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The Appellate Road Warrior

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I. INTRODUCTION

Think about what Texas appellate practice was like a decade ago. Courts required paper filings, and filing fees were paid by check. Appellate records existed only in paper form. Briefs had to be completed in time for the right number of copies to be made and either hand-delivered or dropped in the mail to ensure timely filing and service. Making an after-hours post-office run to ensure the “mailbox rule” was satisfied was not unusual. Accomplishing work while traveling generally meant lugging around paper files and a laptop and relying on a slow and unreliable internet connection.

Fast forward to 2018. Our courts have gone digital in nearly all respects. A large, multi-volume appellate record is reduced to a searchable PDF file. eFileTexas.gov allows us to timely file and serve briefs until 11:59 p.m. on the due date. High-speed internet has become widespread, and the devices through which we access digital information have become increasingly sophisticated and powerful.

Except for the occasional oral argument or other court appearance, a modern-day appellate lawyer should be able to work productively from anywhere in the world. This paper overviews some of the hardware, software, and best practices that will allow you to serve clients safely, securely, and efficiently from wherever you are.

II. PREPARING FOR MOBILE LAWYERING

Effective mobile lawyering requires some up-front preparation. The hardware you’ll take with you is a threshold consideration. Before going on the road, you also must consider the information to which you’ll need access. For most of us, this includes client files, our usual word-processing program, research tools, and timekeeping and billing software.

A. Basic Hardware

A laptop, tablet, and smartphone are the key tools for practicing remotely. The hardware needed to practice from the road depends to some degree on the depth of the work you’ll be doing.

If you intend to prepare a full-on brief, a laptop with all of your standard software will probably be necessary. Laptops are so powerful these days and external monitors are so common that there’s really no reason to have a desktop computer in the office any more. Hauling your everyday computer around with you will increase your ease of use and comfort level. We realize, though, that some may not want to make that commitment.

Tablets are more convenient to carry around than laptops. They are suitable for reading emails and PDFs, internet research, and relatively light document drafting or revision. The iOS and Android versions of the most popular word processing programs continue to improve, however, so more substantive legal work may be accomplished on a tablet than ever before. Tablets are the sweet spot for appellate road warriors who want to do some work but don't want to drag their laptops with them while traveling.

A smartphone is obviously the most convenient device to take with you and requires little advance preparation to make productive. From the road, you can easily monitor email, make and receive calls, surf the internet, and read certain documents. But unless your eyes are sharp and you are an excellent thumb typist, a smartphone is not the best device on which to do much substantive drafting or revision.

B. Other Key Tools

Several tools beyond a laptop, tablet, and smartphone will help you work successfully from the road. Consider picking up these items before you take off.

1. Backpack/Briefcase

If you're transporting your laptop and other devices, it's best to have a good carrying case. If most of your traveling is local trips to courthouses and conference rooms, then a nice briefcase is probably best.

But if you're traveling by plane, you'll want something that is rugged and fits easily under a seat or in the overhead compartment. And it should have enough capacity to store all of the accessories you'll need.

2. Headphones

If you will work in noisy environments such as in coffee shops or on airplanes, you'll appreciate having a nice pair of headphones. The best ones to get are the noise-cancelling kind.

Noise-cancelling headphones don't eliminate all external sound, but rather minimize external sound. They are best at minimizing regular kinds of sound such as the hum of jet engines or the background conversational noise in a coffee shop.

Dramatically reducing external noise makes it easier to concentrate when you're working in a public place.

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