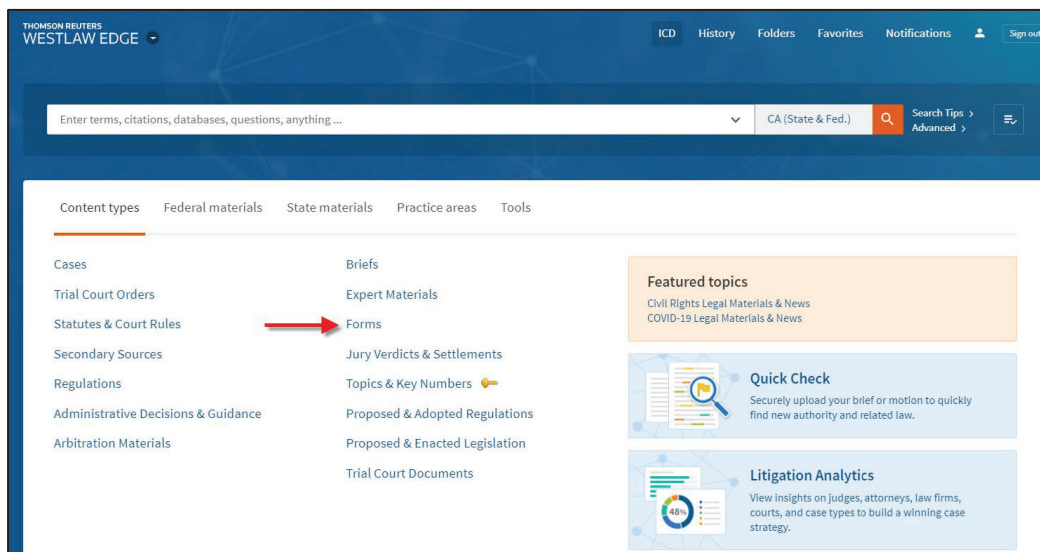
1. Choose a form book, then locate the index at the end of the set
2. Research your key terms and phrases in the index, which will provide a topic and section number (or other information)
3. Locate the topic and section in the main volumes
4. Look for relevant forms and references to additional authority
5. Always check the pocket part (supplement)

ASSIGNMENT § 5.2(A) | LOCATING FORM BOOKS IN WESTLAW

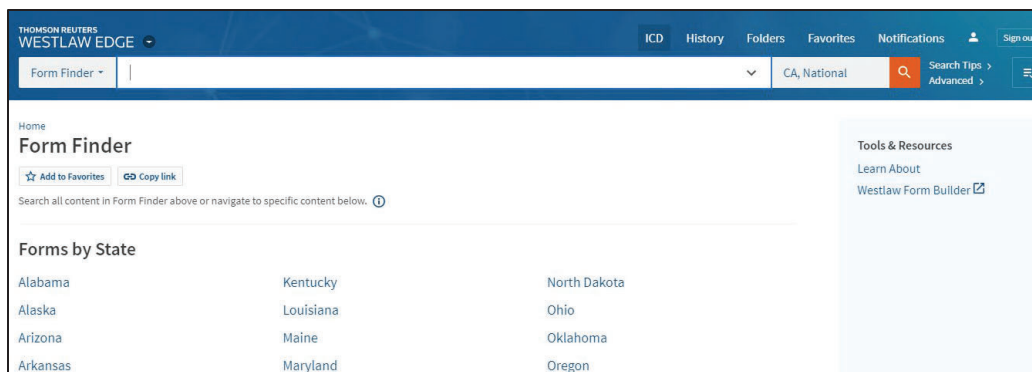
Westlaw provides thousands of forms online. The trick is finding a few that relate to your client's situation. If you do not find a form that is specific to your jurisdiction, which is possible, do not worry. Since form books typically provide the body of the document, and since the document is somewhat generic in nature, a form that is from a California form book may very well help the paralegal create a document, even if she or he is in Connecticut.

1. Set your Filter

Click on *Forms* in the main window. You can also type *form finder* in the search bar.

**2. Enter your Search Query**

The best way to search forms is to simply enter your search query in the text box at top once you are in the *Form Finder* database page. (You should select the "Add to Favorites" star toward the top left of the page to access this tool more efficiently.)



