



Thomas M. Cooley Law Libraries' Research Guide Series

Bibliography for the Pre-Trial Skills Classes

This bibliography includes print and online materials that will help you during the term. Many of the printed books are also available on Westlaw and Lexis. The forms for most of the ICLE books are available as well. The annotations include call numbers and also indicate if they are on Westlaw or Lexis.

If the book contains a CD, you will see "**CD/FORMS PC**" at the end of the annotation. These CDs can be checked out at the Circulation desks at the Oakland and Grand Rapids libraries, and are found on the FORMS PC in Lansing.

How to download Westlaw models found in Books

It is often easier to find information in a book than online with Westlaw and Lexis. After you find a good model complaint, order, letter, or motion for summary disposition in a book, and that book is available on Westlaw or Lexis, it is a simple matter to retrieve the full text of that document. Here's how.

- 1) Note the form number from the book. For example, using the title Michigan Legal Forms, you discover that 57:24 is the form number. The annotation in this bibliography indicates that the Westlaw database name is : **MI-LF**.
- 2) In Westlaw on the left side of the screen where it says "Search these databases," type the Westlaw abbreviation (for our current example, type **MI-LF**) and click GO.
- 3) When the search page opens, type the form number (for this example, type 57:24) and click Search. Two or three items should appear in the results list, with one of them being your desired form.
- 4) Now you can cut and paste, or save the document to your word processor and then edit it. (You would of course edit it).

How to download Lexis Models found in Books

Suppose that you were browsing Mathew Bender's Forms of Discovery, found that the interrogatories you want are in the Swimming Pools chapter, and is the set of interrogatories called "Int 3."



1) Locate the Lexis Database. From the Lexis main search page (not the student start page), click the grey tab "Find a Source." Type "Bender's forms of discovery" into the search window and click FIND (If you forget the apostrophe, it won't work).

2) You will get over 60 hits, but the one you want will be at the beginning. Click it.

3) The Table of Contents search page should come up. Now scroll down to the part that includes Swimming Pools (Slip and Fall, to Taxicabs), and click the PLUS icon to expand the tree until you find your set of interrogatories. Before clicking PLUS, you can HOVER your mouse over the plus sign and you will then have the option to expand the tree fully or only partially.

Sometimes you will find that it is easier to use the SEARCH window and search the Lexis table of contents rather than browse it. It depends on which database you are searching.

Accessing FORMS on CD

Many books, including those published by ICLE (Institute of Continuing Legal Education) often come with a disk or CD that includes all the models/forms contained in that volume. In Lansing, these disks and CDs are uploaded onto the "Forms PC," a computer adjacent to the Reference Desk in the Strosacker room of the library. In Grand Rapids and Oakland these CDs can be checked out at the Circulation Desk.

To access these forms, you generally load the CD a computer, and then find the form that you had already located in the printed book. It is usually easier to find the form in the book rather than to just browse the CD.

In Lansing the CDs have all been put on a computer called the FORMS PC. For access these FORMS in Lansing:

1) Locate the form in the book and note the call number of the book and the form number (or just bring the book over to the Forms PC).

2) The forms are stored in sub directories based on the call number of the book. Click on the sub directory that matches the call number of your book. Once you locate your form, you can download it to your 3.5 inch disk (please bring one with you). Or you can print the form. Please do not edit the form while at the Form's PC.

Browsing the Westlaw and Lexis Tables of Contents

Many of the books that are available on Westlaw and Lexis include tables of contents. It is sometimes convenient to just browse these tables of contents rather than to start with the print version of the book.

In Westlaw, once you bring up the database, there may be a hyperlink above the search window that says "Table of Contents." If so, then searching the database (i.e. online book) will be easier. Not all of the databases have tables of contents. Remember that the database abbreviation is included in the attached annotations. Just type that abbreviation in the "Search these databases" window on the left side of the Westlaw screen, and click GO. Then if there is a Table of Contents link, just click on it.



