

Drafting Legal Pleadings

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Reference Librarian



Outline

- What a pleading is & what is “pleading paper?”
- Format: court rules to follow
- Format: processing software
- Templates in Pacer, BLAW, WL/PLC, CEB and Lexis
- Example of a court document

What is a “pleading”?

CODE OF CIVIL PROCEDURE § 420-422.40

420. The pleadings are the formal allegations

- The pleadings allowed in civil actions are **complaints, demurrers, answers, and cross-complaints.**
- Every pleading shall contain a caption setting forth:
 1. The name of the court and county in which the action is brought.
 2. The title of the action.
 3. In the complaint, the title of the action shall include the names of all the parties; but, except as otherwise provided by statute or **rule of the Judicial Council**, in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

What is “pleading paper”?

CLUE: *the [CA Courts website](#):*

*ANSWER: You will have to start with "pleading paper."
Your word processing program may have a template for
pleading paper.*

Pleading Paper – no big mystery

1 [Attorney Names]
2 [Attorneys' Business Address]
3
4 [COURT NAME]
5 [Plaintiff's Name],) Case No.: [Number]
6 Plaintiff,) [Pleading Title]
7 vs.)
8 [Defendant's Name],)
9 Defendant)
10
11 [Type body of pleading here.]
12 Dated this [day] of [Month], [year]
13
14
15 _____
16 [Attorney Name]
17
18
19
20
21
22
23

STATE - CA Rules of Court: Trial Court Rules

Rule 2.105. Type style:

The typeface must be essentially equivalent to Courier, Times New Roman, or Arial.






















Credits

(Adopted, eff. Jan. 1, 2007.)

Cal. Rules of Court, Rule 2.105, CA ST TR COURT Rule 2.105

Current with amendments received through 1/1/2014

Chapter 1. Papers

- CA ST tr Court T. 2, D. 2, Ch. 1, Refs & Annos 
- Rule 2.100. Form and Format of Papers Presented for Filing in the Trial Courts 
- Rule 2.101. Repealed, eff. Jan. 1, 2014 
- Rule 2.102. One-Sided Paper 
- Rule 2.103. Quality, Color, and Size of Paper 
- Rule 2.104. Printing; Type Size 
- Rule 2.105. Type Style 
- Rule 2.106. Color of Print 
- [Rule 2.107. Margins](#) 
- Rule 2.108. Spacing and Numbering of Lines 
- Rule 2.109. Page Numbering 
- Rule 2.110. Footer 
- Rule 2.111. Format of First Page 
- Rule 2.112. Separate Causes of Action, Counts, and Defenses 
- Rule 2.113. Binding 
- Rule 2.114. Exhibits 
- Rule 2.115. Hole Punching 
- Rule 2.116. Changes on Face of Paper 
- Rule 2.117. Conformed Copies of Papers 
- Rule 2.118. Acceptance of Papers for Filing 
- Rule 2.119. Exceptions for Forms 

FEDERAL - CA Southern District: Local Court Rules

Civil Rule 5.1. Form; Paper;
Legibility; Nature of Documents
to Be Filed

California Federal Rules of Court

Enacted Legislation | Amended by 2014 CALIFORNIA COURT ORDER 0901 (C.O. 0901)

CivLR 5.1

Civil Rule 5.1. Form; Paper; Legibility; Nature of Documents to Be Filed

Currentness

a. Legibility. Each document filed, including exhibits where practicable, must be in English, plainly written, or typed in double space on one side of the document, line numbered in the left margin, and letter size. Documents filed in paper format must be flat and unfolded, without backing sheet, double spaced on one side of the paper or printed or prepared by means of a duplicating process on opaque, unglazed white paper. Quotations in excess of three lines must be indented and single spaced. Typewritten text must be no less than 10-point type in the Courier font or equivalent, spaced 10 characters per horizontal inch. Printed text, produced on a word processor or other computer, may be either a proportionally spaced or a monospaced face. A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions. A proportionally spaced face must be 14-point or larger. A monospaced face may not contain more than 10 1/2 characters per inch. The text of footnotes and quotations must also conform to these font requirements.

