

Appellate Advocacy College *2000*



Lecture

How to Manage a Law Practice as a Solo Practitioner Specializing in Court-Appointed Appeals

**Kathy Chavez, Roberta Thyfault,
Wes Van Winkle**

LIBRARY

[**NOTE:** The following is a list of all the significant books and publications in the libraries of Kathy Chavez, Wes Van Winkle, and Roberta Thyfault, as of May, 2000. The bold initials following the title indicate which of the three own which title. In general, titles owned by all three should be considered “must-haves” for a solo criminal appellate lawyer, while titles owned by two of the three are strongly recommended.]

General Criminal Law Publications

L.A. (Or S.F.) Daily Journal (**C, T, V**)

(A must due to official daily advance sheets. Get special solo rate, or share a subscription to save dough.)

(*But*, you can now get opinions faster on state website, www.courtinfo.ca.gov)

Witkin, California Criminal Law, 2d ed. 1989, Bancroft-Whitney (**C, V**)

California Criminal Law Reporter, Patrick Morgan Ford (**C, V**)

La Jolla Legal Publications

5580 La Jolla Blvd., PMB 116

La Jolla, CA 92037

CACJ FORUM and CAPD California Defender Magazines (**T, V**)

Perkins & Boyce, Criminal Law (3d ed. 1982 (hornbook)) (**V**)

California Reporter, West (**T**)

Procedure and Practice

California Criminal Law: Procedure and Practice, 4th ed. 1998, C.E.B. (**C, T, V**)

Appeals and Writs in Criminal Cases, 1982, C.E.B. (2d ed.) (**C, T, V**)

California Judges Benchbook, CJER (4 vol. Paperback, 1991, with 1999 Supp.) (**V**)

Statutes and Rules

Some form of desktop Penal Code and Evidence Code (**C, T, V**)

(Such as Standard California Codes, Lexis Publishing (formerly Matthew Bender) (**V**)

Penal Code, with penal and related provisions of other codes

5-in-1 Code (Civil, Civil Procedure, Evidence, Family, Probate, Rules of Court

Tip: Save the editions for the last five years or so.

Cal. Rules of Court **(C, T, V)**

Other rules of court as necessary **(C, T, V)**
(e.g., California federal courts, 9th Circuit, local rules)

Evidence

Witkin, California Evidence, 3d ed., 1986, Bancroft-Whitney **(C, V)**

Jefferson, California Evidence Benchbook, C.E.B. **(T, V)**
(or Synopsis of California Evidence, (1985 (out of date)))

Jury instructions

Forecite **(C, T, V)**
Forecite Legal Publications
2500 Vallejo St., Ste. 200
Santa Rosa, CA 95405-6959

CALJIC (West, 1996) with CJER Mandatory Instructions Manual **(T, V)**

Other Useful Stuff

The California Style Manual (4th ed.) Dept. of General Services **(C, T, V)**

Dictionaries (Black's, O.E.D., Webster's New World), Thesaurus, etc. **(C, T, V)**
(Spanish-English dictionary of legal terms)

Determinate Sentence Law, Mark Cutler (CCAP) **(C, V)**

Federal Habeas Corpus Practice and Procedure (3d ed. Lexis Law Publishing) **(C, V)**

Representation in Capital Appeals, California Appellate Project (2 vols.) **(C, V)**

National Death Penalty Information Bank Index (2 vols., also on diskette) **(C, V)**

Chavez's Fabulous "OUTLINE" **(C)**
(All winning published state and federal cases culled from advance sheets, compiled by Chavez and associates over the last 15 years. Guaranteed to cure all diseases.)

Georgetown Law Journal Annual Review of Criminal Procedure **(T)**
(Annual summary of U.S. Supreme Court and federal cases. Excellent, inexpensive resource for federalizing issues.)