With Lexis, most of your options are set such that if there is a table of contents, then it will appear as soon as you have selected your database. If your options have changed, then you may see a standard Lexis search screen, but there will be a hyperlink next to the Search button that says "Browse TOC." Click that and you can browse the Lexis table of contents. Some of the Lexis Tables of Contents have many sub levels of expanding trees. These can be difficult to browse. However, by hovering your mouse over the "+" sign next to the branch of the table of contents tree you wish to expand, a small window will open that will let you fully expand whatever branch you are looking at.

Retainer and Fee Agreements

Michigan Basic Practice Handbook (KFM 4277 .M522)

(OU, GR-Reading Room, LAN-Strosacker & LAN Reserved Readings)

While not primarily a "forms" book, this 2 volume loose leaf treatise contains forms at the end of most chapters. In Chapter One, "Opening a Law Practice," there is a "Hourly Rate Agreement" form and a "Contingent Fee Agreement" form. Some of the topic sections include topic specific retainer agreements. For example, Chapter two, "Divorce Cases," includes a Retainer/fee agreement specifically for divorce cases. Chapter 17, the "Personal Injury" chapter includes complaints, client letters, and sample interrogatory questions. **CD/FORMS PC**

Attorney Fee Agreements in Michigan (KFM 4277.5 F4 A87)

(OU, GR-Reading Room, LAN-Strosacker & LAN Reserved Readings)

This title is arranged by common legal topics, such as general civil, no-fault, divorce, personal injury, consumer protection, and criminal defense. Almost every chapter contains a section at the end called "Forms" which contains retainer and/or fee agreements, as well as client cover letters. **CD/FORMS PC**

Am-Jur Legal Forms (KF 170 .A542)

(OU, GR-New Addition & LAN-Lower Level)

This 50 volume set contains legal forms, and extra clauses that can be used in forms. It also includes drafting guides, checklists, and letters to clients. By searching for "Attorney Fees" in the index, one is referred to the subtopic of "Retainer – generally §30:121-30:126." An examination of §30 reveals that the entire 320 page chapter is devoted to attorney-client agreements. There is a lengthy table of contents at the beginning of §30. By browsing the table of contents one can quickly locate, for example, a "Letter of Engagement" § 30:6, a "Contract to Employ Attorney—Fixed Fee" §30:7, and a "Contract to Employ Attorney—Hourly Fee—Litigation" §30:16. Sections 30:47-30:110, and 30:120-151 contain optional provisions that can be added to the agreement.

Westlaw: AMJUR-LF

Nichols Cyclopedia of Legal Forms Annotated (KF 170 .N5)

(OU, GR-New Addition & LAN-Lower Level)

Similar to Am-Jur Legal Forms, this title contains forms, clauses, and drafting checklists. By searching "Attorneys" in the index, one is led to the main volume of the encyclopedia topic on Attorney agreements, which begins in section § 2:401 and continues for 230 pages. There is a table of contents at the beginning of the section. Section III contains checklists for things such as "Agreement to Employ Attorney," "Attorney's Opinion Letter," and "Contingent Fee Contract." Section IV contains model retainer/fee agreements and supplemental clauses.

Westlaw: NICHOLS-LF



Lane's Goldstein Litigation Forms *(online only)*

This database includes retainer agreements, as well as sample complaints, Motions and Briefs (or memorandum) in support of the motions. There are also a few sample depositions, and interrogatories.

Westlaw: **GOLDLTGFMS**

OTHER TREATISES

Many subject specific treatises include retainer/fee agreements specific to your subject

Learning the Law and Defenses with Treatises & Causes of Action Books

Before you can draft your complaint, you need to determine your cause of action and anticipate possible defenses. The following treatises and causes of action books are a good place to start.

Torts: Michigan Law and Practice *(KFM 4395 .A75 T682)*

(OU, GR, LAN-Michigan Collections; also LAN-Reserved Readings)

This is a two volume treatise devoted exclusively to torts in Michigan. Each chapter is devoted to a different tort, such as Premises Liability, Wrongful Death or Construction Site Injuries. The chapters discuss the law and defenses. Many of the chapters also include a sample complaint as well as some sample interrogatories.

