OSB Professional Liability Fund present

Stay Ahead of the Curve: Tips for Maintaining an Organized Office

Wednesday, February 19, 2020

1 Practical Skills MCLE Credit

Rachel Edwards
PLF Practice Management Attorney

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OSB Center
Tigard, Oregon

MCLE FORM 1: Recordkeeping Form *(Do Not Return This Form to the Bar)*

Instructions:
Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in **accredited** CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.

Name:	Bar Number:
Sponsor of CLE Activity: OSB Professional Liability Fund	
Title of CLE Activity: Stay Ahead of the Curve: Tips for Maintaining an Organized Office	Program Number: 64235
Date: 2/19/2020	Location: OSB Center, Tigard, Oregon

■ *Activity has been accredited by the Oregon State Bar for the following credit:*	❑ **Full Credit.** *I attended the entire program and the total of authorized credits are:*	❑ **Partial Credit.** *I attended _________ hours of the program and am entitled to the following credits*:*
____ **General**	____ **General**	____ **General**
____ **Prof Resp-Ethics**	____ **Prof Resp-Ethics**	____ **Prof Resp-Ethics**
____ **Access to Justice**	____ **Access to Justice**	____ **Access to Justice**
____ **Abuse Reporting**	____ **Abuse Reporting**	____ **Abuse Reporting**
1 **Practical Skills**	____ **Practical Skills**	____ **Practical Skills**
____ **Pers. Mgmt/Bus. Dev.***	____ **Pers. Mgmt/Bus. Dev.***	____ **Pers. Mgmt/Bus. Dev.***

***Credit Calculation:**
One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

Caveat:
If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

*Personal Management Assistance/Business Development. See MCLE Rule 5.12 and Regulation 5.300 for additional information regarding Category III activities. Maximum credit that may be claimed for Category III activities is 6.0 in a three-year reporting period and 3.0 in a short reporting period.

About Our Speaker

Rachel M. Edwards received her JD from Willamette University College of Law. Ms. Edwards is a practice management attorney for the Professional Liability Fund, providing confidential practice management assistance to Oregon attorneys to reduce their risk of malpractice claims, enhance their enjoyment of practicing law, and improve their client relationships through clear communication and efficient delivery of legal services.

Ms. Edwards is a member of the Oregon State Bar, Oregon Women Lawyers, and the Multnomah Bar Association. She served as an elected board member for the Washington County Bar Association, and was a founding subcommittee member of the New Lawyers Division of the Washington County Bar Association. Her volunteer activities include work with the Classroom Law Project, the Convocation on Equality, and the St. Andrew Legal Clinic. Prior to joining the Professional Liability Fund staff in 2016, Ms. Edwards was in private practice for four years, including work as an Oregon Department of Human Services Adoption Contract Vendor Attorney. Her areas of practice included Social Security disability, family law, adoption, and estate planning cases.

Stay Ahead of the Curve: Tips for Maintaining an Organized Office

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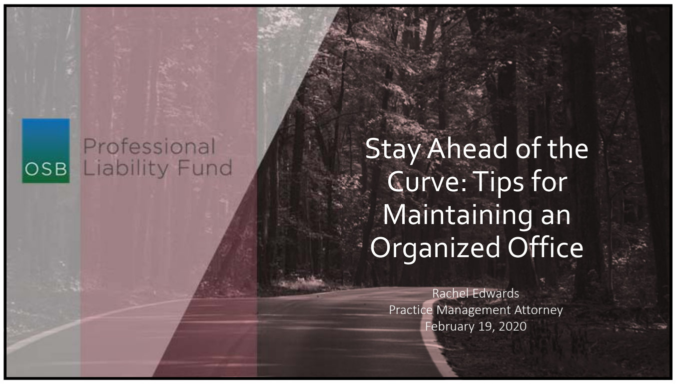
OSB Professional Liability Fund
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Rachel Edwards
Practice Management Attorney
February 19, 2020


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Why is it important to stay organized?