b. Original; Copies. The original of a document must be labeled as the original. All copies are to be clearly identified as such. The case number must appear in the lower right corner of each page, although not required on the title page or on the complaint, petition or other document which opens the case. The typed number must be inserted below line 28 in the following format: year, case type, four-digit case number with leading zeros if necessary (96cv0010). Case types are as follows: civil = cv, criminal = cr, magistrate judge = mj, miscellaneous = mc. The clerk's office can provide a macro in WordPerfect format upon request.

c. Interlineations. There must be no erasures or interlineations on a document unless they are noted by the clerk or judge by marginal initials at the time of filing.

d. Pre-Punching and Attachments. All documents presented for filing or lodging in paper format must be pre-punched with two (2) normal-size holes (approximately 1/4" diameter), centered 2 3/4 inches apart, 1/2 to 5/8 inches from the top edge of the document. No

Creating Pleading paper in Word

The screenshot displays the Microsoft Word interface with the 'Office.com Templates' pane open. The search bar contains the word 'pleading', which is circled in blue. A blue arrow points from this search bar to the 'Download' button in the right-hand pane. The right-hand pane shows a preview of a template titled 'Pleading paper with 28 lines', which is also circled in green. Below the preview, there is a 'Download' button. The left-hand pane shows the 'File' menu with options like Save, Open, and Print.

File Home Insert Developer Page Layout References Mailings Review View Add-Ins Acrobat

Available Templates

Home Search Results

Office.com Templates

pleading

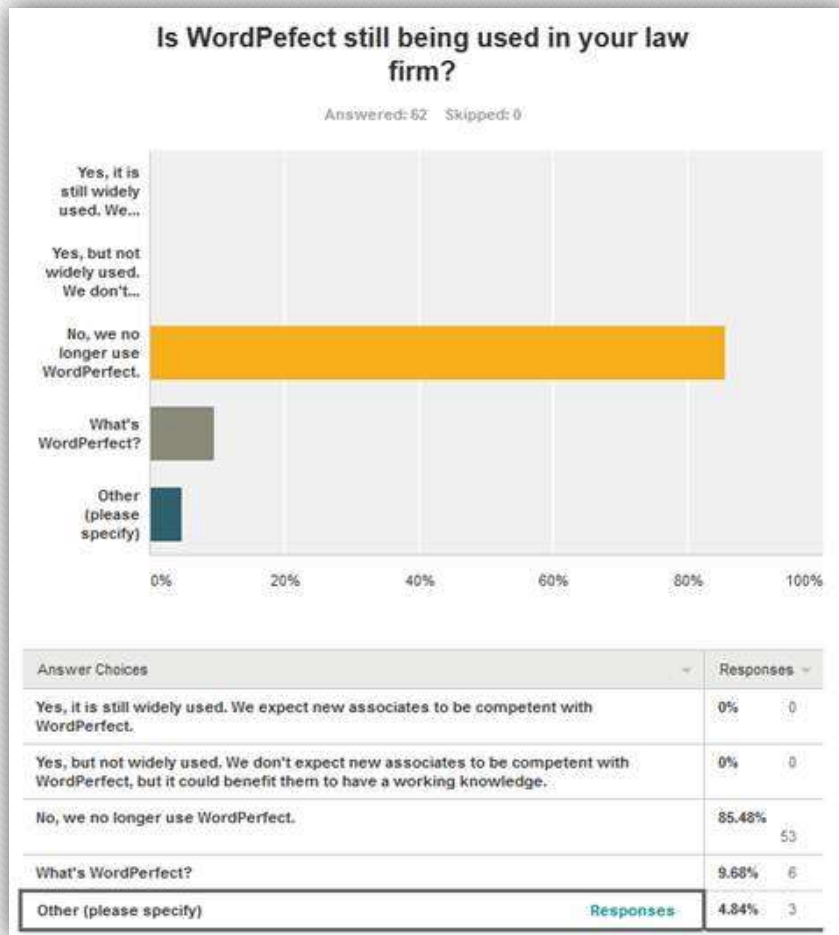
Pleading paper with 28 lines

Joint petition for simplified divorce

Pleading paper with 28 lines
Provided by: Microsoft Corporation
Download size: 30KB
Rating: ★★☆☆☆ (29 Votes)

