

USING FORM BOOKS

Every office should have a form book, a set of form books, or computerized form directories which contain all forms used repeatedly in the office. The forms should be set up in such a way that anyone using them can change the pertinent information in the form to coincide with the case being worked on.

As new forms are added, you may find that a separate form book for each area of law in which you practice will be easier to use, e.g., one book for probate forms, one book for litigation forms, one book for corporate forms, etc. If the forms are put on the computer, a separate subdirectory can be maintained for each area of the law. However, you will still need to keep a hard copy of each form in a form book. Ideally, instructions should be included with each form indicating how many copies are needed, what is done with the form once it has been prepared (i.e., filing or recording), if a fee is needed, if the client needs to sign the form, etc.

Be sure to **immediately** change standard terminology in forms when changes in law or procedure necessitate a change in the form. It is a good idea to review all forms and corresponding instructions following a legislative session and when new court rules go into effect. Failure to immediately change forms in your form book and on your computer may mean the change does not get made the next time the form is used. If the mistake is not caught, the result could be disastrous to the client. The ultimate responsibility for giving legal advice remains with the lawyer. Reliance on the perceived correctness of the legal form will not excuse any act of legal malpractice. The lawyer must always exercise reasonable professional judgment in adopting forms and boiler-plate language in the creation of legal documents.

Separate notebooks should be maintained for office policies and procedures. The procedures manual should include an outline of all the procedures used in the office, such as how the telephone is answered, how the mail is handled, how files are opened, and how the tickler, docket, and conflict systems are maintained. This will provide a temporary or replacement employee a reference to ensure the proper flow and maintenance of your existing systems.

For more information regarding policy manuals, procedure manuals, or management of forms, please visit www.osbplf.org.

IMPORTANT NOTICES

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