



Externship Programs
Kendrick Hall, Room 235
Tel. 415-422-4467
Fax. 415-422-4470
externships@usfca.edu

TIMEKEEPING AND BILLING PRACTICES

Introduction

One important skill often overlooked in a law school education is how to prepare an acceptable timesheet. Even after law school, many new attorneys acquire this skill only after being approached by a supervisor to discuss an insufficient or inadequate draft billing statement. Being able to skillfully present your performance on paper to a client, attorney supervisor, or to a judge, has a direct impact on your relationship to that person. Can you describe your work in a way that the client will not mind paying that high bill, month after month, on the same matter? If you are working on a contingency or statutory fee case, will your billing statements convince a judge that you deserve your attorney fees? Corporations, government offices, and nonprofits, which do not have billable-hours requirements, rely on accurate time reports to prepare their management reports, build budgets, and justify additional funds and personnel. Consider the following before you submit your timesheet—is it defensible?

Students enrolled in externships must submit timesheets to demonstrate that they are completing the required fieldwork hours. Beyond this purpose, we will use these timesheets as opportunities for you to practice your skills in preparing high-quality billing statements. In addition, your timesheets will show your attorney supervisor or judge what you have been working on, how long that took, and if you understood the “big picture” of the assignment in relation to the entire case or matter.

I have enclosed some guidelines below to help you prepare your timesheets.¹ For the sake of simplicity, they are described with a law firm client in mind; however, these guidelines should apply well to work performed for a nonprofit, district attorney or public defender office, other government agency, or a court. Time entry descriptions are discussed herein; model timesheets and examples of “do’s and do not’s” are attached at the end.

General Guidelines re Accounting for Time

- 1) **On your timesheet, please account for the entire time you are in the office (except for non-working lunch periods), not just when you are working on specific matters.** Include the “dead” time when you are waiting for the next assignment, or attending programs/networking luncheons, or completing administrative tasks for your office. Time spent on administrative tasks should not be significant.
- 2) Time spent attending the Orientation or a meeting with me, or completing weekly timesheets, does not count toward fieldwork hours.
- 3) Time spent meeting with your attorney supervisor in preparing your response to Practice Reflections may count toward fieldwork hours.

¹ These guidelines are a modification of those provided by Hanson Bridgett LLP.



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Submission and Format of Timesheets

All entries on timesheets except for signatures must be typed, as handwritten timesheets will not be accepted. Timesheets must be submitted on a weekly basis, by the Wednesday following each work week. (See Syllabus and TWEN calendar for deadlines.) *Students who regularly submit timesheets late risk receiving a CR-Unsatisfactory grade.*

Timesheets containing insufficient descriptions may be returned to the student and the hours will not be counted until revised timesheets are submitted and approved. This is not to make your life unnecessarily difficult, but to instill a skill that you are unlikely to receive training for before practicing law. You probably will change jobs several times after school, and even though instruction is not always provided, this is one skill that many employers will assume you know how to do instinctively. Below are some pointers to help you prepare acceptable timesheets now and after school.

What is the Purpose of a Timesheet?

A timesheet is not necessarily a simple chronology of what you did during the day. It is a draft bill to a client for services rendered. When you record your timesheet entry for the work you are performing, think about your client and what the client views as important. Consider how the work you are doing relates to the client's case or project as a whole. Try to characterize what you are doing in a manner that suggests its importance to the client's case or transaction in a manner that the client will recognize and appreciate. Your goal is to characterize your time to motivate the client to be grateful for the work you are doing and want to pay the bill.

Think Like Your Client

What work on the case will your client want to pay for? What things will the client not want to pay for? In litigation, clients expect to pay for court appearances, the taking and defending of depositions, preparing motions, meeting with witnesses, conducting investigation and analyzing the claims on either side. Clients usually like to pay for settlement negotiations because they expect most cases to settle. Clients do not mind paying for meetings and conferences with themselves, particularly when you are obtaining information to represent them. In transactional matters, clients expect to pay for consultation on deal points, advice on the law and negotiations; they sometimes do not want to pay for travel time.

Clients rarely want to pay for "staff conferences," "office meetings," "attorney meetings," telephone conferences, travel time and situations where more than one attorney or paralegal is attending and is doing the same thing. All clients fear that attorneys take too long, perform unnecessary tasks, and engage in redundancies and duplication of effort. Most clients believe that most attorneys have a tendency to wander from the main point to trivial technicalities, which are costly but make no difference on the outcome of the case or transaction. Most clients don't appreciate attorneys or paralegals drafting, redrafting, reviewing and revising, analyzing, further revising and finalizing. If a client wants to write a business letter, the client simply writes a business letter and signs it. That client will not want to pay his/her attorney to "draft correspondence, review and revise letter, make further revisions, approve and execute letter," particularly when the subject seems to the client to be simple and direct. Clients expect "drafting" and revisions only when an important agreement is needed that is expected to go through more than one draft because of the input of others.



