

## CCAP New Panel Attorney Guide - It's All About Efficiency Series: Setting Up Your Office<sup>1</sup>

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There is no one-size-fits-all definition of what a panel attorney's practice looks like, and accordingly, there is no one-size-fits-all template for what a panel attorney's office needs are. But regardless of whether your practice is 100% panel work or a combination of panel work and retained work, whether you work casually out of your home, have a dedicated home office, or maintain an office outside of your home, there are capabilities you will need to consider in order to create an efficient and productive office.<sup>2</sup> Within each discussion topic that follows, there are, in most cases, a couple of options to choose from (and maybe some we haven't run across). Based on your particular needs, choose the option that works best for you. Regardless of what you choose, the bottom line is to make sure that when you show up for work each day, you have the tools you need to work smoothly and efficiently.

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<sup>1</sup> This article was drafted by panel attorney Conness Thompson who provided first-hand knowledge for starting up a new practice as appointed counsel. CCAP wishes to thank Ms. Thompson for sharing her insights to pass on to others. The project perspective is interwoven to complete the picture. As always, counsel is encouraged to determine what approach works best for your own practice.

<sup>2</sup> By listing specific suggestions for a complete appellate-practice office, CCAP does not endorse any of the products or companies listed; they are meant to be starting points for your investigation and consideration only. We also recognize that owning inventory and equipment can be both expensive to acquire and maintain, especially if you are running a low-budget home law office. You may want to consider which items can be obtained over time, or even do without, to stretch your budget further as you build your practice.

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## Computer Setup

- Whether you are new to solo practice or have been solo for years, now is a good time to assess whether your current computer setup is conducive to maximizing your productivity and efficiency.*

This is not a discussion about having a computer, but rather, a discussion of whether your current computer meets the needs of your solo practice. Depending on your background, this may be the first time that your professional world will reside on your personal computer. Relatedly, this may be the first time you are working without an IT department. Or maybe you have always worked on your own, but have never taken the time to fully protect the work product on your computer.

In thinking about whether your current computer setup meets your needs, consider how you have been using your computer. If you are a heavy Internet user, your professional world will be at increased risk of loss due to any malware that finds its way onto your computer. Regardless of your Internet habits, it is strongly recommended that have antivirus software on your computer, such as Norton, McAfee, or Avast, but even these are not 100% foolproof. Given this, based on your personal computing, would you be better off with two computers, one for personal activities and one for professional work? Would a better option be to use your current computer for work and a tablet or smartphone for your personal computing activities? Regardless of your personal computing activities, would it make sense to have two computers, say a desktop and a laptop, so that if one becomes inoperable you can still work on the other? Bottom line, it is hard to be efficient or productive if you cannot log onto your computer or recover a corrupted document. Take this time to think about your computer set up and whether it meets your evolving practice needs.

Software is another consideration. In the world of e-filing all documents with the courts, if you haven't already done so, now is the time to assess whether it is time to obtain or update your word processing software. For a more complete discussion of e-filing needs, see **TrueFiling**, below.

## Printer

- A multifunctional printer can save you valuable time getting work out the door.*

As with the discussion on computers, the focus in this section is on whether your current printer meets your evolving needs. Printers come with a number of features that you may not currently have, which would allow you to be more efficient and productive. Consider these features when it is time to buy a printer, because sometimes cheapest is not "best."

### Sheet Feeder

This feature is now standard on most printers, but if your current printer does not have a sheet feeder option, make sure your next one does. Sheet feeders are the quick and easy way to print

envelopes, filing labels, address labels, Priority Mail labels, and letters if you use preprinted letterhead stationery. While many of these items can be printed from the paper tray, when you are up against a deadline, it is much faster to feed items through the sheet feeder than to keep pulling out the paper tray. Right now it might not seem like much, but when you are racing to get to the post office before the last mail pickup in order to make a filing deadline, every second can count!

### Duplex

Duplex printing (printing on both sides of a piece of paper) can cut costs both in terms of paper needed to print your 75 page brief and postage to mail all the copies of that brief. Duplex printing will also decrease the amount of paper you need to buy and the amount of space that paper takes up in your files.

### All-in-One

This will be discussed in greater detail below, but another option to consider is getting a printer known as an “all-in-one.” In addition to printing, an all-in-one also scans, copies, and faxes (depending on the model). Doing your own copying saves you a trip to the copy store, which is uncompensated time. If it takes you half-an-hour roundtrip to go to the copy store, this half hour can now be spent on a compensated activity while your printer does the uncompensated work.

## **Legal Research**

- ☑ *Access to legal research resources comes with a cost - either financial or efficiency. Find the right balance between the two for your situation.*

As a panel attorney practicing in California, you will need access, at a minimum, to case law (California, Ninth Circuit, US Supreme Court) and code sections (California and Federal). There are a number of options for getting this access. The tradeoff between the options is cost and efficiency. Generally, the free and low-cost options are inefficient. Westlaw and LexisNexis, on the other hand, are efficient, but come with a monthly service fee. Find the right balance between the two for your situation.

### Law Libraries

If you live near a public law library or a law school library, using that library can be a no- to low-cost option for accessing case law and statutes. The downside is not only the unpaid time going to and from the library, but law libraries often have time limits (typically one or two hours per day) for using the Westlaw and LexisNexis terminals. (No time limits on browsing through the reporters.) Another downside is that the law library may close before you are done with your research. If you are up against a deadline, this can be a problem. Also, at some law libraries, Westlaw and LexisNexis restrict your ability to download cases onto a flash drive. Because you are under a time limit on the terminal, you either have to print any case that you think may be helpful (at non-reimbursable 20¢ per page, which can add up) and then read it

once you are off the terminal, or you have to sit there while the clock is ticking and figure it out if the case is helpful. Despite these downsides, if you are organized about your approach to research, this resource may work well for you if money is tight.