Download

What's WordPerfect?



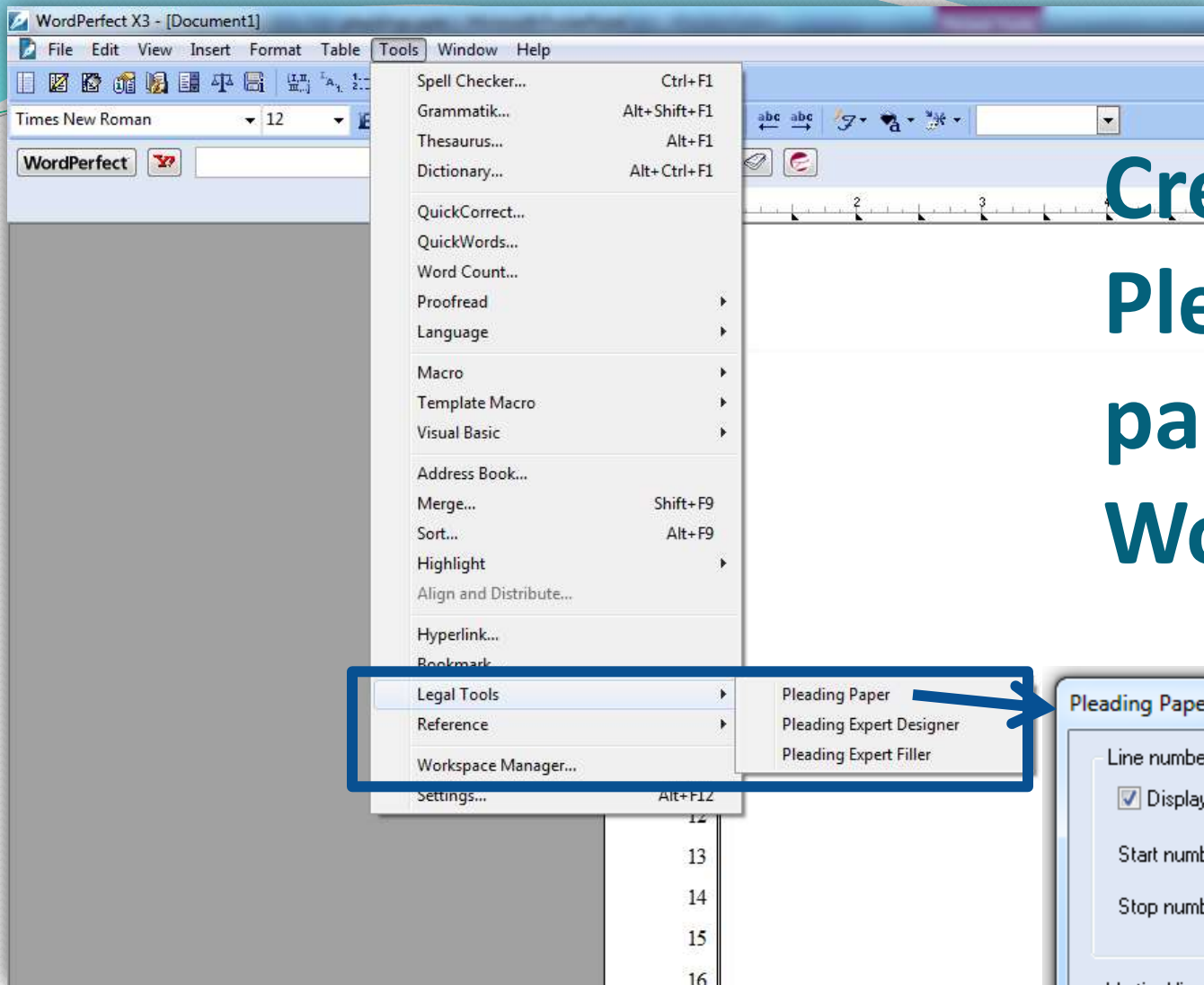
Showing 3 responses

All computers have both word and WordPerfect bc some courts require filings in WordPerfect format.
2/5/2014 11:37 AM [View respondent's answers](#)

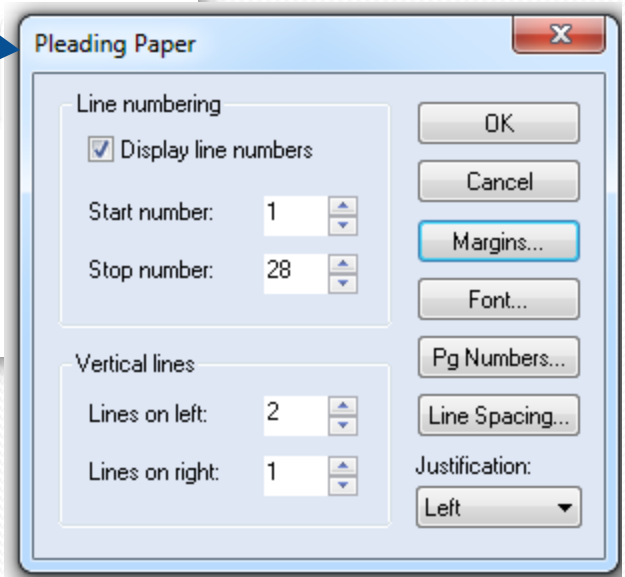
In law firms MS Word is the standard. WordPerfect isn't used anymore. Seems I heard that the Federal courts may still use WP, but their marketshare in law firms has dried up.
2/5/2014 7:52 AM [View respondent's answers](#)

In the 10 years I've been working in law firms, it has never been used.
2/4/2014 9:13 AM [View respondent's answers](#)