Note:

Another option is to select a jurisdiction (such as a specific state), a topic (such as bankruptcy), or a specific publication (such as *Am. Jur. Legal Forms*). Those links, seen in the above image, constantly narrow the scope of the search. A more effective method is to search using the broad Form Finder page described above, and then use the Narrow window options at the left of the Results Page to focus the scope of the results there.

However, if you do choose to research specific publications, the following are good places to start:

Am. Jur. Pleading and Practice Forms (Recommended)

A comprehensive set of state and federal pleading and practice forms arranged alphabetically by titles that generally correspond to those found in *American Jurisprudence, 2d*.

Am. Jur. Legal Forms

Includes more than 22,000 business and legal forms, enhanced with drafting guides, checklists, practice aids, and notes on the use of those forms.

West's Federal Forms

Provides procedural forms with accompanying commentary, for use in handling civil and criminal cases in the federal courts.

Not authorized message

As a student, you will likely not have access to every database. Don't be frustrated by this. Some of the blocked databases are simply collections of multiple form books to which you will have individual access. Also, even law firms typically have limited subscriptions. You will likely have access to more sources under your student subscription than most lawyers have under their plans. In fact, many of the databases under your subscription are part of the *Premier Thomson Reuters Database* plan.

**Information**

Your request to access **FORMFINDER** cannot be processed because use of this database is not authorized under your subscription agreement.

3. Select a form link from the Results Page

You will be provided with links and short summaries for dozens of forms, with those being most relevant to your query presented first. Use the Filters window on the left

to narrow your search, such as for a specific type of form, practice area, or topic. You may also search for specific additional terms only within the results or your query.

4. Review relevant results by clicking on the title link

The researcher will use the same navigation tips previously provided. Use the *Results List* as a quick link tool so that you may quickly navigate to any desired forms from the *Results Page*.

5. Copy-and-Paste the relevant portion of the form

Once a desired form has been identified, the paralegal may download, print, or email the form using the document delivery tools. However, these cost the attorney (and ultimately the client) money. Instead, highlight the desired text to copy-and-paste into a *Word* document.

To copy-and-paste from a web page:

1. Hold down the *left click button* at the *start point* of the desired text
2. *Drag your mouse* to the end of the text, then release the button
3. The text will be highlighted. *Right click* that text, and select *Copy*
4. *Paste* the material into a *Word* document.

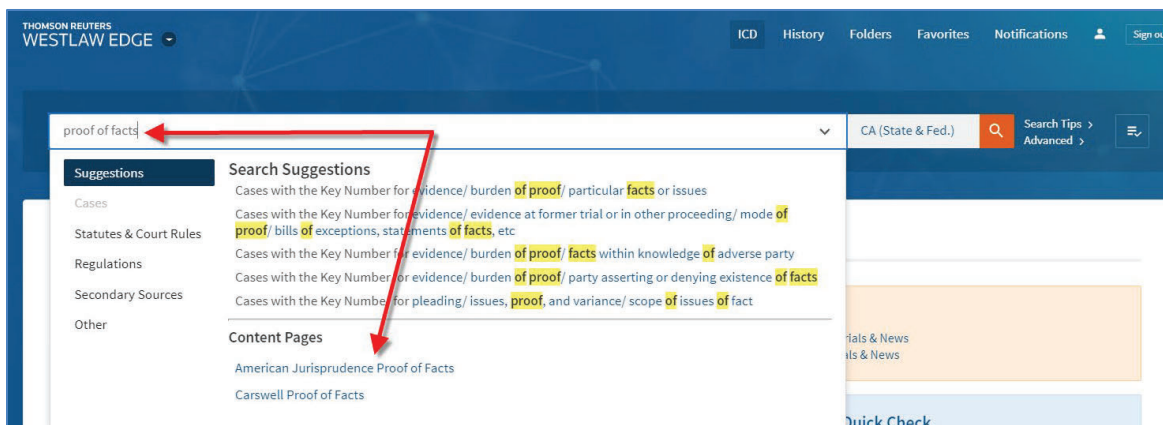
Do not expect to find an exact form for your client. Instead, expect to find an outline of sorts. This way you will not be starting from scratch.

