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Forms for Use in Federal Courts

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FORMS FOR USE IN THE FEDERAL COURTS*

This is a form book intended to cover both pleading and practice in the Federal courts. The editor has had long experience in these courts as an assistant United States attorney in New York City, and is, therefore, well qualified for his task.

It is frankly pointed out by the editor that strictly Federal forms are not of much value in connection with common law cases. Under the Conformity Act the Federal courts are supposed to follow the state forms of pleading and practice "as near as may be," and in fact the state forms of pleading are quite closely followed. It is, therefore, ordinarily more advantageous for the practitioner to construct special forms for use in the Federal courts. In matters other than pleading the alleged conformity is not so carefully insisted upon and the practitioner will find the forms which are included in this book of considerable value. Even as to pleading the practitioner will often find this work indispensable in the preparation of the very necessary allegations showing Federal jurisdiction.

In other branches of Federal jurisdiction the Conformity Act is not even prima facie applicable and the special Federal forms included in this book are therefore extremely useful. Of these, the most important divisions are undoubtedly those relating to criminal proceedings, to equity proceedings and to appeals. As respects all of these, and especially equity proceedings, the collection of forms here included is very full and elaborate. Scarcely less important are the collections of forms with respect to admiralty proceedings and those relating to prohibition legislation—in the latter case proceedings belonging for the most part in the category of either criminal or equity cases, but

* *Bender's Federal Forms*, edited by Charles L. Sylvester, Albany, New York. Matthew Bender & Company, 1929. 2 vols., pp. 2,093.

covered separately in this collection because of their enormous present importance. Besides all these, there are collections of forms on the organization and conduct of business in the District Courts, habeas corpus (including immigration) matters, courts of special jurisdiction (the Court of Claims and the Court of Customs Appeals), eminent domain proceedings brought by the Federal government, and proceedings with respect to the obtaining of witnesses and testimony in the Federal courts. In addition there is a chapter given to bankruptcy forms, most of the official and a large number of unofficial forms being included. It is specifically stated, however, that this collection is not so complete as that generally included in special works upon bankruptcy.

The need of a work of this sort seems fairly obvious. The enormous amount of litigation in the Federal courts at the present time practically insures to any active practitioner the opportunity, and usually the necessity, of a certain amount of Federal litigation; and in such litigation his experience in state court litigation is not usually helpful—rather is often positively misleading. A collection of forms which have been approved in the Federal courts is, therefore, invaluable. The need thus existing seems to be very well met by the book under review. The forms are selected very largely from litigated cases, references to which are often included. The book is adequately indexed and the selection of forms seems to be very well done. While, of course, no form book can ever cover all of the exigencies of actual practice, it will be a very rare situation when assistance will not be obtained from this full and admirable collection. Every practitioner in the Federal courts should have access to and make large use of this work.

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