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Law And Motion Model Forms

Reviewed by Donna Bader

Let's face it, we're all too busy to spend the time we want in fashioning a spectacular motion that will knock the socks off a judge. Sometimes, it takes all of our efforts just to meet an impending deadline. And a tardy motion may not be able to solve the problem that required the motion to be brought in the first place.

I'm all for employing methods that minimize the repetitious work involved in writing motions so I can focus instead on the paragraphs that make the motion unique and will catch the court's attention. California Law and Motion Model Forms, a recently released companion to California Law & Motion Authorities, is a great solution for busy attorneys or those who like to have a simple checklist of what language our motions should contain. Both texts are published by Thomson West/Rutter Group; authored by Douglas R. Parker, David N. Finley and Lori L. Maze; and updated annually.

California Law and Motion Authorities was premised on a fairly simple concept: putting together a motion in a short period of time by providing short "points" organized under a specific topic. For instance, let's say you are preparing a memorandum of points and authorities to support a demurrer, and you want a point that confirms "A Complaint that Fails to State a Cause of Action is Subject to a General Demurrer." Of course, you could rely solely on Code of Civil Procedure section 430.10(e). But why not add in some case authority? California Law & Motion Authorities *can* provide those authorities, allowing you to pick and choose the most appropriate citation, quickly and reliably.

California Law and Motion Model Forms takes it one step further, creating the actual forms. It also includes a disk so that you don't have to type up the motion from scratch. The two-volume set is broken out into 10 parts, covering general and preliminary motions through post-trial motions. You will find the notice of motion or hearing, a sample Memorandum of Points and Authorities and declaration, and a proposed order. What makes Model Forms truly unique – and extremely practical – is that it not only focuses strictly on law and motion forms, but those forms are not simple blank templates. The authors have actually included typical statutory and case authorities for the points stated in the briefs.

No form can do it all for you. The forms indicate when you need to add facts specific to your case. Practitioners can drop in their clients' facts and then weave in an argument based on those facts. Of course, you want your motion to look original – not as if you had consulted a form book – and the book points out where you can make those changes.

The new two-volume Model Forms set is an excellent additional to any library. It can save considerable time, specifically if you need to prepare your motions in a pinch. More elaborate substantive points may require additional work, but it's nice to have most of the work already done for you. Information about either of these texts is available at The Rutter Group, www.west.thomson.com/rutter.


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