- Courts
- Federal Government
- State Government



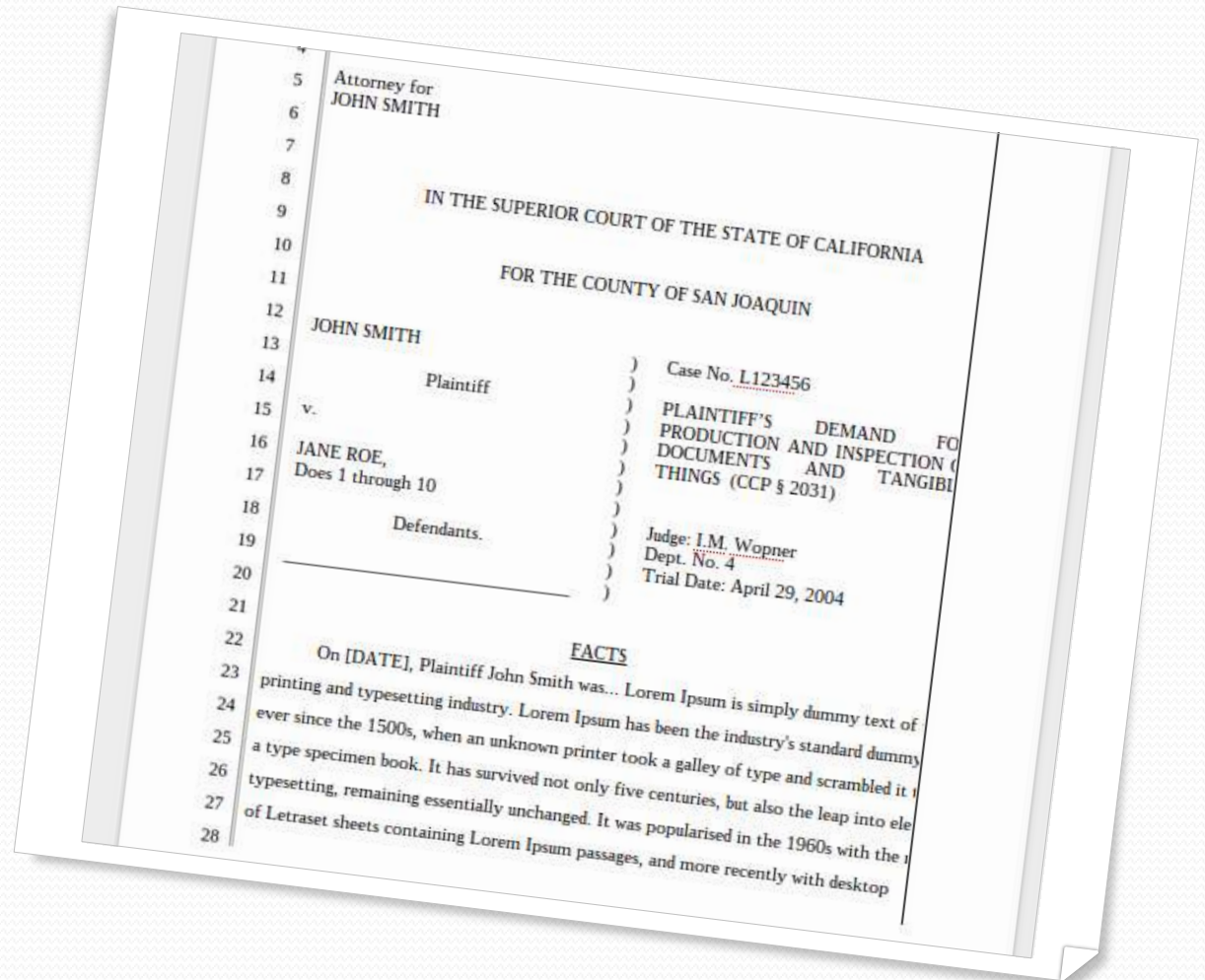
Creating Pleading paper in WordPerfect



Google Drive Pleadings

<http://thedroidlawyer.com/2014/02/new-challenge-create-a-california-pleading-that-works-in-google-drive/>

- It's not free





Work Smart - Templates

CEB Onlaw

VIII. FORMS

§15.35 A. Form: Sample Complaint

C. Baker Able, No. 123456
1111 Main Street
Center, California 99999
Telephone: (123) 456-7890
Fax: (123) 456-7899
E-mail: cbakerable@ceb.com
Attorney for Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
LIMITED CIVIL CASE

John Henry Smith, Helen B. Smith,)	No. _____
Plaintiffs,)	COMPLAINT
vs)	Personal Injuries
Walter A. Johnson, Good Products, Inc., Doe 1 through Doe 100,)	[In limited civil case, add: Amount demanded
Defendants)	_____[exceeds/does not exceed]____
)	\$10,000]

Plaintiffs allege:

- 15 Complaints
- More...
- §15.25 2. Rule Against Splitting Causes of Action
- C. Allegations
- §15.27 2. Direct Allegations; Information and Belief
- V. CHOICE AND ELECTION OF REMEDIES
- §15.29 B. Tax Considerations
- §15.30 C. Election of Remedies
- VI. FILING COMPLAINT
- §15.32 B. Case Cover Sheet
- §15.33 C. If Filing Fee Check Is Returned by Bank
- §15.34 VII. USING OFFICIAL FORMS
- VIII. FORMS
- §15.35 A. Form: Sample Complaint

Practical Law Company

Complaint (Federal)

Resource type: Standard Document Status: Maintained Jurisdiction: USA

A sample complaint that may be used to commence a civil lawsuit in federal district court. This Standard Document contains integrated drafting notes with important information about the complaint's caption, preliminary statement, jurisdiction and venue, prayer for relief and signature block. It also contains a sample and other complaints that must be verified by the plaintiff.