Disorganization impairs your brain's ability to process information
The Journal Of Neuroscience, Interactions of Top-Down and Bottom-Up Mechanisms in Human Visual Cortex, Jan. 12, 2011

Disorganization also leads to bar complaints and/or malpractice claims

Common Problems Resulting From Disorganization

- Missed deadlines
- Trust account overdrafts
- Failure to include information in a pleading
- Delay or failure to produce documents
- Failure to respond to communication

- Inadequate discovery
- Lost or misplaced documents
- Indecipherable notes
- Failure to properly apply the law
- Inability to defend against bar complaints and/or malpractice claims

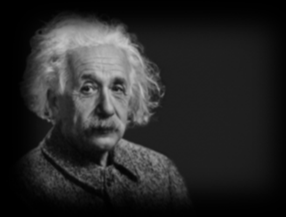
Information overload

- Average person has 70,000 thoughts per day
- 70,000 thoughts per day = 49 thoughts per minute
- Lose at least 1 hour per day to disorganization
- Must organize our surroundings in order to be productive

Organization
↓
Productivity
↓
Profitability

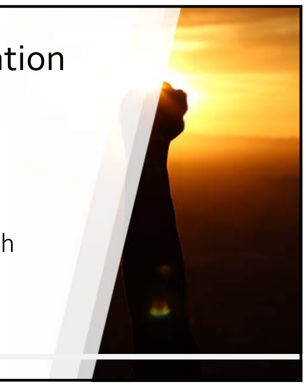
Messy = Genius?

- Method to the madness
- Other studies suggest it decreases productivity and causes stress
- Can reflect poorly on attorneys



Benefits of Organization

- Increase productivity
- Lower costs
- Reduce stress
- Improve overall health



Steps to Getting Organized

Types of Organizers

Stacker	Spreader	Free Spirit	Pack Rat
Appearance of order with multiple stacks	Stacker, but keep everything within view	Keep everything nearby regardless of need	Feeling of fullness, emotional attachment to things

No One Size Fits All Solution

- No system that works best
- Know your organizational style and develop methods for getting organized based on your style
- Lay out a foundation and adjust as you learn more about what works for you

2

Centralized Information Management System

Centralized Information Management System

- Access by everyone in the firm
- Onsite vs. cloud
- Backup, backup, backup!

Case Management Software

Clio

zolaSUITE

PRACTICEPANTHER

rocket matter

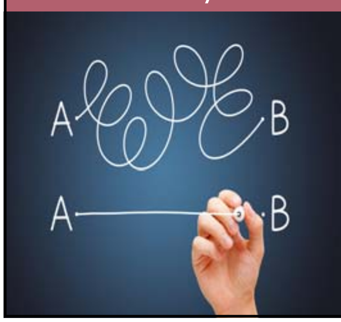
CosmoLex

MyCase

3

Consistent Procedures

Consistency



Need consistent procedures to prevent disorganization from reoccurring

Consistency

- Paper and digital files (mirrored procedures)
  - Folder types
  - Chronology
  - Naming convention
  - Forms
- Inbound and outbound

- File intake
- File maintenance
- File closing
- File destruction
- Notetaking
- Timekeeping
- Calendaring

See 'Creating an Office Procedures Manual' (www.osbplf.org/practice-management/forms.html)

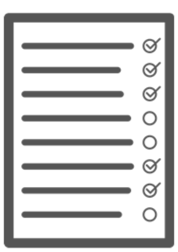
Form Habits

- Changing/forming new habits can take between 18 and 254 days
- Average of 66 days for a new behavior to become automatic
- in automaticity

