Basic Types of Legal Documents

- **Instrument**
  - This is a formal legal document that grants (or proves the grant) of a right. Examples:
    - Deeds, Wills, Mortgages, etc.

- **Pleading**
  - This is a formal statement by a party in the context of litigation. Examples:
    - Complaints, answers

- **Document**
  - This applies to any other communication set to a permanent medium that is relevant to a legal issue. Examples:
    - Police reports, photographs, letters, etc.
Types of Legal Instruments

• **Contract**
  – Any written agreement can fall under this heading

• **Deed**
  – This transfers any interest in real estate
    • Including easements, mortgages, etc.

• **Business Documents**
  • Article of incorporation, bylaws, partnership agreements

• **Will/Codicil**
  – These are special legal documents that allow gifts to be given after one’s death

• **Trust**
  – Establishes an agreement whereby the trustee agrees to hold property for the beneficiary
Obtaining Background Information

• Preparation and execution of any legal task requires, at its threshold, certain information from the clients. This can be obtained at an interview and/or through a questionnaire. This information includes:
  – Family information
  – Financial information and which other advisors the client is working with
  – Employment information
  – Health information
  – Important documents relevant to the client
  – (If a civil action) All information and documentation relevant to the case
Where to Get Forms

- Very few documents are drafted from scratch. Almost all documents are drafted from templates belonging to the firm or accessed elsewhere.
- A big part of drafting many forms is locating appropriate templates. There can be gotten from:
  - Documents done for previous clients
  - Commercial forms producers, such as:
    - American Jurisprudence Legal Forms
    - West Legal Forms
    - Online sources
General Form of Legal Writings

• For the most part, you can choose your own type of paper, ink, etc. However, for certain instruments and in papers submitted to a court, there are often rules regarding these things, which must be followed.

• Court that have such rules often publish them in a circular that can be obtained from the court.

• Always ask the clerk when in doubt!
Some physical aspects to Legal Documents

• Paper
  – Use letter size in general; legal size is sometimes used as well and may be required for certain types of instruments such as deeds
• Typeface
  – Use a conservative, traditional font
• Margins
  – Make sure to use margins big enough to make reading comfortable; such as 1-1.5 inch margins
• Spacing
  – Pleadings and some instruments should be double spaced
  – Most other documents can be 1.5 spaced
  – Letters are often single spaced
Special Components of Legal Documents

• In addition to the body of the document, legal documents often must contain:
  – Caption (for anything submitted to the court)
  – Heading (for most legal documents, including letters, etc.)
  – Place for signatures, especially for instruments
  – Acknowledgment/ space for the document to be notarized, where appropriate
  – Filings with the court often must also have space for the attorney to sign as well
Special Mechanical Rules for Legal Documents

• The following are often put in ALL CAPS:
  – Names of people or businesses, organizations, etc.
  – Title of the instrument
  – Header words of important paragraphs (e.g., “WHEREAS”)

• Grammar and spelling
  – Correct grammar and spelling are important not only to avoid changing the meaning of the document, but also to present an aura of professionalism

• Numbers are often written in both English and Arabic numbers; e.g.,
  – Ten thousand Dollars ($10,000)

• Page numbering
  – The first page is not numbered; all subsequent pages are numbered at the bottom center.
Pre-Printed Forms

• Sometimes, courts or other agencies will have specific forms that they will require for certain tasks. To use such forms:
  – Some may be available in Word (or similar) format. There can be filled in easily on your computer.
  • Sometimes, courts require affidavits that you did not change anything substantive about the form so that the clerk does not have to read through the entire form
  – If you cannot secure these forms in Word (or similar) format, the best thing is to fill it in with a typewriter, though very neat print writing is usually also accepted.
• Inserting “N/A” or “0” is preferable to leaving the space blank.