Practical Law Litigation

UNITED STATES DISTRICT COURT FOR THE
[_____] DISTRICT OF [_____] X

[NAME],
Plaintiff(s), [] C

against

[NAME],
Defendant(s). [] COME [] CLAS [] JURY

[PLAINTIFF(S)], by and through [its/their] attorneys, [LAW
[DEFENDANT(S)], allege(s), on knowledge as to [its/their] own
belief, as follows:

- View document and notes
- Viewing document
- View drafting notes only
- Open in Word**
- Show resource details
- Show resource history
- Contact the team
- E-mail
- Print
- Save

Work Smart - Templates

Lexis – Forms of Pleading & Practice

Westlaw – Rutter Guides

Legal Research & Drafting

- > [Briefs & Pleadings](#)
- Forms**
 - > [Jury Instructions](#)
 - > [MBPG: Cal. PreTrial Civil Proc.](#)
 - > [MBPG: Cal. Civil Discovery](#)
 - > [MBPG: Cal. Landlord-Tenant Lit.](#)
 - > [MBPG: Cal. Unfair Competition & Business Torts](#)
 - > [MBPG: Fed. Pretrial Civ. Pro. for CA](#)
 - > [Cal. Forms of Pleading & Prac.](#)
 - > [Cal. Points and Authorities](#)

CM-010

ATTORNEY (USE FAXED IN TO OUT ATTORNEY, Access, Case, Case Number, and Address)

CA

TELEPHONE NO. FAX NO.

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS

MAILING ADDRESS

CITY AND ZIP CODE

BRANCH NAME

CASE NAME:

CIVIL CASE COVER SHEET

Unlimited
(Amount demanded exceeds \$25,000)

Limited
(Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **Joinder**

Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE

DEPT.

Items 1–5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
Auto (22)

Contract
Breach of contract/lease/ty (06)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.409–3.483)

Cal. Prac. Guide Civ. Pro. Before Trial Forms Form 6:1

California Practice Guide: Civil Procedure Before Trial Forms
Justice Maria P. Rivera
Chapter 6. Pleadings