CD/FORMS PC

Torts *(KFM 4395 .T39) (LAN Michigan Collection).*

This is a three volume treatise devoted to Michigan torts. Chapter 2 is has 200 pages on Negligence in Michigan. Chapter 9 addresses defenses generally and is also 200 pages long. Chapter 11 addresses the steps in handling a tort case and includes a few model letters and fee agreements at the end. Chapter 15 covers settlements.

Michigan Causes of Action Formbook *(KFM 4730 .A65 M523)*

(OU, GR, LAN Michigan Collections; also LAN-Reserved Readings)

This title provides sample complaints for over 60 causes of action. There are checklists to assist in drafting complaints. There are also affirmative defenses provided for most of the topics.

CD/FORMS PC

Michigan Litigation Forms and Analysis *(KFM 4730 .A65 H84 1992)*

(OU, GR, LAN Michigan Collections; and LAN- Reserved Readings)

This 3 volume loose leaf set includes civil litigation practice forms for use in state trial and appellate courts. It contains model letters, notices of hearings, orders, complaints, and motions for summary disposition. The title is a bit difficult in that the updates are filed in the front, and the table of contents to the set follows those updates. Chapter 1 includes a Notice of Hearing. Chapter 2 has model complaints. Chapter 4 discusses service of process. Chapter 19 contains model Motions for Summary Disposition and an Order.

Westlaw: **MI-LITFRM**



Am Jur Proof of Facts (KF 8933 .A42)

(OU, GR Lower Level & LAN 2nd Floor)

This 160 volume set of books is a "cause of action" treatise. Cause of action treatises usually teach the law and defenses briefly, but then focus on how to litigate or defend that cause of action. They contain checklists of things necessary to prove in order to make or defend your case. These can help you when you are attempting to anticipate defenses, or draft Requests for Admission, Interrogatories and Depositions. The various chapters often address burdens of proof, defense considerations, and elements to be proven. Sometimes there are sample depositions related to the legal topic in question.

Westlaw: **AMJUR-POF**

Shepard's Causes of Action (KF 8863 .S53)

(GR Lower Level & LAN-2nd Floor)

Similar to Am Jur Proof of Facts, this set of books provides articles which include an overview of the substantive law in that area, defenses, checklists, and sample complaints. It comes in two series totaling over 50 volumes.

Westlaw: **COA**

Am Jur Trials (KF 8915 .A74)

(LAN 2nd Floor)

This is another 100 volume Cause of Action type of book. The focus here is on the trial, but there is still discussion of the law and defenses. Almost every model case contains model direct and cross-examinations of witnesses and experts. This can be used in helping you prepare your deposition materials.

Westlaw: **AMJUR-TRIALS**

Personal Injury: Actions Defenses Damages (KF 8925 .P4 P38)

(Lan 2nd Floor)

This is a 28 volume national treatise. While its size may seem overwhelming, it has an excellent index that makes the title very easy to use. As with any index, one has to try alternative words, and pay attention to the "SEE" references in the index. For example, looking for "parking lots," I was led to the chapter entitled "Garages, Parking Places and Approaches." Once you find your chapter, there is an easy to use index pointing to the elements, defenses, and damages. As with any good treatise, the text is supported by ample annotated citations. The title is available on Lexis. The online Table of Contents is several levels of nested trees, so you should use the Lexis "Hover" feature in order to use it. (Hover your mouse over the "+" tree expansion sign and then select the desired level of expansion. You can also search just the table of contents. For example to find materials on slip and fall, bring up the database and search the table of contents only (by clicking the radio button) for the words SLIP OR FALL. Then you will find all TOC entries that contain the word SLIP or the word FALL.

Lexis: **Personal Injury Actions**

Premises Liability: Law and Practice (KF 1287 .L36 1987)

(Lan Lower Level)

This is a 5 volume national treatise. While this is essentially a treatise on what the law is, in includes an entire volume devoted to defenses, and another volume devoted to discovery. The online Table of Contents again contains multiple levels of nested trees. SO you need to use the Lexis "Hover" feature. Searching the full text of the database is also useful. To do so you need a good terms & connectors search. For example, to find chapters that might be discussing defenses to a slip and fall, you might search this database with: slip /p defense.