Essential concepts

1. Capture
2. Process
3. Create to-do lists

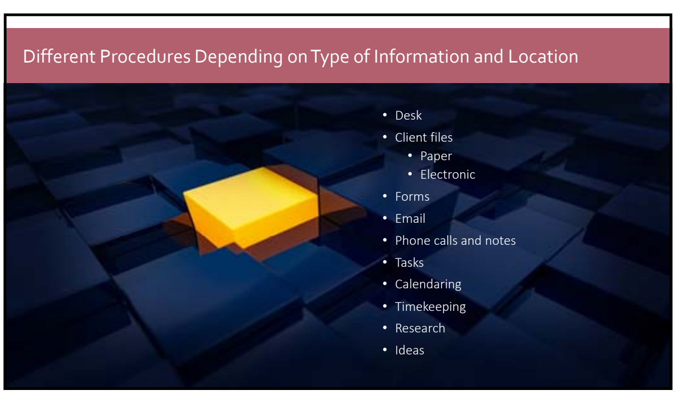
Work From Lists, Not Files



- Capture everything in one trusted system
- Gather all of the paperwork and information, and create a master task list
- Utilize checklists


DAFT
• Defer
• Act
• File
• Toss


4
Tips for Organizing Particular Types of Information

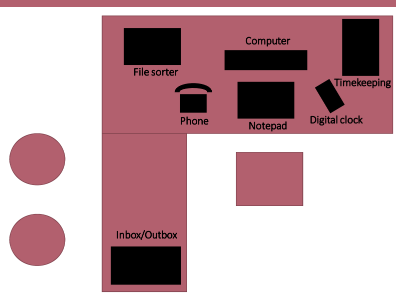

Different Procedures Depending on Type of Information and Location
• Desk
• Client files
• Paper
• Electronic
• Forms
• Email
• Phone calls and notes
• Tasks
• Calendaring
• Timekeeping
• Research
• Ideas

Desk

- Organize furniture and equipment to optimize efficiency
- Eliminate unnecessary clutter
- Keep it all within arm's reach

- Group like items together
- Only keep active documents/files on your desk
- Utilize one inbox/outbox
- Consider using a label maker

Desk



Desk

Client Files

- Standard file management
- Checklists
- Consistent locations
- Folders and sub-folders
- Naming
  - Alphabetical
  - Numerical
- Move closed files to a different location

See 'File Retention and Destruction Guidelines' (www.osbplf.org/practice-management/forms.html)

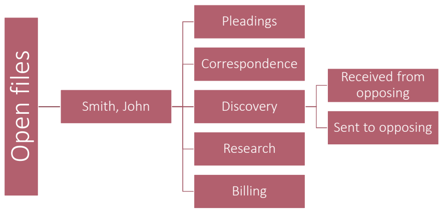
Paper

- Don't allow unnecessary paperwork to accumulate
  - Minimize incoming paper
  - Only keep on desk if on your to-do list
- File-related
  - Scan and put into client file;
  - Scan and return to owner; or
  - Shred
- Non-file related
  - Administrative
  - Personal

Electronic

- Folders
  - Open and closed
  - Prospective
  - Declined
  - Forms
  - Administrative
  - Networking
  - Personal
- Subfolders
  - Specify needed subfolders for each matter
  - Create template folders
- Chronological order
- Naming conventions (e.g., 20200219 Plaintiff's mtn to compel discovery)

Electronic



Forms

- Centralized forms library
  - Don't save on individual computers
- Create subfolders as necessary
  - Practice area
  - Subject matter
- Save as template

Email

- Set up your email
  - Create categories
  - Folders and subfolders
  - Automatic rules
- Apply DAFT
- Goal is "Inbox Zero"

www.osbplf.org/practice-management/forms.html > Category > Hardware and Software

Email

- Batch process emails
- Disable email notifications
- Clean out all folders periodically
- Unsubscribe
- Keep personal email separate

Phone Calls and Notes

- Memorialize all incoming and outgoing calls during or immediately after the call
- Placement of notes may differ depending on the type of call
  - Matter-related
  - Potential client
  - Administrative
- Always take notes in the same way

livescribe

Apple Pencil

Surface Pen

See 'Memo of Conversation' (www.osbplf.org/practice-management/forms.html)

