

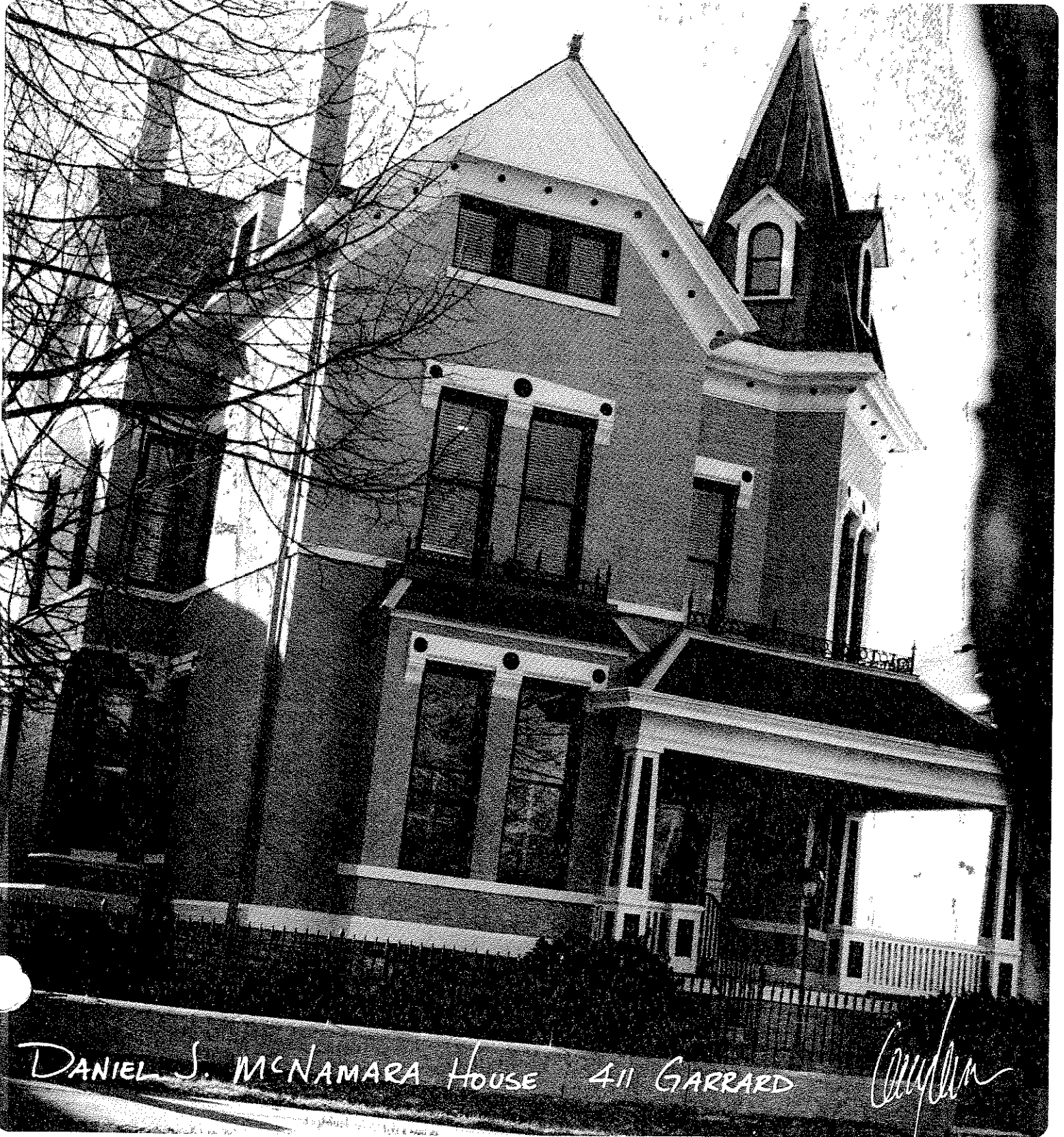
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DON'T REINVENT THE WHEEL, IT'S ALL IN FORM ... PART TWO Kentucky Legal Forms