CHECKLIST | RESEARCHING FORM BOOKS USING WESTLAW

- In the *Search Query Text Box*, type *Forms* and select *Form Finder*
- Type your *Search Query* and click *Search*
- Select the desired form from the *Results Page*, then copy-and-paste the relevant parts of the form into your new document

Additional Comment: A Very Special Form Book

Am. Jur. Proof of Facts (POF) is an especially valuable research tool. It is usually referred to as a form book but is actually more of a hybrid between a form book, a treatise, and a litigation aid. *POF* includes articles, forms, checklists, interview questions and answers, references to other authority, and, most uniquely, "proofs," which are lists of facts that will have to be established in order to win a legal argument. It is a fascinating, and powerful, set of books.



Learning to utilize this powerful resource is highly recommended, both in the law library and online using *Westlaw*.

Note: At the time of publication *Am. Jur. Proof of Facts* is only available on *Westlaw* and in the Law Library. It is not available on *Lexis*.

THOMSON REUTERS WESTLAW EDGE

American Jurisprudence... "day care center" liability for injured child

← Liability of Public or Private Day Care Center or Nursery School

133 AMJUR PDF 3d 87 · Ralph Gerstein, J.D. and Lois Gerstein, L.C.S.W. · American Jurisprudence Proof of Facts 3d (Approx. 187 pages)

Document

1 of 1,233 results Original terms Skip Out of Plan

Liability of Public or Private Day Care Center or Nursery School

TABLE OF CONTENTS

- Article Outline
- Scope
- Index
- Research References

ARTICLE OUTLINE

- I Background
 - § 1 Introduction
 - § 2 General standard of care
 - § 3 Claims of lack of supervision
 - § 4 Negligent hiring or retention of employee

THOMSON REUTERS WESTLAW EDGE

American Jurispruden... "day care center" liability for injured child

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Topic of Article:

This article discusses the governing legal principles that a practitioner needs **centers** and nursery schools. Topics include the general standard of care, cla superior, and res ipsa loquitur. There is a review of relevant case law relating institutional **liability for injuries** inflicted by **children** upon other **children**. B provisions of the civil rights laws are discussed. In addition, issues relating to Act, the Americans with Disabilities Act, and section 504 of the Rehabilitation school premises, as well as accidents on field trips and transportation accide nursery schools. In addition to case law, the article provides examples of sta cover swimming pool accidents, which are covered in numerous articles in A Jur. Trials 643 is recommended).

INDEX

- Abuse, suspected **child** abuse generally, §§ 9, 10
- Animals and pets, § 19
- Assaults by other **children**, generally, § 6

§ 46. Direct examination of nursery school teacher
Persistent pattern of pushing develops among plaintiff and several other boys

Q. Ms. Washington, by whom are you employed?
A. I am a nursery school teacher at Runwild Nursery School.
Q. How long have you been so employed?
A. For the past three years.
Q. Have you ever had Bruce Carney as a student in your class?
A. Yes, [give dates].
Q. How large was you

II. Checklist § 23. Plaintiff's checklist

1. In any type of case, find out if there are statutes and regulations specifically covering the subject matter of the accident or incident. Some courts hold that a violation of a specific safety-related statute or regulation constitutes negligence per se. At the very least, violation of the statute could be some evidence of negligence.
2. In cases involving lack of supervision of **children**, the crucial issues will be the quantity and quality of staff on hand. Check the state regulations regarding required ratios of staff to **children**. The younger the **children**, the more stringent the rules will be. Also, check state regulations regarding the educational qualifications for day care directors and staff. If state regulations regarding adequacy or training of staff have been violated, that may well constitute evidence of negligence. Also, where a **child** is injured by the careless or intentional act of another **child**, check the time line involving the day's activities. Where **children** have long periods with little if anything to do, they tend to get bored, increasing the chances of potentially dangerous horseplay.

ASSIGNMENT § 5.2(B) | LOCATING FORM BOOKS ON LEXIS

Lexis provides thousands of forms online. In fact, forms and other litigation aids could arguably be the strength of this online research tool.