Phone Calls and Notes

- Cornell method of notetaking
  - Keeps each matter separate
  - Annotation and notes

Tasks

- Don’t operate from email or files
- Set forth detailed tasks with schedules and deadlines for completion using a master task list
- Break the list down into daily task lists
- Utilize a calendaring system

Tasks

Morning → Throughout the Day → End of the Day → End of the Week

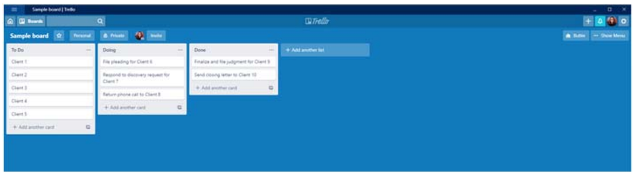
Morning	Throughout the Day	End of the Day	End of the Week
• Review the list and determine priorities • Highlight tasks that must be completed by the end of the day • Set time limits for each task	• Cross off tasks as they are completed • Add new tasks immediately	Make a to-do list for the following day	Review and create a to-do list for the following week

Tasks

Task list apps	Project management apps	Multi-function apps
Microsoft To Do Trello Due remember the milk Microsoft Sticky Notes Apple Notes	asana Basecamp smartsheet Trello Microsoft Power Automate	Outlook Clio CosmoLex MyCase PracticePanther

Tasks

Sample Trello board



Calendaring

- Use blocking method
- Be realistic about estimated time of completion
- Provide "cushions"
- Use interim deadlines and reminders

Timekeeping

- Make entries in real time or immediately after
  - Standalone timekeeping app; or
  - Practice management software
- Or set times during the day to 'batch' record

Chrometa
tikit
iTimeKeep
TIME MINER

Research

- Consider using a notetaking application
- Note the sources

Evernote
Microsoft OneNote
Google Keep
Apple Notes

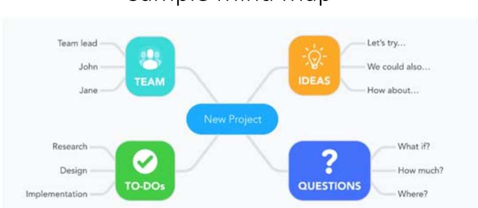
Ideas

- Consider “mind-mapping”
- Organize your thoughts by creating diagrams

mind meister
MindManager
Prezi
THE BRAIN

Ideas

Sample Mind Map



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Regular Cleanings and Updating Procedures

Fresh Start

What to clean
- Desk
- Paper files
- Electronic files
- Other areas of your office (e.g., Reception, lobby, conference room, storage room)

How to clean
- Sort and purge
- Make piles
- Organize piles
- Redistribute

Daily

- Limit distractions
- Assess daily tasks and determine priorities
- Set aside time to complete tasks
- Focus on one task at a time
- Reassess your task list and rearrange your desk at the end of each day

Weekly

- Set aside 1 hour each week to reorganize your lists and desk

Monthly/Quarterly

- Set aside time to clean your desk, paper files, electronic files, office, and catch up on scanning
- Inventory office supplies

Annually

- Destroy files
- Determine important dates for the upcoming year
- Update your office procedures manual


THANK YOU
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Setting Up an Effective Filing System

By Beverly Michaelis

Organizing and maintaining a filing system that meets your firm's needs can be a frustrating endeavor. What works well in one practice area may not translate to another. This article examines the most common approaches to organizing file material and provides tips that can be applied in virtually every office.

Filing Systems: Alpha vs. Numeric

If you find the subject of file management baffling, you are not alone. If you are a newer lawyer, your exposure to office systems may be limited, depending on previous work experience. If you are a seasoned lawyer who has left a firm to set up a solo practice or partnership, you may feel compelled to mimic your old firm's file structure. Before doing so, carefully consider which system is best for you and your type of clientele: numbering client files or organizing them alphabetically.