Lexis: **Premises Liability Law**



Court Forms, Court Rules, and Court Rules Commentary

Michigan SCAO Approved Forms (KFM 4730 .A65 M54)

(OU, GR & LAN-Strosacker)

These two paper bound volumes are the court approved forms from the State Court Administrators Office. They are also available on line in PDF format from the Michigan Courts website, and from Westlaw. You almost certainly will need to find the MC01 "Summons and Complaint" form in this set of books. The MC01 form is attached to your complaint when you file in Circuit Court.

Westlaw: **MISCAO-FRM**

Internet: courts.michigan.gov/scao/courtforms

Michigan Rules of Court (KFM 4729 .A194)

(OU, GR & LAN Michigan Collections)

This is the West published version. There is also one published by ICLE (Institute of Continuing Legal Education). The West version includes the rules of evidence and the rules of professional conduct. This is important to know, because the indices for these sets of rules immediately follow the rules. Thus, the index to the Court Rules is actually found about 300 pages from the end of the book.

Westlaw: **MI-RULES**

Lexis: **Michigan Court Rules**

www.courtsofappeals.mijud.net/court/courtrules.htm

Courtroom Handbook on Michigan Civil Procedure (KFM 4735 .A39 M53)

(LAN Michigan Collection)

This title contains the general civil chapters of the Michigan Court Rules, chapters 1 and 2 (which are the ones you will need for this class) plus extensive commentary. As the Michigan Court rules are sometimes less than intuitive, this commentary may prove to be quite useful.

Michigan Court Rules Practice (KFM 4729 .A195)

(OU, GR & LAN Michigan Collections)

This 10 volume title contains the same content as the Courtroom Handbook on Michigan Civil Procedure, but also includes annotations (headnotes from West published cases), as well as chapters 3 through 9 of the court rules (which deal with matters such as criminal procedure, probate court, and the court of appeals).

Westlaw: **MICRP**



Model Complaints, Orders, Notices, Proofs of Service

Michigan Civil Practice Forms

(KFM 4730 .A65 C53)

(OU, GR & LAN Michigan Collections)

This 13 volume set of books provide model *Complaints*, as well as a few answers and motions for summary disposition. For each legal topic there are suggestions, reminders, checklists, and scores of forms. The index is excellent. The title is updated annually with pocket part supplements.

Westlaw: MI-CIVPRAC

Michigan Trial Court Filings (online only)

This is an excellent source for the pre-trial skills class. It has real Complaints, Answers, Motions & Briefs for Summary Disposition, & Responses to Motions for Summary Disposition. Many of the documents include an option to print PDF files so that you can see exactly what the original document looked like.

When you go to this database, it defaults to “template” searching. You should select “Terms & Connectors.

Using an advanced technique called “Field Searching” is useful. The field we want is called “Document Type”

Here is a sample search for a complaint using the “document type” field. The fact pattern is a breach of contract.

dt(complaint) & breach /S contract

Westlaw: MI-FILINGS

Still Starting the Case- 2001

(KFM 4735.8 .C57 2001)

(OU, GR & LAN Michigan Collections)

This locally printed loose leaf volume contains 109 complaints covering negligence law and professional malpractice. Each topic is treated with in-depth research and analysis, followed by actual complaints from contributing attorneys reproduced exactly as they were presented.

Michigan Pleading and Practice (KFM 4730 .M52)

(OU, GR & LAN Michigan Collections)

This is a 27 volume set of books on how to practice civil litigation in Michigan. By looking at the index for complaints, one finds that almost all of volume 2 is devoted to complaints. The first ½ of volume 2 is a treatise on how to write and what to include in your complaint. The second half of the volume contains about 100 pages of sample complaints. Chapter 34 in volume 3 is devoted to discovery. There are sample forms related to discovery, such as motions to compel discovery. Chapter 43 in volume 7 is on Summary Disposition, although there are no model SD forms, other than a sample order. Westlaw: MI-PP

Andrews Underlying Court Documents (online only)

This database Contain selected petitions, complaints, briefs, and motions from state and federal courts. It is a bit tricky to use this database, so here are a couple of model searches.