1. *Select your filters*

At the right of the *Search Query Box*, click on the *Categories* drop-down menu. From the list that appears in the drop-down menu, click *Sample Forms*.

2. *Enter a search query*

In the *Search Query Box*, type your search query and click on **Search**.

3. *Review form excerpts from the Results Page*

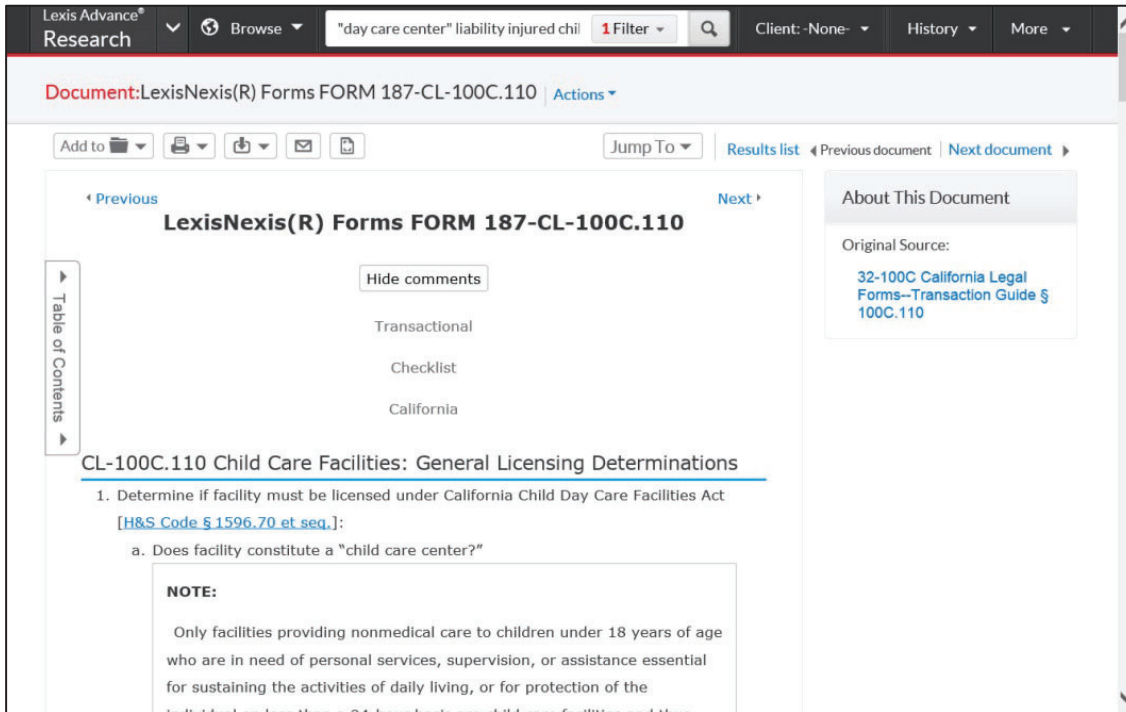
The *Results Page* will provide short portions from forms that relate to your search query. Scan through the results to identify any promising forms.

The top screenshot shows the Lexis search interface. The search query box contains the text "Enter a source name, a citation, terms or shep: [citation] to Shepardize®.". To the right of the search box, there is a dropdown menu for "All Categories" and another for "All Jurisdictions". A red arrow points to the "All Categories" dropdown, which is open, showing a list of categories including "Cases", "Statutes and Legislation", "Secondary Materials", "Administrative Materials", "Briefs, Pleadings and Motions", "Administrative Codes and Regulations", "News", "Legal News", "Dockets", "Jury Verdicts and Settlements", "Jury Instructions", "Expert Witness Materials", "Company and Financial", "Directories", "Scientific", "Intellectual Property", and "Snapshot". The "Forms" category is highlighted in blue. A red arrow also points to the "Forms" category in the left sidebar of the search interface.