### Google Scholar

Google Scholar is free and is basically doing a Google search of legal documents. Google Scholar can be accessed at: <http://scholar.google.com>. To do a search for cases, select “legal documents” on the home page. Then enter either a citation or a key word search. For example, typing “unauthorized sentence” (without the quotation marks) into the search box returns 100 pages of cases. That is both the good news and the bad news! There is some customizing available - California or federal courts, time period, sorting by relevance - however, a lot of time will be spent trying to find which of all of those cases is relevant to the appeal you are working on. As a practical matter, where Google Scholar can be very helpful is if you need to see a case for which you have a citation, but which is outside of your research plan.

### California Courts Online Database

The California Courts website provides free access to a searchable database for California Official Reports, through which published California Supreme Court and Courts of Appeal cases can be accessed. The search is powered by LexisNexis, however, it is a much *simplified* version of that tool. The court’s website also posts unpublished cases for 60 days. This database is not searchable. Access to both the published and unpublished cases can be found at: <http://www.courts.ca.gov/opinions.htm>.

### LegInfo - California Law

All 29 of California’s code sections can be found on the website LegInfo in their current enactment. This database is searchable either by key word (e.g. battery) or by the table of contents of a particular code (e.g. Welfare and Institutions Code). The California Constitution can also be accessed from this site. Access to the California Law section of the LegInfo site can be found at <http://www.leginfo.ca.gov/calaw.html> and is free.

### CCAP Website - Links to Codes & Legislative Online Research

Another free resource for researching code sections and legislative history is the CCAP website. Go to: [http://www.capcentral.org/links/l\\_cli.asp](http://www.capcentral.org/links/l_cli.asp).

### Westlaw and LexisNexis

Westlaw and LexisNexis are the most time efficient options for doing legal research. You can drill down into a database with laser-like accuracy and get, for example, cases that are very relevant to what you are looking for. This saves a lot of research time. You can also do this at 3 a.m., if necessary. And you can print to your heart’s content. But, of course, all of this efficiency comes at a cost in the form of a monthly subscription fee. On the positive side, the subscription fee may be tax deductible.

In looking for a plan, spend time shopping around and talking to reps from both companies to find the plan that best meets your needs. LexisNexis is the “Avis - We Try Harder” to Westlaw’s “Hertz - We’re #1.” Accordingly, LexisNexis tries harder to offer a wider selection of package configurations. LexisNexis is generally the more affordable of the two options. However, depending on the databases you want, you may find the comparable Westlaw plan to be cheaper over the course of the contract. Lexis has Shepards; Westlaw has Keynotes. Also, don’t forget to compare what is included in a particular plan. You may be quoted a great price only to find that a particular plan is missing a database that you want or that you are locked into a multi-year contract that increases each year. Put on your negotiator hat! *Tip:* Try out free demo subscriptions before signing on the dotted line.

As a panel attorney, you will need access to California case law, Ninth Circuit case law, U.S. Supreme Court case law, and California and U.S. codes. Plans get more expensive when you start adding secondary sources such as treatises, law review articles, practice guides, briefs, etc. Depending on how often you like to use secondary sources, these might be better handled by a trip to the law library, if that is an option.

Because LexisNexis is the “we try harder” company, it has forged relationships with a number of organization through which members receive discounts. For example, there is a LexisNexis discount for CCAP panel members. To learn more about this, go to the “Announcements & News Archive” section at [http://www.capcentral.org/resources/enews\\_announce.asp](http://www.capcentral.org/resources/enews_announce.asp), click on the year 2010, and then scroll down to “Lexis Discount - Statewide Panel Offer.” In addition, many county bar associations have a similar relationship with LexisNexis for association members.

## **Telephone and Fax Number**

- Having a separate telephone number for your law practice is more efficient in the long run and allows you to keep your personal and professional lives separate. Depending on the provider you use for your practice’s telephone number, a fax number may be included as part of the package.*

### Telephone

The dynamic of your practice and your vision of where you want your practice to go will factor into your the decision about having a separate telephone number for your practice. Because your telephone number will be on the cover of your briefs, your motions, your letterhead stationery, the Cal Bar website, etc., etc., you should give some serious thought to having a telephone number for your practice that is not your home or cell phone number. You may feel that it is more cost-effective to have one telephone and one telephone number. But your practice is a business and in the long run, it is more efficient and simpler to have a separate telephone number for your practice.

In deciding whether to get a separate telephone number for your practice, here are some points to consider:

- If you are using your personal telephone number for your practice and you have reason to change your personal number, then anything you have created that has that telephone number on it will have to be redone. Not only stationery and business card, but active clients will need to be notified. CCAP will need to be notified. The Cal Bar will need to be notified. Because business telephone numbers rarely change, it is less likely that you will have to worry about alerting everyone about a change in that number.
- If you choose to use your personal telephone number for your practice, you will need to make sure that you always answer your telephone professionally - you never know who may be calling.
- With one telephone number, at the very least you will need a greeting that is professional. Ideally, to diminish confusion and communicate professionalism, your voicemail message should indicate a law office. This may be confusing for personal callers.
- What is the cell phone reception like at the location where you will be working every day? “Can you hear me now?” does not convey professionalism when you are talking on the telephone with the court.
- Cell phones are hard to balance between your shoulder and ear when you are flipping through files or typing notes while talking on the telephone with someone. Of course a headset would take care of this; you would be the best judge of whether you want to keep popping a headset on and off.
- Do you really want your personal telephone number available to clients and their family members?