by Mike Whiteman

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In the last column I reviewed some of the general purpose transactional formbooks. In this column I will cover Kentucky general and specific transactional formbooks. Before moving on to these valuable time and cost saving tools I wanted to take an aside and pass along a note of caution about using these formbooks verbatim. Professor Rick Bales (Chase College of Law and frequent contributor to the "Effective Legal Writing" column in the Bench & Bar) commented, after reading last month's column, that users of these formbooks should be aware that often these forms "are abominations of legal writing, full of Latinisms, legalisms and redundancies ("null and void")." This should reinforce what I cautioned last column; not only should you check the form to make sure it is a well written document, but you should always modify the form so that it matches the facts and legal requirements of your client's situation.

The law is not uniform amongst the states. This fact alone has led to a flourishing business in state specific legal forms. While the general formbooks discussed in the last column can be very helpful to a lawyer, it is even more helpful if you can find a form that has been prepared specifically for use in your particular locale. State specific formbooks are usually written by attorneys from within the state and are normally taken from existing documents that have been filed with a local court or used in a transactional legal practice.

Kentucky has a rich library of state specific formbooks, and while I will cover many of the excellent resources available to the attorneys who practice in the Commonwealth, please keep in mind that there may be other formbooks available to you. If one of the formbooks listed below does not have what you are looking for ask a fellow attorney or librarian for assistance, or turn to one of the general formbooks. Finally, remember it's not cheating to use these forms, its just plain smart!

Kentucky Specific Formbooks

One of the best sources for general Kentucky forms is Wyatt, Tarrant and Combs' Kentucky Forms and Transactions (now published by West publishing). This 4 volume looseleaf set includes transactional forms that include discussion of Kentucky and applicable federal law. This regularly updated set contains hundreds of forms including: forms for partnerships, corporations, other business entities, non-profit corporations, employment, sales, secured transactions, real estate brokers and real estate transactions - as well as general forms for wills, trusts, and estates.

There are numerous Kentucky formbooks dedicated to specific legal topics. West publishes an excellent series known as the Kentucky Practice Series. Each set of books within the series covers a particular aspect of Kentucky law. Within these volumes you will find a wide array of forms. The Kentucky Practice Series includes (but is not limited to): *Civil Procedure Forms* by Leslie

W. Abramson, *Criminal Practice and Procedure* by Leslie W. Abramson, *Domestic Relations Law* by Louis E Graham and James E Keller, *Methods of Practice* by Robert W Keats et. al. *Probate Practice and Procedure Forms* 2d ed. by James R Merritt and Norvie L Lay

Given the lucrative market which formbooks represent other publishers have materials that will be useful to the Kentucky attorney. These include:

Kentucky Probate Manual by William Allen Schmitt (Michie). This looseleaf volume includes forms and sample letters.

Kentucky Workers' Compensation 3d ed. by Norman E. Harned (Matthew Bender). This looseleaf volume includes forms useful for representing clients in settlement hearings and appeals.

Kentucky Instructions to Juries 4th ed. by William S. Cooper, John S. Palmore, Donald P. Cetrulo (Anderson Publishing). This two volume set, known to most practicing attorneys as "Palmore's," provides litigators with sample jury instructions in both the civil and criminal context. The forms are accompanied by reference to relevant case law and useful commentary.

Kentucky Employment and Labor Law: Form and Practice Manual by David Leighty (Data Trace Publishing Co.)

Kentucky Limited Liability Company: Form and Practice Manual by Charles Fassler (Data Trace Publishing Co.)

Finally, mention should be made of an online source that Kentucky attorneys should not overlook. The Kentucky Court of Justice provides a wide variety of forms that should be used when conducting business before the courts of the Commonwealth. These forms can be found at http://www.kycourts.net/forms/Forms_Table_Categorized.shtm.

Next column I will focus in on formbooks that cover Ohio law. Until then happy drafting.

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