The bottom screenshot shows the search results page for the query "day care center" liable child injury. The results are displayed as "Forms (11)". The first result is "1. Opposition to Motion to Dismiss—Specificity—Form" from Massachusetts Pleading and Practice-Forms & Commentary | § 12.13.8. The second result is "2. Sample Interrogatories—Negligence—Day Care Center—Form" from Massachusetts Pleading and Practice-Forms & Commentary | § 33.48.19. The left sidebar shows a "Filters" section with "Forms" selected under "Select Category".

4. *View relevant forms*

In the *Results Page*, click on the title of any forms that appear to be relevant. That complete form will now open.



Forms found in formbooks are typically not complete documents. Instead, they are important parts of a document. For instance, a form may be just a paragraph or two that constitute a “Cause of Action.” As a paralegal, you would collect any of those “Cause of Action” paragraphs that are relevant and then copy and paste them into your own complaint. So, think of online forms as a process of assembly.

Lexis provides different tools depending on the publication from which the form came. One of the most helpful is the *Checklist* filter. In the menu in the left column, select *Form Type*, then check the box next to *Checklist*. If the results include checklists, this tool will load them in the main window.

5. *Copy-and-Paste the relevant portion of the form*

Once you have found a form that is relevant, it is likely that you will not use the entire form. You may want to pick and choose elements. When drafting a complaint, for example, it is especially helpful to search for relevant causes of action. If you find a cause of action relevant to your matter, copy-and-paste that part of the form.

You will learn how to create a complaint in the following chapter. As you study that chapter, keep in mind that you will have the online services to help you with almost all elements of your complaint, but especially for the causes of action.

Once a desired form has been identified, the paralegal may download, print, or email the form using the document delivery tools. However, these cost the attorney (and ultimately the client) money. It does not cost to highlight the desired text to copy-and-paste into a *Word* document.

To copy-and-paste from a web page:

1. Place the cursor at the *start point* of the desired text
2. Hold down the *left click button* on your mouse
3. *Drag the mouse* to the end of the desired text, then release the button
4. The text will be highlighted. *Right click* on that text, and select *Copy*
5. *Paste* the material into a *Word* document.

CHECKLIST | RESEARCHING FORM BOOKS USING *LEXIS*

- In the *Categories* drop-down menu, click on the *Sample Forms* link
- Enter a *query* in the text box and click *Search*
- Select the desired forms from the *Results Page*, then copy-and-paste to a *Word* document

ASSIGNMENT § 5.2(C) | LOCATING FORM BOOKS IN THE LAW LIBRARY (OPTIONAL)

A question may arise at this point that is quite understandable. With so many thousands of forms at my fingertips using *Westlaw* and *Lexis*, why should I even bother with the law library? There are two good reasons.

You will likely not have access to both Westlaw and Lexis

There are very few firms in the country that subscribe to both *Westlaw* and *Lexis*.

- If *Am. Jur. Pleading and Practice Forms* is your favorite forms database, but your firm subscribes to *Lexis*, you are out of luck.
- If *Bender's* is one of your favorite databases, but your firm subscribes to *Westlaw*, likewise, you are out of luck.

In both above circumstances, using the law library to locate a form which you have not been able to locate online may be necessary.

You may not have access to either Westlaw or Lexis

Firms that subscribe to online legal research services must pay for the minutes used and the number of subscribers on the plan. Firms looking to save costs may decide not to provide all paralegals with access to the online service to which they subscribe.

In addition, in tough economic times there are some firms that decide to cut costs by not subscribing to *Westlaw* or *Lexis*. If one of the newer online services is subscribed to, those services do not have the form books and litigation aids provided in *Westlaw* or *Lexis*. But the law library still does.

Cost-limiting factors

You may have clients who can't afford online research, or even if the client can afford it, there may be times when you want to conduct some initial research because you are not certain whether the idea you have will pan out. It is empowering to know you can take an hour of your own time at a law library to conduct initial research, and if the research is productive, tell the attorney about it and bill the client. If not, you have only spent an hour of two of your own time.

Locating the Books

Every law library differs in terms of its choice of form books but following are some very powerful tools that most law libraries contain. Try to locate and research within each of them in your law library.



Am. Jur. Proof of Facts

One of the most powerful of all form books. This set of books is worth the trip to the law library all by itself. Includes sample discovery, deposition questions, examination questions, checklists, and even lists of elements that must be proven for a claim to be successful at trial. Use this set of books. (Also available on *Westlaw*.)