[Form 6:1] Complaint—Format

Civ. Pro. Before Trial: Ch. 6 ¶ 6:14 ff.—Complaints—Format
Requirements

Janet Abel (State Bar No. 98765

Abel, Barnes and Caldwell LLP

2000 Webster Road, Suite 10

Atlanta, CA 98989

Tel: (915) 945-2222/Fax: (915) 945-2200

E-mail: jabel@abclaw.com

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

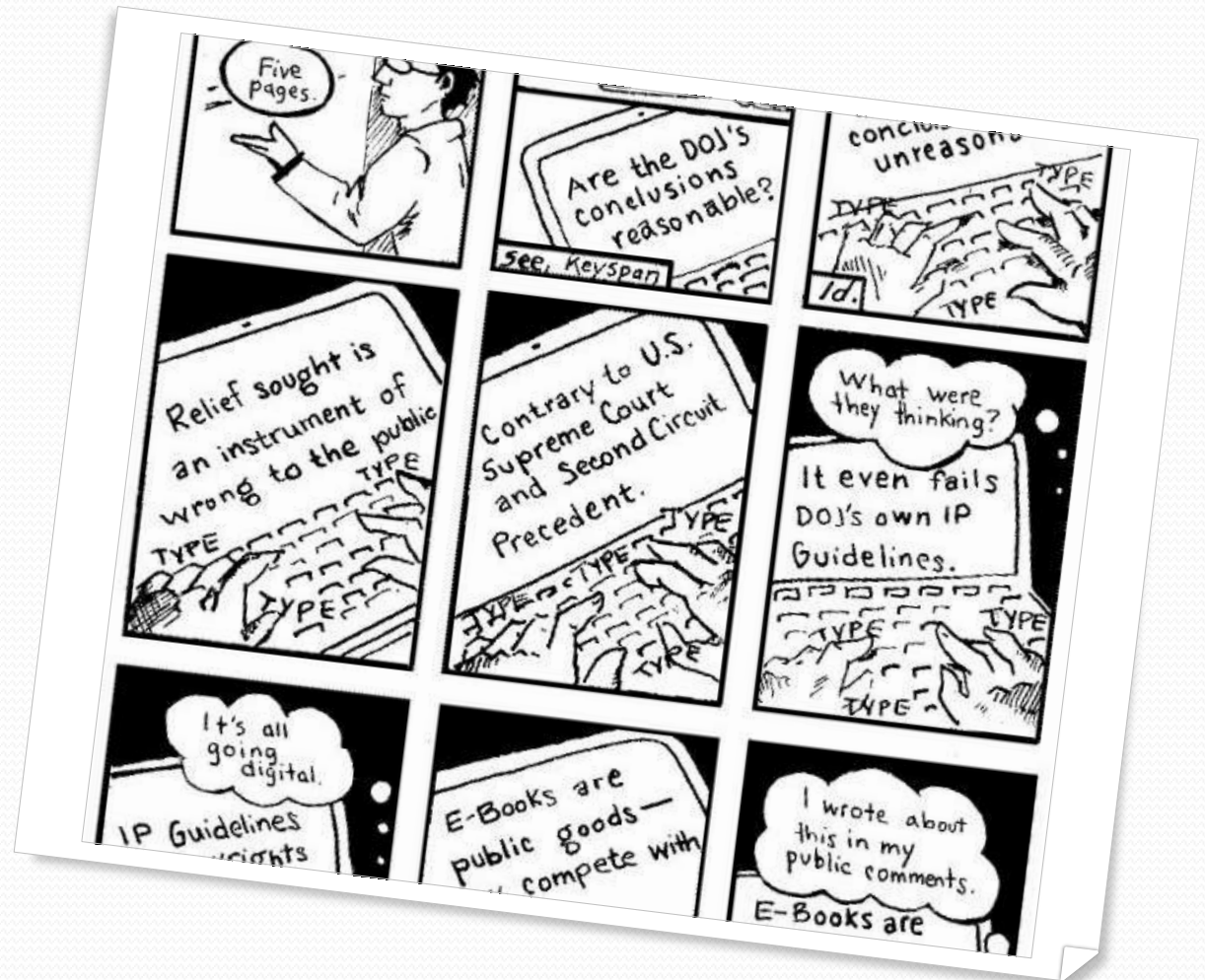
If it's not a Pleading, what else is there?

BRIEF OF BOB KOHN AS AMICUS CURIAE

*United States of America v.
Apple, Inc. et al,*

Docket No. 1:12-cv-02826
(S.D.N.Y. Apr 11, 2012) –

[Bloomberg Law](#)



MOTION WORK: [Captain Justice Responds to Governments Motion](#)