For the typical small law office, the alphabet can't be beat. It is the most straightforward and efficient approach to organizing client files. When "John Jones" calls to ask a question about his case, the Jones file is easily located without the need to refer to a list or index that cross-references file numbers to client names. This approach works well for lawyers who tend to have clients with one-time matters. [i]
If, however, you work in a multi-attorney office, or have single clients with many matters, a numeric or combination alpha-numeric system will serve you well. When "John Jones" calls about the lease agreement you are drafting, a numeric or alpha-numeric system will help you distinguish his real property file from the corporate, litigation, and tax matters also attributable to "Jones."

In numeric or numeric combination filing systems, file numbers can be assigned in sequential order, with or without a year designation. For example, the Jones corporate file could be No. 100 (a sequential number without a year) or 07-100 if it was file number 100 opened in 2007. Alternatively, you could assign each client a permanent number with sequential numbers for each matter file opened on the client's behalf. If John Jones' permanent client number was 1000, his matter files would be 1000-01 (real property), 1000-02 (corporate), 1000-03 (litigation) and 1000-04 (tax).

If you elect to number your files, remember these two tips. First, use the least number of digits possible. The longer your number sequences, the greater the likelihood of filing errors. Second, keep a master client/matter list on your computer to minimize duplicate file numbers and other mistakes. Although such lists can be set up in word processing programs such as Word or WordPerfect, a database or case management program is preferable.

File Media: Folders vs. Binders

Now that you have decided upon a filing system, how should the file material itself be stored? File folders? Notebook binders? If you use file folders, should they be letter-size or legal? Different practices lend themselves to different methods of organization, but file folders are generally the better choice for most practitioners. Cost is the primary reason—folders are usually cheaper and easily fit into existing desk drawers, cabinets, and bookcases. In addition, filing into folders is usually faster and less of a struggle. Binders work best for trial notebooks or other special document organization projects. (If you use binders, recycle the notebooks when files are closed and put binder contents into a folder for easier storage.)

What about size? In the battle of letter vs. legal, economy wins out again. Letter-size files are less expensive and make the best use of space in the majority of filing cabinet systems. With the scaling down of documents from 14 inches to 11 inches in length, legal-size folders are no longer necessary.

Color Coding

Color-coding of files can be a very effective way to improve the efficiency of your filing system. By associating a color with a given category of main file or subfile, you can easily locate the information you are looking for. For example, a general practice might use color-coding for main files: red for domestic relations, green for real property, yellow for personal injury, blue for wills and estates. When Ms. Smith calls about her divorce, it is easy to pick out the red file sitting on the associate's credenza. Color association is an advantage at filing time for the same reason. If documents need to be filed in the Taylor real property and personal injury cases, the appropriate green and yellow files can easily be distinguished.

If you prefer, you can use plain folders for your main file and color-code your subfiles: blue for legal research, yellow for pleadings, red for discovery, and so forth. Use the method that works best for you and your cases.

Files and Client Relations

When you are setting up a file for yourself, don't forget about the client. Giving the client his or her own file folder in which to place the signed fee agreement and other correspondence and materials he or she will be receiving from you promotes positive client relations. The folder should include one of your business cards so the client always has your address, phone, fax, e-mail, etc. readily available. Providing clients with a folder helps to keep them organized and lessens the chance that documents will be lost or misplaced. Instruct the client to bring his or her file to each of your meetings, and if appropriate, use the file to record notes or questions for future appointments.

Sample Practice Area File Structures

Does your office have a standard subfile structure for each practice area? Creating such a framework ensures consistency—files are set up the same way each time—and makes filing and retrieval of documents more efficient. Start by looking for common patterns in existing files. Do you find yourself setting up subfolders for Correspondence, Pleadings, and Legal Research in each of your client files? This could be the beginning of *your firm's* subfile framework. To implement a framework for your filing system, create an index. To ensure that folders are always organized in the proper order for each file, assign numbers to each of your subfiles or file sections. Here are sample structures for three types of files: corporate, personal injury, and domestic relations.