To find actual complaints filed in Michigan Circuit Courts, we will search the PRELIM field. Type ANDREWS-DOC in the search these databases window on the left. When the search window opens up, type this:

PR(michigan /s circuit and complaint)

To find a couple briefs in support of motions for summary in Michigan type:

PR(michigan /s circuit and summary)

You may notice when you browse your documents, that there are some very strange looking words. This is because many of these documents in ANDREWS were apparently input using OCR (optical character recognition) software, without spell-check.

Westlaw: **ANDREWS-DOC**

Trial Pleadings *(online only)*

Database contains selected pleadings, complaints, and answers filed in Federal and State courts. The initial screen is a template. Select the state, and whether you are looking for a complaint, answer, or counterclaim. For example, select Michigan, select the complaint check box, and type into the search window: slip and fall.

Westlaw: **PLEADINGS**

Discovery: Depositions, Interrogatories, Requests for Admission

Pattern Discovery Premises Liability

(KF 8900 .D3276) (LAN 2nd Floor)

This three volume set of discovery materials is probably all one would need for preparing discovery materials for premises liability issues. There are model interrogatories, requests for production, and requests for admission. There are also deposition checklists to help you formulate questions to ask the deponent. In addition to Pattern Discovery Premises Liability, these are several other titles in the Pattern Discovery series: Torts, Automobiles, Employment Law, Employment Discrimination, Family Law, and Antitrust. While the online Table of Contents for this title is easy to use, it is not quite as friendly as the print version.

Westlaw: **PDPREML**

Pattern Deposition Checklists

(KF8900 .D312) (LAN 2nd Floor)

Similar to the Pattern Discovery series, this 5 volume sets forth in outline form all of the issues an attorney would want to consider when interviewing the deponent. Chapter 5 contains 300 pages devoted exclusively to premises liability. Chapter 6 has as many pages devoted to products liability. While the number of pages may appear overwhelming, the title is in fact extremely easy to use because each chapter starts with a very usable table of contents. The online table of contents is as easy to use as the print version.

Westlaw: **Pattern Deposition Checklists (PDEPC)**



Preparing the Case: a Manual of Interrogatories

(KFM 4737 .P74 1995) (LAN Michigan Collection).

Prepared by a Michigan attorney, this collection of over 100 sets of interrogatories covers a wide range of civil topics including: negligence, employment, domestic law, and even will contests. While it has not been updated recently, the content is good, and will provide an ample supply of model questions.

Deposition Strategy Law and Forms

(KF 8900 .D47) (OU & LAN-2nd Floor)

The first volume of this ten volume set focuses on depositions generally, such as conduct, defenses, forms, etc. The remaining volumes are arranged alphabetically by legal topic. Each chapter discusses issues such as whether depositions should be taken, who should be examined, the goal of the deposition, and preparation for the deposition. The text includes actual deposition questions and answers.

Bender's Forms of Discovery

(KF 8900 .A3 B4) (OU, GR Lower Level, LAN 2nd Floor)

Ten of the sixteen volumes in this set consist entirely of **sample interrogatories**. The books are extremely easy to use both online and in print. The spines of the volumes indicate the range of topics. For example, if one were looking for model interrogatories involving "Stairways, she would pull volume 9A which covers Slip and Fall to Taxicabs. The Table of contents is at the beginning of each section. The online version with Lexis is equally easy to use.

Lexis:** **Bender=s Forms of Discovery**

See also Premises Liability: Law and Practice

(KF 1287 .L36 1987)(LAN Lower Level)

This title was discussed in the "Learning the Law" section of this bibliography. The fifth volume includes checklists as well as actual direct and cross- examination of experts and lay witnesses. These dialogues are similar to the types of exchanges that would occur during a deposition.

Summary Dispositions

The model motions for summary disposition (judgment) and briefs (or memos) in support are not found in very many of this library's print resources. There are a few resources on Lexis and Westlaw, however. In addition, there are many model briefs online. These model briefs may prove useful when drafting your Motions for Summary, because some of the arguments may be similar to the ones you will be making in your motions for Summary Disposition.

Michigan Trial Court Filings *(online only)*

This source was discussed above in the section involving Complaints.