E-Filing Federal - Pacer

The screenshot shows the ECF Pacer interface for opening a civil case. The top navigation bar includes 'ECF', 'Civil', 'Criminal', 'Query', 'Reports', 'Utilities', 'Search', and 'Logout'. The 'Civil' and 'Criminal' dropdown menus are circled in red. Below the navigation bar, the page title is 'Open a Civil Case', followed by instructions: 'The information required to complete this screen is found on the completed Form CV-071 Civil Cover Sheet.' and 'For County field, select residence of first plaintiff.' A tip box on the right provides further guidance on selecting the county. The form fields include: 'Jurisdiction' (3 (Federal Question)), 'Cause of action' (15.1051 (15.1051 Trademark Infringement)), 'Nature of suit' (840 (Trademark)), 'Origin' (1 (Original Proceeding)), 'Citizenship plaintiff' and 'Citizenship defendant' (both blank), 'Jury demand' (p (Plaintiff)), 'Class action' (n (No Class Action Alleged)), 'Demand (\$000)' (50), 'Arbitration code' (blank), 'County' (Alameda), 'Fee status' (pd (Fee Paid)), 'Fee date' (7/10/2013), and 'Date transfer' (blank). A red box highlights the dropdown arrow for the 'County' field, with a callout box saying 'Click the arrow'. At the bottom left are 'NEXT' and 'Clear' buttons.

ECF

Civil Criminal Query Reports Utilities Search Logout

Open a Civil Case

The information required to complete this screen is found on the completed Form CV-071 Civil Cover Sheet.

For County field, select residence of first plaintiff.

If the United States government is a plaintiff, select residence of first defendant.

In Land Condemnation cases use the location of the tract of land involved.

Leave Arbitration code and Date transfer fields blank.

Do not alter the Fee date field.

Tip for Selecting County:

- Select the residence of first plaintiff.
- If the United States government is a plaintiff, select the residence of first defendant.

Jurisdiction: 3 (Federal Question)

Cause of action: 15.1051 (15.1051 Trademark Infringement) Filter: 5.1051 Clear filter

Nature of suit: 840 (Trademark) Filter: 840 Clear filter

Origin: 1 (Original Proceeding)

Citizenship plaintiff: [Blank]

Citizenship defendant: [Blank]

Jury demand: p (Plaintiff) Class action: n (No Class Action Alleged) Demand (\$000): 50

Arbitration code: [Blank] County: Alameda

Fee status: pd (Fee Paid) Fee date: 7/10/2013 Date transfer: [Blank]

NEXT Clear

Click the arrow

E-Filing State



• Began March 2013

Overview Order Status Cases Drafts Templates Contact Us



Document Information

Information Case Participants Documents Document Information eService Review

I'M FILING DOCUMENTS ON BEHALF OF:

Filter List: Party's Representation: Party's Role: [Need help?](#)

Parties List [edit](#)

Select All	Party	Role	Representation
<input type="checkbox"/>			
<input type="checkbox"/>	John Doe	Defendant	
<input type="checkbox"/>	Jane Doe	Defendant	
<input type="checkbox"/>	ABC Company	Plaintiff	ABC Law Firm

Confirm

Save As Draft

Cancel Filing

COURT INFORMATION

Superior Court of California, County of San Diego
Central
330 Broadway
San Diego, CA 92101-3827

CASE INFORMATION

[ABC Company v. Doe](#)

Case Number: 37-2011-123456-CU-CL-CTL

Case Category: Civil - Unlimited

Case Type: Other Collections

Client Billing Code: none

List of formatting resources

MS Word Tips

- <http://thecomplexlitigator.com/post-data/2010/5/14/how-to-fix-first-page-pleading-alignment-problem-in-ms-word.html>
- <http://compusavvy.wordpress.com/2009/08/08/aligning-text-with-pleading-line-numbers-word-all-recent-versions/>
- san diego law library:
<http://sandiegolawlibrary.org/services/research-guides/>

WordPerfect Tips

- <http://wptoolbox.com/tips/Pleading.html>
- <http://legallofficeguru.com/converting-wordperfect-docs-to-word/>
- http://paralegaltoday.com/issue_archive/features/feature2_mj05.htm
- http://www.corel.com/training/pdfs/AbsoluteBeginnersGuide_CH18_LegalTools.pdf

Next up in our Legal Tech series

- **Episode 9: Mind-Mapping**
Date TBD
LRC 113
12:00pm–12:50pm
- **Episode 10: Legal Billing Applications**
Date TBD
LRC 113
12:00pm–12:50pm