Labor Law Survival Kit (Cal. Chamber of Commerce) **(T)**
(A must if you have employees)

CCAP's Directory of Frequently Called Phone Numbers **(V)**

The California State Prisoners Handbook (1982) **(V)**
The Prisoners Rights Union
2308 J Street
P.O. Box 1019
Sacramento, CA 95812

Corrections: Public Safety, Public Service (California Department of Corrections) **(V)**
Communications Office (916) 445-4950

ADI Appellate Practice Manual (1987) (and panel manuals for all the other projects) **(V)**

Stern & Gressman, et al., Supreme Court Practice (7th ed., Bureau of National Affairs) **(V)**

Elements of Style, E.B. White **(V)**

Tribe, American Constitutional Law (hornbook) **(V)**

Hornbooks on contract and tort law **(V)**

The California Death Penalty Defense Manual (4 vols.) (CAP) **(C)**

Project manuals **(C, T, V)**

PANEL ATTORNEY “INFRASTRUCTURE”

I. Office Equipment

A. Computer, PC (IBM clone)

1. Desktop (C, T, V)

HP Laserjet printer. (C, T, V)

JAZ or ZIP drive or other backup storage solution. (C, V)

Blackout Buster or other UPS (V)

2. Laptop (C, T, V)

Chavez and Thyfault have Toshibas, Van Winkle has an Internet special. They are useful as backups, for running additional programs without taxing the RAM on your desktop, and also serve as travel computers, seminar notetakers, and fireside or deck computers.

3. Broadband. (C, V)

Chavez has a cable modem, Van Winkle has DSL.

B. Fax (C, T, V)

Thyfault and Van Winkle have HP OfficeJets, which also serve as backup printer/copiers

C. Photocopier (T, V) (C, sort of)

Thyfault has a Canon PC-11. Van Winkle leases a Mita with ADF. Chavez uses her fax machine as a small volume copier.

D. Scanner (T, V)

Van Winkle has an HP Scanjet 6250 with ADF and an HP Scanjet 4100. Thyfault uses her OfficeJet 600.

E. JAZ and Zip Drives (C, V)

JAZ is important for system backups. Zip is useful for moving big files back and forth between the desktop and laptop computers

F. Phone (obviously) (C, T, V)

Two phone lines. (C, T, V). Consider an answering machine (or voice mail) and call-waiting.

G. Postage issues

1. Postage meter?

Van Winkle used to have one, but dropped it for Stamps.com.

2. P.O. Box (V)

3. U.S. Postal Service corporate account (C, V)

This allows you to function as a mini-post office, send certified mail, overnight mail, etc., directly from home. Also, you get printed express labels, envelopes, packaging stuff, etc. free.

H. Typewriter? (T, V)

An antique, almost entirely unnecessary.

I. Office furniture

1. Desk (T, V)

2. Computer table (C, T, V)

3. Ergonomically correct chair (T, V)
(Grandma's rocking chair) (C)

4. Filing cabinets (T, V)

5. Big, flexible desk lamp, preferably halogen or fluorescent, for night work

5. Piano (C)

6. Stuffed ten-point elk head (V)

J. Storage

Chavez has a two-car garage a block away; Van Winkle has a finished crawlspace in the basement; Thyfault gets by with shelves.

Shelves everywhere (**C, T, V**)

Supply closet (**V**)

K. Recommended odds and ends

1. Two and three-hole punches
2. Three-ring binders
3. Cardboard or plastic magazine storage boxes (for DJ and FORUM)
4. Bankers boxes
5. Adding machine or calculator
6. Awesome stapler, and lots of binder clips in all sizes
7. Bookweights

II. Software and online resources to consider

A. Windows 98

B. Lexis or Westlaw

Westlaw is the gold standard, but expensive. Lexis has an unlimited criminal law package for \$115. (online)

C. Shepard's, Westcite, or other citator

D. Full Authority, Cite Link.

E.. Financial software

Quicken Home & Business or Quickbooks
Turbo Tax or other tax software

D. Wordperfect or Word?

E. PIM (calendar) software

Lotus Organizer 6.0, Outlook

F. Timeslips

G. GDI or other claim form software

You can also use the online form

H. Scanner software (Omnipage Pro OCR software, Pagekeeper Pro)

I. Dragon NaturallySpeaking or other speech recognition software

J. Netmanage EccoPro (outlining program)

K. Translation software (power Translator)

L. Norton Utilities