If you decide that it would be a good idea to have a dedicated telephone number for your practice, there is an attractive option beyond a landline or another cell phone. That option is a VoIP (voice over internet protocol) provider. In a nutshell, VoIP is telephone service over the internet. Adding a VoIP telephone number is as simple as plugging into your cable modem. And, depending on the provider, in addition to offering a basic plan for telephone service, the plan may also include discounted hardware (i.e. a business phone), a fax number, call attendant, etc. Another nice feature of VoIP is that it allows you to listen to your voicemails both from your telephone and through your email.

The following is a list of VoIP providers catering to small businesses. The list is not meant to be all-inclusive, but it will get you started in exploring VoIP options.

- RingCentral Office: <http://www.ringcentral.com/office/how-it-works.html>.
- Phone.com Virtual Office Phone System: <http://www.phone.com/products/virtual-office>.
- Grasshopper Phone System: <http://grasshopper.com/how-it-works-and-features>.

Other, less business-oriented but viable internet-based telephone options include Google Voice, Vonage, and Skype.

### Fax Number

First, this is a discussion about fax numbers, not fax *machines*. Even with that caveat, your reaction may still be, “Fax? Is that technology still being used?!” The answer is, not as much as it used to be. However, if you chose to go with a VoIP small business telephone system, a fax number is usually included as part of the package. While you may rarely need to send or receive a fax, on those occasions when you do, being able to manage this through your computer (by sending or receiving an electronic document) is more efficient than having to run out to a FedEx Office or a UPS Store. However, if you are not choosing a VoIP telephone system for your practice telephone number, and therefore are not receiving a fax number as part of such a package, then for a practice that is 100% panel work, a fax number is best classified as a “nice to have,” but not a “must have.”

CCAP’s fax number is: 916-923-9398.

### **Business Location and Address**

- Whether you work from home or a shared workspace environment, renting a private mailbox will not only give you a business address, but also increase your privacy, safety, and efficiency.*

### Working From Home

One of the perks of having a panel practice is the ability to work from home. If you choose to work from home, you will need to make a decision about your business address. Similar to the discussion on telephone numbers, your address is going to be out in the public sphere. Given this, it is strongly recommended that for privacy and safety reasons you use an address other than your home address for your business address. This is typically done by renting a post office or private mailbox.

In addition to safety and privacy concerns, renting a mailbox is more efficient. One big benefit is that you do not need to be home when a record arrives. This prevents the record from being left on your doorstep in your absence, or in the alternative, a delay in the delivery of the record due to no one being home to receive it. Also, if you move, assuming you stay in the area, you do not need to change your business address. This saves you from notifying everyone about the address change.

One downside to receiving your mail at an offsite location is that you have to take uncompensated time to travel to your mailbox. However, you may not need to check your mail every day. Also, if you combine a trip to your mailbox with other errands, it is a quick and easy stop while you are out-and-about anyway.

The pros and cons of post office mailboxes and private mailboxes are discussed below.

### Post Office Mailbox

The biggest advantage of a post office mailbox is that it is less expensive than a private mailbox. Other than that, there is not a lot to recommend a post office mailbox. Even if you live near a post office with rental fees at the low end of the spectrum, over a one-year contract, the difference between the cost of a post office mailbox and a private mailbox will only save you about \$84 per year. Post office rental fees are driven by where the post office is located. At the low end of the cost spectrum, for a small box on a 12-month contract, rental can be as low as \$4.85 per month. At the high end of the spectrum, the rate can run around \$10 per month. Even this high end is typically lower than the rates for a private mailbox.

Assuming a savings of about \$84 per year by renting a post office mailbox instead of private mailbox, you will likely find that the disadvantages of a post office mailbox are not offset by that savings. One disadvantage is that you will not be able to receive FedEx or UPS deliveries at a post office mailbox. This is problematic because CCAP tends to send records via UPS; the courts often use FedEx for record augmentations. Also, depending on the practices at a particular post office, large packages sent through the postal service may not be delivered to a letter-size mailbox. One possible work-around is to use a post office mailbox for your public address and have CCAP mail the record to your home address. This does not help with the courts. Finally, many post office mailboxes are only accessible during post office hours. Some, though, do maintain a separate area for the mailboxes, which can be accessed outside of post office hours.

### Private Mailbox

Private mailboxes can be found at national chains such as The UPS Store, as well as local mailbox rental companies. The one disadvantage of a private mailbox versus a post office mailbox is a higher rental rate. A 12-month contract for the rental of a small size private mailbox is around \$12 per month.

The efficiency advantages of a private mailbox versus a post office mailbox are numerous. A private mailbox accepts UPS and FedEx deliveries. Also, you can often rent the smallest size mailbox, yet still receive large packages, which will be held for you. Many private mailboxes are also accessible 24/7, so you can check your mail after hours. In addition, many private mailbox companies allow customers to call to check on their mail, eliminating a wasted trip. Another difference from a post office mailbox, which may be seen as an advantage, is that with a private mailbox you can write your address so that it does not read like a rented mailbox. (For a discussion on this, see the CCAP website for an article about the proper way to format private mailbox addresses, found at: [http://www.capcentral.org/procedures/case\\_manag/cmra.asp](http://www.capcentral.org/procedures/case_manag/cmra.asp).)

