Contents

About the Authors vii
Acknowledgments ix

CHAPTER 1
Building the Lawyer-Client Relationship 1

Introduction 1
The Missouri Motivational Study 2
Setting the Stage 3
The First Meeting 4
Timing Fee Discussions 4
Estimating and Discussing the Fee 5
  Figure 1.1 Bill Delineating Specific Work and Accompanied by Hourly Time Statement (Conventional Style) 8
Retainers 13
  Figure 1.2 Bill Delineating Effort (Narrative Style) 14
The Fee Agreement 16
Presenting a Written Estimate 17
Billing Frequency 17

CHAPTER 2
Establishing Fees and Budgets and Using Billing Technology 19

Avoiding Fee-Schedule Mentality 20
Establishing Hourly Fees 20
Recovering Costs 21
CONTENTS

Using Substantive Systems and Forms 22
Budgeting and Establishing Rates 23
Budget the Team 24
Billing Technology 24
Changing Your Billing System 25

CHAPTER 3
Communicating Value 27

Project Effort on Paper 28
Delineate Work Done 28
Figure 3.1 Bill Delineating Effort 29
Use Blocking and Punctuation to Project Effort Visually 30
Figure 3.2 Bill Referencing Discussions to Convey Concern 31
Use Verbs to Convey Action 32
Use Smaller Billing Paper When Possible 32
Figure 3.3 Bill Using Blocking and Punctuation to Project Effort 33
Figure 3.4 Bill Using Frequent Action Verbs 34
Project Honesty, Legal Ethics, and Competence 36
Figure 3.5 Bill Projecting Values and Competence, Printed on
$5/8-by-$5 1/2-Inch Stationery 37
Project Fairness 37
Format the Bill Appropriately 38
Draft an Inviting Statement 39
Personalize the Bill 41
Figure 3.6 Personalized Bill: Sample 1 41
Figure 3.7 Personalized Bill: Sample 2 42

CHAPTER 4
Employing Other Techniques That Project Effort 43

Copy the Client on All Key Matters 43
Give the Client Undivided Attention during All Meetings 44
Keep Good Records of Completed Work 45
Use a Proper Timekeeping System 45
Timekeeping in Action—The Harris Morgan Manual System 45
Using Technology for Timekeeping 46
Develop the Habit 47
Make It Easy to Pay 50

CHAPTER 5
Putting the Commandments on Drafting Bills into Action 51

A Summary of Highly Effective Techniques 52
Why Clients Return to You 54
CHAPTER 6
Alternative Fee Arrangements  57
When and Why to Consider Alternative Fee Arrangements  57
Why the Hourly Rate Bill Is Here to Stay  59

POSTSCRIPT
Miscellaneous Timekeeping and Billing Tips  63
First—Let’s Talk about Fees  63
Contemporaneous Timekeeping  64
Review Your Hourly Rates Once a Year and Determine Whether the Rates Should Change  64
When Changing Your Rates, Offer Clients the Opportunity to “Buy” Hours in Advance  65
Consider Whether You Should Charge for Internal Expenses and How  65
Determine If the Types of Work You Do Justify Multiple Hourly Rates  65
Data-Mine Your Files and Bills to Identify Types of Matters That Are Candidates for Alternative Billing Methods  66
Give a Client Choices  66
Look at Substantive Systems and Use Alternative Fees  66
Retainer Policies  67
Consider Evergreen Retainers  67
Written Fee Agreements for Each Engagement—Even for Existing Clients  68
Send Your Client a File for Each Matter  68

Appendices
Appendix A: Ethics and Fees  69
Appendix B: Alternative Fee Arrangements  77
Appendix C: Forms  85
Appendix D: Resources  91

Index  93