Corporate

Subfile Number	*Name of Subfile*
1	Correspondence and General—this year
2	Correspondence and General—last year
3	Board of Directors Minutes
4	Directors Meetings, General
5	Articles and By-laws (current)
6	Corporate Documents/ Incorporations
7	Shareholder Minutes
8	Shareholder Meetings, general (this year)
9	Annual Reports
10	Officers
11	Securities Issued
12	Securities to be Issued
13	Audits/Financial Statements
14a	Taxes—Federal
14b	Taxes—State
14c	Taxes—Local
14d	Taxes—Foreign
15a	Regulatory Agencies—Federal
15b	Regulatory Agencies—State
15c	Regulatory Agencies—Local
15d	Regulatory Agencies—Foreign
16a	Real Property Owned
16b	Real Property Leased
17a	Acquisitions and Mergers—completed
17b	Acquisitions and Mergers—future
18a	Equipment Contracts—company
18b	Employment Contracts—company
18c	Other Contracts—to company
18d	Contracts from Company
19	Trade Association
20	Pension and Profit Sharing—current
21	Personnel Forms
22	Labor Agreements—current
23	Labor cases[ii]

Personal Injury

Subfile Number	*Name of Subfile*
<u>Investigation</u>	
1	Witnesses/Investigative Reports
2	Police Reports/Police Photos
3	Defendants (Corporate)
4	Technical Research
5	Medical Research
6	Experts/Consultants
7	Demonstrative Evidence (Photos, sketches, repair estimates, maps, audio or videotapes, etc.)
<u>Damages</u>	
8	Plaintiff's Treating Physicians
9	Client's Diary/Notes from Client
10	Other Injury Claims (Workers comp, prior injury claims or suits)
11	Economic Damages (Medical bills, funeral expenses)
12	Lost Wages/Tax Returns/Personnel Records
<u>Damages--Miscellaneous</u>	
13a	Plaintiff's Insurance (UIM/PIP/Health)
13b	Liens (Health, PIP, Hospital, Physician, Comp, AFS, Medicare)
13c	Authorizations
13d	Settlement/Mediation
13e	Litigation Expenses
<u>Pleadings</u>	
14a	Pleadings (Trial notices and all pleadings, including discovery)
14b	Legal Research
15	Produced to Plaintiff (All documents produced to plaintiff and defendant's response to plaintiff's request(s) for production; copies of relevant documents should be cross-filed in appropriate places, e.g., medical records to subfile 8, personnel records to subfile 12.)
16a	Defendant's Discovery (separate defendants) (Includes defendant's requests and plaintiff's responses. Correspondence that constitutes a request or reply to discovery should be copied and cross-filed to the appropriate discovery subfile; original correspondence should be placed in the main client file.)
16b	Produced to Defendant (Make a working copy of defendant's request, bind all documents produced in response, file here.)

Trial

17	Pretrial (Motions in Limine, witness list, trial schedule)
18	Trial Memo and Evidentiary Memos
19	Voir Dire
20	Exhibits
21	Opening Statement
22	Lay Witnesses/Liability and Damage
23	Plaintiff's Expert Witnesses
24	Offers of Proof
25	Defendant's Case-in-Chief
26	Motions for Directed Verdict
27	Closing
28	Rebuttal
29	Jury Instructions and Verdict[iii]

Domestic Relations

This sample system uses a combination of file folders, three-ring binders and expandable file pockets. The file folders are made of durable pressboard and come with two interior dividers, providing a total of 6 filing tabs within the folder to file documents.[iv]

File Folder Contents

File Folder Tab	*Contents*
1	Pleading Index[v] Tabs Pleadings
2	Correspondence (Including fax transmittals and confirmations)
3	Reports (Custody reports, reports from physicians, etc.)
4	Depositions[vi]
5	Client's Notes (Any material received from the client)
6	Attorney's Notes (Notes generated by firm attorneys or staff)

Color-coded three-ring notebooks are used to manage discovery and trial exhibits. Discovery documents are filed in two binders, one for the petitioner, and one for the respondent. A discovery index in each binder tracks documents received, documents produced, and the date of production.[vii] Expanded file pockets are used for bulky items.