### Workspace Sharing

Some panel attorneys find that they get too distracted at home to work efficiently. Others feel too isolated working at home. Still others have no space at home in which to set up an office. If you fall into any of these categories, you might find that a workspace sharing environment better

meets your needs. These are office spaces shared by unrelated attorneys or unrelated businesses. As part of your rental, you typically get a workspace with a desk and some office resources, along with some camaraderie. Depending on the situation, a workspace sharing situation may also give you a business address. However, depending on the particular workspace sharing situation and how long you plan to use it, you may still need a more permanent address via either a post office mailbox or a private mailbox.

## **Email Address**

- Having a separate email address for your practice not only communicates a professional image, but also helps you keep your personal and business communications separate.*

The topic of email addresses is similar to that of business addresses and telephone numbers – your email address will be out in the public domain. You will be communicating via email with CCAP, the courts related to eFilings, trial counsel, possibly your clients, etc. In addition, effective January 1, 2013, all appellate pleadings must now include counsel's fax number and email address "if available." (Cal. Rules of Court, rule 8.40(c)(1).) Having a separate email address for your law practice allows you to keep your personal and professional life separate. There are two routes you can go with an email address: (1) an email address based on someone else's domain, or (2) an email address based on your own domain.

### Email Address Based on Someone Else's Domain Name

An email address based on someone else's domain name includes service providers such as Yahoo!, Gmail, Hotmail, SBCGlobal, PacBell, ComCast, MSN, AOL, etc. An email address using this option might look like: MarySmithLaw@gmail.com.

### Email Address Based on Your Own Domain Name

An email address based on your own domain name would be created through a webhosting/email provider. One of the most user-friendly and comprehensive providers for this is Yahoo! Small Business, at: <http://smallbusiness.yahoo.com>. An email address using this option might look like: Mary@MarySmithLaw.com.

### Email Address for TrueFiling

The Rules of Court require counsel to establish electronic service to an email address when using electronic filing, such as TrueFiling. (Cal. Rules of Court, rule 8.71(a)(2).) In addition, counsel must agree to update that email address if it changes during the course of the pending appeal. (Cal. Rules of Court, rule 8.71(d).) Notice must be served on all parties.

## **Scanner**

- A scanner is a must-have item for running an efficient panel practice.*

You do not need a scanner to run a panel practice, but you do need a scanner to run an *efficient* panel practice. A scanner allows you to make quick work of a number of different tasks, and it will likely become your favorite office equipment. There are two general options for scanning capabilities: a standalone sheet-fed scanner (the Fujitsu ScanSnap S1500 is currently a popular model), or an all-in-one laser printer, which not only prints, but also scans, copies, and faxes (depending on the model) (the Brother MFC 8480 is currently a popular model). Make sure that whichever route you go, the resulting scanned document is searchable.

Here are some of the many timesaving uses for a scanner:

- You have a question related to an appeal you are working on, and you are up against a deadline. Your CCAP buddy needs to see part of the record to help you out. No problem. Scan the needed pages and quickly email them to your buddy.
- You have a really long record, say one thousand pages. You take good notes, but once you are through reading the record, you realize that the tattoo you read about is material. At the time you were reading, you did not think so, and so you did not take notes each time the tattoo was mentioned. No problem. The hour or so you spend scanning the record and then doing a search for “tattoo” is much more efficient than paging through a record that took you twenty-plus hours to read looking for “tattoo.”
- You need copies of your letter brief for your proof of service copies and you are using pre-printed stationery. Instead of taking the time to go to the copy shop, quickly scan the letter brief and print.
- You need copies of the pages you signed in your AOB for your court and proof of service copies. Instead of taking time to go to the copy shop, you can copy/paste your previously-scanned and saved signature into the pages in your AOB that need a signature and then quickly and efficiently print your court and service copies. (Note that while California Rules of Court, rule 8.204(b)(9), does not require a brief to be signed, you do need to sign your word count certificate and proof of service declaration.)
- As part of your client record retention policy (discussed in greater detail below), you can scan your files and shred the paper copies after a certain passage of time, thus allowing you to be more efficient with your physical office space.

If you are not convinced at this point of the need for a scanner, work without one for, say, six months until you have a better sense of the dynamic of your practice. Notice the tasks on which you are spending time, that could have been done more efficiently with a scanner. You may find that your perspective on having a scanner has changed. Or not.

## Brief Binding<sup>3</sup>

- ☑ *A panel attorney who does his or her own brief binding not only is more efficient, but also retains 100% control, which can be critical when playing beat-the-clock with a court deadline.*

There are two schools of thought when it comes to binding briefs: one is to have a copy shop do the binding for you, the other is to do the binding yourself. For most panel practices it is more efficient to bind your own briefs than to take them to a copy shop. Retaining 100% control of the process can also be critical in a tight deadline situation.

First of all, consider the JCC's statewide policy on binding and compensation. Essentially, service copies of all briefs and petitions should be stapled rather than bound. Read the full policy at: [http://www.capcentral.org/claims/guidelines/bind\\_expenses.asp](http://www.capcentral.org/claims/guidelines/bind_expenses.asp) Whatever you choose, it is important that you not lose money just to make the brief "pretty" with a fancy binding!

