Billing Practices

Conrad Client hires Attorney Abigail. Her engagement letters says she will bill the client "$100 an hour for legal services", and she will charge him "for reasonable expenses incurred in the course of the legal services."

What billing issues do you see in the following fact patterns? What guidance or answer does Rule 1.5 (and the Comments) give? See Advisory Opinion 93-379 (page 114) and 00-420 (page 102). Does the lawyer have discretion? What additional information would be helpful? Do any of these billing practices trouble you?

1) Attorney works on Conrad's matter from 10:00 to 11:00 a.m. During the hour she wanders down the hall for 10 minutes to have a cup of coffee, visit with a colleague about a child, and other personal matters.

2) During the afternoon she takes a 3 minute phone call from Conrad.

3) Her law clerk reports that, as instructed by Abigail, he did legal research, but could find no definitive answer to the issue. He did 5 hours of legitimate work, and the law firm paid him $10 an hour.

4) Her law clerk researched, prepared and drafted a Rule 56 summary judgment motion. It took 10 hours of work for the law clerk. Finding it was an excellent motion, Abigail signed it and filed it with the court.

5) Conrad's business is involved in a tangential way in a matter coming before the Insurance Commissioner in Little Rock. The hearing is scheduled for 11:00 a.m. and will probably last 30 minutes. Conrad thinks that Abigail should probably go to look out for his interests.

6) Abigail needs to attend a deposition for Conrad in Chicago. She can take a 5:00 pm. Flight Monday evening; attend the deposition Tuesday morning; and arrive back home at 4:00 p.m. Tuesday.

7) Abigail hires a graphic designer and a printer to prepare exhibits for trial. The cost is $500.

8) Abigail hires an expert witness to consult on the matter. The fee of the consultant (who will not testify at trial) is $1500.

9) Abigail is in her office all day Saturday preparing for trial. She orders lunch delivered to her office at a cost of $16.00.

10) The law firm bills Conrad: $28 for copying expenses; $135 for extra secretarial work;

$200 for Lexis expenses; $75 for books purchased for the law firm library; $30 in long distance phone calls; and $10 to deliver papers to another law firm in town.

11) Abigail sends him a bill in the mail: “6 hours traveling to Fort Smith to meet with a potential witness.” In reality she traveled to Fort Smith, delivered some papers, and returned in 3 hours.

12) Conclusion: what factors would you employ in resolving questionable or uncertain billing issues?

A)
B)
C)
D)
E)
F)
G)

2009/1