Trial exhibits are organized in similar fashion. An exhibit index tracks the items offered and admitted into evidence.[viii]

To successfully implement a framework for your subfiles, create a master subfile index. To ensure that folders are always organized in the proper order for each file, assign subfile numbers to each of your subfile names, as in the above examples.

Pulling the Whole Package Together

In addition to the above, effective file management also involves establishing and following file opening and file closing procedures and using tools such as client intake forms, fee agreements, engagement, nonengagement and disengagement letters, and a file closing checklist. Many sample forms, letters, and checklists are available at no charge from the Professional Liability Fund, www.osbplf.org. We also encourage practitioners from all firms—small or large—who have office system questions to contact our practice management team. Office and phone consultations are free and confidential. For more information about the PLF's practice management program, contact the PLF at 503-639-6911 or 800-452-1639.

The author is a lawyer and practice management advisor with the Professional Liability Fund.

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[i] The Association for Information Management Professionals (ARMA International) is a tremendous resource for those interested in the latest in record management information and technology. 4200 Somerset Drive, Suite 215, Prairie Village, Kansas 66208. (913) 341-0339. Publications available to non-members include: *Alphabetic Filing Rules, Filing Procedures—A Guideline,* and *Numeric Filing—A Guideline*. From the home page, www.arma.org, click on Publications and follow the links to ARMA Bookstore, Non-Members Store, then to Filing Basics.

[ii] *How to Manage Your Law Office*, Altman Weil, § 10.03, pp. 10-26, 10-27 (Matthew Bender & Co., Inc. Rel. 22-7/95 Pub. 356.)

[iii] Personal injury subfile structure adapted courtesy of Linda J. Rudnick, Esq., Beaverton, Oregon.

[iv] Domestic relations file structure supplied courtesy of Beth Mason & Associates, Beaverton, Oregon, with special thanks to James Jensen. The pressboard file folders described in the article are available from Oxford (Oxford Classifolders, number 1257) or Smead (Smead UPC 14075-C402-5A-2D).

[v] The pleading index is a word processing document with four columns: Number (the chronological number assigned to each pleading document as it is received); Party (the name of the party who generated the pleading); Pleading (title of the pleading); and Date. All pleadings are assigned a number, filed behind an 8.5 x 11 divider sheet with the appropriate numbered tab, and added to the index. The tab sets are from Kleer-Fax and come in sets of 25. (Kleer-Fax #8000 series, stock number 81170.) The index is best set up in a table.

[vi] Deposition transcripts are stored in a manila envelope which is hole punched to fit in the file. This portion of the file may also contain Requests for Production.

[vii] All discovery documents are tabbed, assigned a number, filed by number, and added to the index. Because binders are used to organize discovery, the Kleer-Fax tab sets are three-hole punched.

[viii] The exhibit index is a word processing document with five columns: Petitioner, Respondent, Description, Offered, Admitted. This allows the attorney to track each exhibit as it is offered and to note whether it is admitted. The Petitioner and Respondent columns are used to note the exhibit numbers (1-100 for the petitioner, 101 and up for the respondent.) As with the pleading index, the exhibit index is best set up as a table.

This article originally appeared in the OSB Bulletin June 2000; updated April 2007.

MEMO OF CONVERSATION

CLIENT NAME/MATTER: ______________________________

PHONE CALL TO/FROM: ______________________________

DATE: ______________________ TIME: ______________

RE: ______________________________

I SAID:	**THEY SAID:**

MEMO OF CONVERSATION

IMPORTANT NOTICES