### Self-Binding

It is more efficient to bind your own briefs, because typically you can bind a set of briefs faster than you can drive to-and-from the copy shop - twice. Let's say it takes you 15 minutes each way for a trip to the copy shop, and you make two trips per binding project (drop-off and pick-up). This means you have spent an hour on the task of binding. For most briefs, you can bind them yourself in quite a bit less time. Another benefit of binding your briefs yourself, is that you have 100% control over when the binding is completed. Sitting here reading this, the significance of this may not jump out at you. However, if you are up against a deadline, this control matters. If your AOB has to be in the mail tomorrow and you are still working on it today, there is no guarantee that by the time you drop your brief off at the copy shop that they will be able to have it ready in time for you to make your mailing deadline. If you bind your AOB yourself, you have that guarantee. Finally, self-binding is usually cheaper than a copy shop, depending on what you choose.

If you choose to bind your briefs yourself, there are two routes you can go: using a comb binding machine or using staples and tape.

#### 1. Comb Binding Machine

Comb binding is a frequently-used mechanical self-binding option. Courts like this type of binding because it allows the brief to open flat on the table. Comb binding machines and supplies can be found at the national office supply stores. Sometimes there is a better selection online than what is carried in the store, so don't forget to check the store's website. The price of

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<sup>3</sup> **IMPORTANT NOTE:** with the implementation of TrueFiling in both the Third and the Fifth Districts, brief binding for those courts is no longer required. However, binding of the Court's copies of the Petition for Review is still required. Therefore, the tips provided here still apply to a Petition for Review at least until that Court comes online with its own TrueFiling requirements.

a comb binding machine is proportional to the capacity of the machine - the more pages that can be punched at one time, the more expensive (and bigger) the machine will be. Because your efficiency increases with the greater number of pages you can punch at one time, get as much machine as you can afford. It will pay off in the long run.

## 2. Black Tape/Heavy Duty Stapler

Another self-binding option is to staple your brief. California Rules of Court, rule 8.204(b)(8), states, "If the brief is stapled, the bound edge and staples must be covered with tape." A good tape to use is "gaffer's tape." Gaffer's tape is black cloth tape used by electricians, which makes an attractive, strong cover over the staples. Gaffer's tape can be found at Home Depot in a 2-inch width. To staple your briefs, you will need a heavy-duty stapler that can handle a brief that runs up to 70 to 80 pages. Most of your briefs will not be that long, but your heavy-duty stapler should cover that option so you are ready to go when you do have a brief of that length.

### Paper Stock

If you choose to self-bind your briefs, whether by comb binding or staples and tape, there are two types of paper stock you will need to have on hand. The first is for the content of your brief. The California Rules of Court require that the paper used for *any* submission to the court be on paper with a recycled content of at least 30%. (Cal. Rules of Court, rules 1.22 & 1.6; Pub. Con. Code, § 12209, subd. (b)(1).) Recycled printer paper, with the percentage of recycled content at 30%, 50%, and 100%, can be found at any of the national office supply chains.

The second type of paper stock you will need to have on hand is for the covers of your briefs. You will primarily need two colors of cover stock: green (appellant's opening brief) and tan (appellant's reply brief). (Cal. Rules of Court, rule 8.40.) A great source for cover stock paper is Kelly Paper (<http://kellypaper.com/>). Kelly Paper has locations all over California, including Sacramento, San Francisco, and the San Francisco East and South Bay Areas. A suggested cover stock is: Wausau Paper, "Exact Opaque Colors," in green (item #68741) and tan (item #68781). This is 65 lb. cover stock with a vellum finish, which will run around \$15 for a ream of 250 sheets.

### Copy Shop

Although, in general, using a copy shop is not the most efficient option and usually the most expensive, you may decide that this is the better option for you. If so, you may find that you live near a customer-oriented mom-and-pop type copy shop which can turn around binding projects within an hour or two and on short notice at a competitive price. Depending on where you live, there may also be a PIP Printing nearby. This is a regional chain, which can be more customer-focused than the national chains. FedEx Office has some locations that are open 24 hours, which might be useful in a rush situation. And finally, there is the copy center in the national office supply chains such as Staples, Office Depot, Office Max.

## Mailing Related

- ☑ *There is no bigger waste of time than standing in line at the post office. Maximize your mailing efficiency by including a postage scale and rolls of stamps in your office set-up, and by opening an account on USPS.com.*

As part of your panel practice, you may be mailing letters to clients, trial counsel, and the trial courts, records to clients and CCAP, and service copies to anyone not e-served. The most efficient way to manage this is to stock your office with a postage scale and rolls of stamps, and to open an account on USPS.com, instead of running to the post office every time you need to mail something.

### Postage Scale

At the risk of stating the obvious, postage is calculated based on weight (with the exception of certain Priority and Express Mail options). Therefore, you need to know the weight of any item you wish to mail. You certainly could run to the post office any time you have something to mail, but this is not very efficient. The best course of action is to buy a postage scale. Brand is not so important, but capacity is. If possible, get a scale that can handle packages up to 35 pounds - records can be heavy! A desk-friendly option is the Salter Brecknell postage scale, model 335 (available at Office Depot), which is just eight inches square and has a range of 0.1 ounce to 35 pounds.

### Postage

Once you have weighed the item you wish to mail, you will need efficient access to postage. There are two methods for putting regular postage (as compared to Priority Mail postage, discussed below) on an item you wish to mail: via a postage meter or using postage stamps.