Am. Jur. Pleading and Practice Forms

An excellent source for general litigation with extensive forms. (Also available on *Westlaw*.)



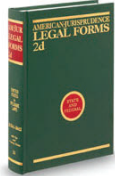
Am. Jur. Trials

A powerful tool that provides not just forms, but trial strategy lists, checklists, and other litigation aids. (Also available on *Westlaw*.)



Bender's Discovery Forms

An extremely useful form book, this multi-volume, three-ring binder set contains hundreds of discovery examples. Because it is in binder form as opposed to a standard bound book, it will take some adjusting. After using it a couple of times you will find it quite user-friendly. (Also available on *Lexis*.)



Am. Jur. Legal Forms

Includes more than 22,000 business and legal forms, enhanced with drafting guides, checklists, and practice aids.



West's Legal Forms

Provides extensive transactional forms, commentary, checklists, analysis, and expert guidance in over 14 major areas of law.

Using the Form Books

The form books in the law library are the original versions of those now collected in online databases. The method for accessing them is straightforward.

1. *Begin in the index*

Each form book in the law library has an index. Research your key terms in the index. Once you have located your subject matter as a general topic, review the subtopics for your other terms.

For example, if the researcher is seeking an example of a supporting affidavit for a Motion for Summary Judgment, the initial terms researched might be *summary judgment* or *affidavit*. If the researcher successfully locates *summary judgment* as a topic, he or she should then look for *affidavit* as a subtopic. (See above.)

SUMMARY JUDGMENTS—Cont'd	
Motions—Cont'd	
absence of genuine issues of material fact or law, Sum Judg 17	
affidavit opposing motion, Motions 19	
affidavit supporting motion, Motions 18	
alternative motions, Motions 43, Sum Judg 9, 22	
amended motion, Sum Judg 25	
answers, above	
bad faith, motion in, Sum Judg 34	
cause of action not stated, Sum Judg 23	

The index will provide the researcher with information leading to the main volumes, usually a *topic* and *section number*, such as *Motion 18*. In that case, the researcher would locate the volume containing the topic *Motion*, and then locate section number *18*.

2. Go to the main volumes

The topics are listed on the spine of the main volumes. Pull out the desired volume, locate the part within the volume covering the topic, and look up the section number. The value of the form book is that it provides the body of the document. The body is generally generic as to content. The paralegal will use a caption and signature typically used by the firm for that jurisdiction.

3. Check for additional authority

The main function of form books is, obviously, to provide forms. However, there are sometimes references to additional sources, such as statutes, cases, or possibly additional forms. These references will usually be included in footnotes. Be alert for such references, and make note of them, in case you need to broaden the scope of your research.

CHECKLIST | RESEARCHING FORM BOOKS IN THE LAW LIBRARY

- Locate the *Index* to the form book being researched
- Research your key terms in the *Index*
- Identify any relevant *Topic & Section Numbers* in the *Index*
- Locate the corresponding *Topic & Section Numbers* in the *Main Volume*
- Choose any relevant forms. Be aware of references to additional authority
- Always check the pocket part (supplement)

§ 5.3**Remote Working***Think Ahead***USE IT TILL YOU LOSE IT**

If you are given access to *Westlaw*, *Lexis*, or both, you should realize what an advantage that is, and put that advantage to good use. At some point in your first year working as a paralegal you will probably think or say: “*I wish I had spent more time on the online research sites when I had the chance.*”

When you start working as a paralegal you will suddenly face these facts:

1. Your firm may not subscribe to either *Westlaw* or *Lexis* because of its expense.
2. You may not be given access to *Westlaw* or *Lexis* because of the expense.
3. Even if you are fortunate enough to be given access, you will not spend hours on *Westlaw* or *Lexis*. More like minutes at a time, for the same reason: it is expensive.
4. Even if your firm subscribes to *Westlaw* or *Lexis*, it almost certainly will not subscribe to both. Some of your favorite resources found in *Lexis* will be out of reach if your law firm only subscribes to *Westlaw*.