



## 08 HOW TO Find Precedents

This guide is designed to help you find precedents and forms.

For the purposes of this guide, a precedent means 'drafts of deeds, wills, mortgages, pleadings, etc. which may serve as patterns for future draftsmen'. *Mozley & Whiteley's Law Dictionary*, 12th ed.

When you need to find a precedent or form, but are not sure where to start, listed below are suggestions for resources that you can use.

### Law Society Library catalogue : Knowledge Base

Knowledge Base does not contain the full text of precedents, but the Common Queries database within Knowledge Base contains many records that will point you to sources. For example, there is a common query telling you where to find precedents for a declaration of solvency. If forms are available to download free on the internet, links are given to the relevant website. See for example, the common query on corporate insolvency forms.

Knowledge Base is freely available at <https://wv-tls.olib.oclc.org/webview/>

### General collections of precedents

There are a number of publications that consist of general collections of precedents, and these are good places to start your search.

- **Encyclopaedia of Forms and Precedents (EF&P)**

This multi-volume encyclopaedia covers non-contentious work and contains precedents, checklists and commentary arranged by subject area. The subjects are in alphabetic order. EF&P is held at Bay 63 in the library.

To find a precedent either go to the volume that deals with that subject area and use the contents pages or index to locate your precedent, or use the Consolidated index volume, or the Form Finder volume. The references in the Consolidated index are to the volume number (in bold type) and paragraph number, e.g. **35** [2679] means volume 35, paragraph [2679].

The volumes are updated and replaced periodically, the spine on the bound volume will state when it was issued. The looseleaf Service volumes update the bound volumes between replacements. Once you have found the pages you want in the bound volume, check the relevant Service volume to see if there have been any recent changes.

EF&P is also available online by subscription to Lexis Library. The online version allows searching by words or phrases in the title or body of the precedent, plus a browse function that allows you to view the contents of specific volumes. If you are in the Library you can access Lexis Library, please ask at the Enquiry Desk.

- **Atkin's Court Forms**

This contains forms, precedents and procedures for civil litigation. Atkins also contains procedural tables setting out the various steps involved in particular types of litigation. Atkins can be found at Bay 62.



Atkins is arranged in the same way as EF&P, alphabetically by subject. You can go to the volume covering the subject you want, or use the Consolidated index volume, which is set out in the same way as EF&P. There is also a *Consolidated Tables* volume, which is useful if you need a form or precedent relating to a particular piece of legislation.

Atkins is also available online with a subscription to Lexis Library, with the same search functionality as the online EF&P.

- **Practical Commercial Precedents**

A four volume loose-leaf work containing a range of precedents for commercial agreements such as sales of shares and businesses, employment, private equity etc. with commentary. The index to the full work is at the back of volume 4. This can be found in the **Commercial** section at Bay 5.

- **Other titles with general collections of precedents**

*Kelly's Legal Precedents, 21st ed. (2014)*. Shelved in **Drafting** at Bay 11.

*Precedents for the Conveyancer* (looseleaf, 1970-). Shelved in **Conveyancing** at Bays 8 and 9.

*Smith, Precedent Library for the General Practitioner, 3rd ed. (2016)*. Shelved in **Drafting** at Bay 11.

## Subject collections of precedents

There are many textbooks on particular areas of legal practice which contain precedents. In the Library they can be easily spotted by a gold star at the top of the spine. If a textbook has precedents, they are often found in an appendix at the back of the book.

The Library's textbooks are arranged alphabetically by subject. For example, if you are looking for will precedents go to the Wills & Probate section at Bay 25, and look for books in this section with gold stars on the spine, gold stars mean that the book has precedents in it.

If you are not sure where to find textbooks on a particular area of law, please ask at the Library Enquiry Desk, or check one of the small 'Law Society Library textbook locations' guides. These can be located around the Library on the textbook shelves.

## Prescribed forms

These are often published as part of a piece of legislation. For example, a Landlord's notice to terminate a long residential tenancy and proposing an assured tenancy, is contained in the Schedule to SI 1997/3008 (and amended by later SIs). They may also be reproduced in some of the sources above.