#### 1. Postage Meters

Companies such as PitneyBowes (<http://www.pb.com/>) and Stamps.com (<http://www.stamps.com/welcome/>) have created online postage services targeted to small businesses. For a monthly fee, the subscriber buys postage through the provider's website at a discounted rate and then prints it out via a digital postage meter. If your mail volume is high enough, your savings from the discounted postage will exceed your monthly fee. With the right volume, this may be an attractive postage option.<sup>4</sup> The trick is having the right volume. To figure out whether this is a good option for you, check out the websites to see what the discounts are and figure out how much you would need to mail to have the cumulative discount exceed the monthly subscription fee.

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<sup>4</sup> **IMPORTANT NOTE:** with the implementation of TrueFiling in both the Third and the Fifth Districts, many practitioners have found their mail volume is significantly reduced, especially if you take advantage of using e-service for CCAP, the Attorney General and/or County Counsel.

## 2. Postage Stamps

Assuming that your mail volume is not at a level that would keep a mailroom busy, a more cost-effective and efficient alternative to a postage meter is to buy stamps in rolls of 100. The only two denominations you really need are Forever stamps (currently \$0.46) and a stamp in the denomination for whatever the current rate is for each additional ounce.<sup>5</sup>

For a first-class mail pricing chart for letter-sized and large envelopes (for briefs), scroll to the bottom of the first page of this PDF file on the U.S. Postal Service website: <http://pe.usps.com/cpim/ftp/manuals/dmm300/Notice123.pdf>. (Check for updated list if rates change.)

### Priority Mail<sup>6</sup>

The most efficient way to mail something by Priority Mail is through the U.S. Postal Service website's Click-N-Ship interface (<https://cns.usps.com/go>). Not only do you save yourself from standing in line at the post office anytime you need to mail a brief, but also if you set up a USPS.com account, you will pick up a number of other time-saving benefits. For example, with a USPS.com account, you can save addresses. This is great the second time and beyond that you send a brief to the Third and Fifth – just click on the address and you're done. Your return address is also auto-filled. All that is left for you to do is weigh your package, enter the weight, and print your label. Also, by buying Priority Mail postage online, you get a discount off of the shipping price, plus free tracking of your package. You can order blank sheet-fed Priority Mail labels from USPS.com. Look for Click-N-Ship labels in the "Get Mailing & Shipping Supplies" section of Shop USPS. Another cost- and time-saving feature is that you can order free Priority Mail envelopes and boxes through the website, or pick them up at the post office.

### Consider eMail Alternative

With the implementation of TrueFiling, e-service of filings is one way to avoid the additional time and cost of bundling documents for service via postal mail. TrueFiling will charge an additional fee of \$3.00 per document to serve a document on the contacts listed for your case in their system. (Be sure to check the list of contacts for the case for accuracy prior to submitting

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<sup>5</sup> Rates discussed here are as of January 27, 2013. Because the U.S. Postal Service rates have changed regularly in recent years, check for current postal rates.

<sup>6</sup> Briefs and some petitions are deemed timely if they were sent by priority mail and bear a postmark stamped the day the filing is due. (See Cal. Rules of Court, rule 8.25(b)(3).) BUT the cost of overnight or express mail, messenger, attorney delivery service, personal delivery, and other extraordinary means of delivery are not compensable above and beyond the cost of ordinary means, unless use of them was due to the needs of the *case*, rather than the attorney's need to meet a filing deadline. If an extraordinary means is used but not case created, CCAP will recommend what would otherwise be the ordinary cost for snail-mail delivery; the extraordinary cost difference will be cut. However, some attorneys prefer to suffer a small cost for peace of mind. Other considerations are also outlined above. This is an individual decision.

the document for filing if you intend to use their service feature during the filing steps.) An alternative, without incurring an additional fee is to e-serve parties using their designated e-service address. The party must be willing to receive service electronically, see Cal. Rules of Court, rule 8.71. Both CCAP and the Attorney General have designated emails for this purpose (although both will also still accept service of a paper document as of this writing):

CCAP [eservice@capcentral.org](mailto:eservice@capcentral.org)  
AG [SacAWTTrueFiling@doj.ca.gov](mailto:SacAWTTrueFiling@doj.ca.gov)

## **Letterhead Stationery & Envelopes**

- Whether you print your own letterhead stationery and envelopes or craft something via the online design center of a national office supply chain, make sure to always have plenty of these items on-hand.*

You will be sending letters to clients, trial counsel, letter briefs to some appellate courts, letters to superior courts requesting the correction of the record and custody credit errors. Therefore, you will need some sort of letterhead stationery and envelopes on-hand and ready to go. One option is to create your own letterhead stationery and envelopes using your home computer. Another option is to go online to one of the national office supply chains and create something a bit more fancy without breaking the bank. Just make sure whatever you choose is readable!

### Printing Your Own Letterhead Stationery and Envelopes

With the wide selection of font styles available through word processing programs, it is quite easy to create your own stationery. Simply populate the header and/or footer section in your word processing document, and presto! you have letterhead stationery. (By putting it in the header and/or footer, you do not have to worry about it moving around when you type your letter. To avoid printing your letterhead information on the second and subsequent pages if your letter runs longer than one page, you can set it up so that the headers and footers do not print on any page but the first.) You may also want to buy letterhead-type paper stock. The national office supply stores offer a limited selection of letterhead stationery-type paper. For a greater selection, check out Kelley Paper (<http://kellypaper.com/> (see site for locations) where you can touch and feel samples of many different kinds of letterhead stationery stock.

### Preprinted

If you decide that you want something a little fancier or professional looking than what you can create on your computer, but you don't want to break the bank, check out the online design centers of the national office supply chains. You will find a large number of templates to choose from. Even after you have chosen a template for the layout of your stationery, you can still customize to your heart's content. You also have the option of adding color or a logo to your layout. Not only can you create your own letterhead stationery, but also you can create matching envelopes, business cards, and much more.