Here is a sample search for a Motion for Summary Disposition using the "document type" field. The fact pattern is a breach of contract.



dt(summary) AND breach /S contract

Here is one for a reply to that Motion for Summary.

dt(summary AND reply response answer) AND breach /S contract

**You don't need to find a perfect match to your fact pattern.
These are merely models**

Westlaw: **MI-FILINGS**

Briefs Multibase (*online only*)

This database contains briefs for almost every federal circuit and about 16 states. There are no motions for summary disposition, but there are many actual arguments made arguing the same types of legal issues that one would move for summary disposition on. For example, there are appellate briefs appealing the granting of summary by the lower courts.

Westlaw: **BRIEF-ALL**

Petition for Writ of Certiorari to the Supreme Court (*online only*)

This database is useful for when you want to look at the research that followed a Federal Court of Appeals or State Supreme Court decision. So even though the U.S. Supreme Court may have denied certiorari, the parties have re-briefed and reargued the issues one more time.

Westlaw: **SCT-PETITION**

Trial Motions (*online only*)

This database contains selected motions filed in Federal and State courts. The initial screen is a template. On this screen, check the type of motion you are interested in. For example, click the "Motion for Summary Judgment" and "Motion for Partial Summary Judgment" buttons. Then in the key terms window enter a word or two. For example type "premises," and then click Search.

Westlaw: **MOTIONS**

See also **Andrews Underlying Court Documents** (*online only*),

Discussed in the Complaints section of this bibliography.

Westlaw: **ANDREWS-DOC**

See also **Lane's Goldstein Litigation Forms** (*online only*)

This title is discussed in the Retainer and Fee agreement section of this bibliography.

Westlaw: **GOLDLTGFMS**

Determining How Much the Injury is Worth

Michigan Trial Reporter

(*KFM 4255 .M5 M55*) (*OU, GR & LAN Michigan Collections*)

This monthly publication offers extensive coverage of Michigan **jury verdicts** and settlements. Most of these cases never get to the Court of Appeals, and thus this information is not available by searching Michigan=s published opinions. Injuries are described, as well as the Plaintiff=s monetary demand, Defendant=s offer, the mediation result, the verdict, and (if there was a jury), the amount of time the jury deliberated. The title contains no annual index and is thus somewhat difficult to use. Easier is to use it online with either Westlaw or Lexis



Here is a sample search for a herniated disk that required "fusion surgery"

disk AND "fusion surgery"

Westlaw: **MI-JV**
Lexis: **MI Trial Reporter**

JVR Personal Injury Valuation Handbooks

(KF 1256 .A8 P4) (LAN Lower Level).

This **How much is the injury worth** guide is a nine volume set. It contains selections of **jury verdicts** from across the country. It is indexed by injuries as well as states. Each pamphlet is a different injury. In the last volume is a case evaluation manual, which is a generalized evaluation of injury values.

Westlaw: **LRP-JV**

Stein on Personal Injury Damages

(KF 1257 .S742)

(OU, GR lower level & LAN lower level)

This seven volume **How much is the injury worth** set is loose leaf and is updated annually. It includes relevant state statutes, and numerous practice aids such as deposition questions, form clauses, check lists as well as injury breakdown by types of damage award such as medical, lost wages, pain and suffering.

Westlaw: **STEIN**

Lexis Jury Verdicts and Settlements, Combined *(online only)*

In Lexis select "Area of Law - By Topic," and then select "Litigation," and then "Jury Verdicts." **Jury Verdicts and Settlements, Combined**, however, combines them all, and also includes the Michigan Trial Reporter.

Lexis: **Jury Verdicts and Settlements, Combined**

Jury Verdicts on Westlaw

In Westlaw, click "Directory" and then select "Verdicts." There are several jury verdicts databases. Many of them contain the same information. **JVRPNAT-JV** and **LRP-JV** contain jury verdict and settlement information around the nation, while **JAS-JV** contains jury verdict and settlement information from Connecticut, Georgia, Maryland, Massachusetts, Michigan, Ohio, Rhode Island, northern Virginia and the District of Columbia.

Westlaw: **JVRPAT-JV**

Westlaw: **LRP-JV**

Westlaw: **JAS-JV**

4/18/2007
R. Foreman