## Use/Prohibition of Color in Filed Documents

Consider using plain black and white for all office related font styles and signature blocks. At least in the Third District, the use of color other than black ink crashes the upload for filed documents in that court.

## **Office Supplies**

- ☑ *Make sure you have all of the supplies you need on hand. Nothing is more inefficient than an emergency run to the office supply store, especially when you are facing a deadline.*

In the name of efficiency, there are a number of office supplies you should always have on-hand. There is nothing more inefficient - or stressful - than having to make an emergency run to the office supply store for something you don't have but need when you are up against a deadline. Another efficiency trick is that all of the national office supply stores will deliver for free for orders over a certain amount (typically \$45 to \$50 depending on the chain). So you can sit at home, order what you need, and in some cases, depending on when you order, have the items delivered the next day at no extra cost.

The following list of “must have” office supplies is not exhaustive. Certainly you will want pens, highlighters, sticky notes, etc., which are not on the list. The list below might be described as the supplies you will use to manage the in-flow and out-flow of your cases.

- Manila Envelopes: For mailings that are too many pages to put into a regular business envelope, but which do not warrant the extra strength of a Tyvek envelope. Also good for sending AOB and ARB service copies.
- Tyvek Envelopes: For mailing your briefs to the court. These provide more strength than a manila envelope. You can get free Priority Mail Tyvek envelopes at the Post Office if you are sending the briefs Priority Mail.
- Tyvek Expandable Envelopes: For mailing the record. Depending on the size of the record, a box may be too big and a regular Tyvek envelope too small. These come in different side expansions, typically in increments of one inch, one-and-a-half inches, and two inches.
- Cover Stock: For briefs you self-bind. See discussion under Brief Binding above.
- Recycled Paper: For court submissions. See discussion under Brief Binding above.
- File Folders: Whether you are using a filing cabinet or storage boxes, you will need a filing system, which starts with file folders.

- Expandable Cardboard Folders: These are the brown heavy duty cardboard folders with accordion sides. They are great for keeping the records for your various cases organized. These folders will stand up on a shelf or fit into a filing cabinet.
- “Confidential Legal Mail” Stamp: If you are doing criminal appeals, your client will most likely be in prison. And your most likely communication with him or her will be via letter. To protect the privacy of that mail, the outside should identify the mail as confidential legal mail. You can certainly write this by hand. However, it is much more efficient to order a self-inking stamp (red ink) that says “Confidential Legal Mail.” This will make quick work of identifying the mail as legal mail. These self-inking stamps last a very long time and are a good investment; some can even be “re-inked.” Most of the online printing sections of the national office supply chains include customizable stamps in a number of inking options.

## **Computer Backup**

- ☑ *Nothing is more inefficient than losing your work and having to recreate it from scratch.*

While the goal of optimizing your efficiency applies to all aspects of your office setup, it is most relevant to the files on your computer. There is nothing more inefficient (or frustrating) than losing your work and having to recreate a document from scratch – especially when that document is your AOB and it is due tomorrow. Sound farfetched? Unfortunately, it isn’t. Maybe it won’t happen to you, but it is very preventable, so why risk it? With this in mind, you need to develop a back-up strategy for your computer. An effective, redundant back-up strategy typically involves one back-up system that is physical and within your office and a second back-up system that is remote from your computer, such as a cloud-based system, in case something happens to your office. In other words, you should have a back-up for your back-up. (As a point of clarification, back-up is different from file storage, although some of the methods used for each can overlap. File storage is discussed in the next section.)

### Physically Proximate Back-up Systems

There are two options for a physically proximate back-up system: a USB flash drive and an external hard drive. The main difference between the two is memory size and cost.

#### 1. USB Flash Drives

USB flash drives, also referred to as a thumb drives or memory sticks, are easy to use and store due to their small size. At the same time, the small size of flash drives means that there is less memory than you would have with an external drive. If you are using a separate computer for your law practice, a flash drive may well meet your back-up needs. On the other hand, even if you are using a separate computer for your law practice, if you scan a large number of documents (e.g. records, client files, etc.) a flash drive may not offer enough storage space. If a flash drive will work for you, it is a more cost-effective option than an external hard drive. One downside to a flash drive is that because of its small size, it is easy to lose and can easily be

snapped in half when inserted and bumped. However, you can minimize this risk by not using your back-up flash drive to transport files while you are traveling away from the office.

## 2. External Hard Drives

As just discussed, an external hard drive offers greater memory than a flash drive. Given this, an external hard drive would be a better back-up solution for you in two situations. The first, discussed above, is where, even though you have a separate computer for your law practice, you store a large amount of scanned data on your computer. The other situation is where you are using the same computer for both your personal and professional computing, and your personal computing includes music files, games, or high resolution photographs. There are many different external hard drives on the market. To figure out which one best fits your needs, compare factors such as cost, user friendliness, storage capacity, transfer rate, system compatibility, and hard disk interfaces.

### Remote Back-up Systems

#### The Cloud

With a cloud-based back-up system, even if your computer completely dies, you can still access your files immediately via another computer. When comparing different cloud back-up options, look at storage size, functionality, ease of use, etc. Some of the more popular cloud-based back-up systems include: BackBlaze, Carbonite, CrashPlan, SpiderOak, SugarSync. (The websites for all of these companies are [www.companyname.com](http://www.companyname.com).) Be sure to investigate your privacy and security concerns.

### **File Storage**

- ☑ *Sometimes it is hard to be efficient. File storage may be just such an area, given the length of time an attorney must retain client files, the bulkiness of storing paper files, and the ever-changing technological landscape as it relates to electronic file storage.*

File storage is the manifestation of your record management policy. You need a record management policy because as an attorney, you are required to retain your clients' files for a long time. File storage breaks into two categories: short-term and long-term storage.

#### Short-Term Storage

Short-term storage itself can be broken into the period when a case is open and when it is closed. Open cases need to be readily accessible, as you will need to go into these files frequently and efficiently. Once a case closes, you will still need to keep the file nearby, either in a file cabinet or a storage box, for a couple of years. At the point at which you feel comfortable that no more activity will be occurring on a particular case, it is time to move the file to long-term storage.

## Long-Term Storage

Before discussing long-term storage options, the question that must be addressed is, “How long must an attorney keep client files?” If you are doing criminal appeals, the short answer is, “A very long time.” If you are doing dependency or juvenile appeals, the answer is “Not as long as criminal appeals, but still a pretty long time.” The CCAP website has a great article on client file retention at: [http://www.capcentral.org/procedures/client\\_matters/retain\\_file.asp](http://www.capcentral.org/procedures/client_matters/retain_file.asp).

Given that you will need to hold onto your client files for quite a number of years, there are two basic long-term storage options available to you: storing the paper files and storing scanned electronic copies of those files. Depending on your office situation, there may be space for the long-term storage of paper files on-site, for example in banker’s boxes stored in a closet or the garage. There are also companies whose business it is to store other companies’ documents.

As an alternative to the long-term storage of your paper files, or as a back-up to that storage, some attorneys scan a closed file when it goes from short-term to long-term storage. Depending on that attorney’s confidence in the long-term viability of the various options for storing electronic data (i.e. the scanned files), some attorneys shred the paper files at this point. The scanned documents can be stored on an external hard drive, in the cloud, on archival quality CDs or DVDs, or on flash drives. The latter two options are typically stored in a safe deposit box.

Another consideration related to choosing an electronic long-term file storage strategy is that of changing technology. Whatever technology you choose to use, be sure it is still “readable” in five or ten years. Anyone still able to read 5 ¼ inch floppy disks? If you’re asking what is a 5 ¼ inch floppy disk, that’s the point! 5 ¼ inch floppies were still in use less than 20 years ago. You will have client files that need to be stored longer than that.

## **TrueFiling**

- ☑ *The ever-changing technological landscape is nowhere more apparent than in electronic filing. Given the state appellate courts have moved very quickly towards all-electronic filing, each with an arms-length list of local rule requirements, it is in counsel’s best interest to establish a law office that will seamlessly support the e-filing requirements of the courts they work in.*

Electronic filing is here to stay. What is required from court to court will necessarily differ. For this reason, it makes sense to: 1) establish a TrueFiling account, 2) make a list of filing requirements for each court/project you work in, and 3) obtain, learn and use software that will make your job of producing an e-filing-ready document easier on you.

First, register to establish a TrueFiling account for your office online. All of the California Courts of Appeal, and eventually the California Supreme Court, will be using the TrueFiling portal for electronic filing of documents. Establishing a TrueFiling account is actually quite easy, although there are some do’s and don’ts to be aware of. You will need a valid email address (this will be your username), to start the process, then follow the steps to select firm

settings, including how you wish to receive notifications, billing the convenience fees, etc. CCAP has a user-friendly PDF that walks you through this process at: [http://www.capcentral.org/procedures/truefiling/docs/truefiling\\_registration.pdf](http://www.capcentral.org/procedures/truefiling/docs/truefiling_registration.pdf) Because everything in TrueFiling keys off of your email address, it is very important that you give thought to which email you will use (and check regularly!), and that you keep it current. (See establishing an Email for TrueFiling, above.)

Second, make a list of filing requirements for each court and project that you work with. The various courts have local rules about e-filing that are layered on top of the statewide Rules of Court, which are encompassed in rules 8.70-8.79. Often the local rules will contain the more nitty-gritty practical requirements such as bookmarking, pagination, paper copy requirements, prohibition of color fonts, etc. Because it is unlikely that the courts will collectively agree any time soon on these varied requirements, a handy chart that you can refer to and update will likely be a useful desk reference when you are in a hurry and trying to remember which court wants what.

Third, don't try to fit round pegs into square holes. This means that if you use a non-mainstream software for word processing, or perhaps have avoided updating your old "tried and true work-horse" software, it may be time to seriously consider making the technology jump to something more mainstream that will more easily accommodate many of the new e-filing requirements. You don't get to claim time for formatting your documents to meet the new requirements, so the faster you can work with your software to meet those requirements, the more administrative overhead time you will save and the less frustrated you will be. This is not an endorsement of any product line so much as a common sense approach to getting the job done more efficiently. The CCAP website has an array of self-help, step-by-step guides that address requirements such as bookmarking and pagination, demonstrated using in a variety of software programs: [http://www.capcentral.org/procedures/truefiling/step\\_tf\\_guides.asp](http://www.capcentral.org/procedures/truefiling/step_tf_guides.asp) Ask other users what they like to use. Ask for a trial period. Bottom line: find something that is easy for you to use, and then make sure whatever you choose will work seamlessly for the smooth production of your documents. There is nothing worse than racing the clock and fighting with your computer because it isn't doing what you want it to!