Understand Your Client’s Specific Billing Requirements

Many clients have developed specific requirements as to format and content of billing entries. For example, some institutional clients require separate attribution of time for each task within a day. Before you commence time entries, confirm with the billing attorney whether the client has any particular “do’s” or “don’ts” and follow them. This memo will address suggestions for a client with no specific requirements but who is attentive and concerned about the tasks to be accomplished and the cost of legal services.

Tips on Preparing a Timesheet

1. Understand the Big Picture. Describe what you do without trivializing the task. Try to relate the task on today’s timesheet with the flow of work performed yesterday and last week as well as what can be expected tomorrow and next week. Relate what you do to the big picture of why the client hired you, i.e., tie what you do to a part of the assignment which the client will want to pay you for.

New attorneys in particular should remember that they are working for a client, not just for the attorney who gave the immediate assignment. Thus, “Obtain documents for attorney” is not a good entry; better to say, “Obtain client documents for use in discovery” or “Review and summarize documents produced by opposing counsel for evaluation of claim [x].”

2. Choose words that suggest active participation and not observation. Try to use active and powerful words rather than passive ones. For example, “court appearance for hearing on motion for summary judgment” sounds more important and positive than “attend summary judgment hearing.”² The latter makes you sound like a spectator rather than an advocate for your client’s case.

If the court or deposition is some distance from the office, it is better to say “Court appearance for hearing on motion to compel in San Jose” as opposed to “Travel to San Jose. Attend court hearing. Return to office.” If you travel to opposing counsel’s office to negotiate an agreement, say: “Meet with seller’s counsel in Palo Alto to negotiate asset purchase agreement.” The point is not to emphasize the travel; rather, emphasize the important task for which the travel was necessary.

In business, it is more powerful to “Meet with seller and counsel to negotiate terms of option” than to “Discuss option with L. Brown and S. Jones.”

3. Clients are not big fans of paying for staff/lawyer meetings or conference calls. Try to keep to a minimum including entries such as “staff conference,” “office conference,” “attorney meeting” or “conference with Partner X” to describe office conferences. Rather, you should focus on the subject of the conference and characterize what you did as it relates to the task at hand. For example, “Analyze bankruptcy implications of settlement agreement” is better than “staff conference regarding bankruptcy questions.”

² Note: As law students, you are encouraged to observe as many courtroom or transaction experiences as possible, so some of your timesheet entries necessarily will include descriptions of passive activities.



Further examples of how to better characterize conference calls or meetings:

Don't say "Telephone conference with [Client/Witness]." Rather say "Conference with [Client/Witness] regarding preparation for his deposition." The point is to emphasize what the communication is about, which is presumably helpful and important to the client, not your ability to use the telephone.

If the meeting is in person, always say "Meeting with [Client/Witness] to prepare for his deposition." If the meeting is outside our office, state where it is. If a deposition is in the office of opposing counsel, say that as opposed to giving other attorneys free publicity by naming the office. A "meeting" (in person) is usually more significant than a "conference" (verbal exchange, usually on the phone) because clients expect things to happen at meetings. Give them appropriate significance in your time entries.

4. Do not use the names of opposing counsel. Characterize outside counsel as counsel for co-defendant bank, opposing counsel, plaintiff's counsel, defendant's/defense counsel or some other generic description. Rarely does your client know the other attorneys outside the firm, and there is no need for the client to become familiar with them. As to other attorneys in our firm, it is usually better to say "Consult with tax counsel" or "Analyze issues with employment counsel" rather than naming names. Some clients, however, know the other firm attorneys well and expect them to be involved on the assignment. You should be guided by how familiar the client is with its other attorneys or paralegals in the firm and whether the client expects others to work on the matter.

5. It is appropriate to name witnesses and your client by name. Your client likes to be called by name, and be sure the name is spelled correctly. Use "Mr. Anderson" as opposed to "Anderson" or "Steve."

(NOTE: Keep this guideline in mind for when you practice law. Right now, I do not and should not need to know your client names, so please refer them as "the Client", "Defense Witness", "Economics Consultant", etc.)

6. Avoid abbreviations, use of initials for names and the "want ad" style of recording entries. For example, use "Meet with [Client] to review deal points and develop negotiating strategy" not "Client conf. T. Smith re: agreement." If more than one client or participant has the same last name, use the full first names, e.g., "Meet with Raymond and Sarah Smith to analyze lease proposal."

Your Bill Will Be Read Carefully

Many attorneys make the mistake of thinking of timesheet entries and bills as an unpleasant but necessary chore in the practice of law. True, but think differently. Think of the bill as your single most important act of client relations and business promotion. Many clients who do not find the time to read the opinion letters, contracts or motions you prepare for them, do carefully read every bill you send. The bill is, therefore, one of your most important and regular communications with the client. As such, it can greatly influence the client's impression of you and your office.

A sloppy, erroneous or cryptic bill can go a long way to undermine the confidence a client develops from excellent work and prompt service. The promptly returned phone call and great result in negotiation is soon forgotten; the bill arrives in the cold gray of dawn, long after the work it represents is performed. Inevitably, it will be more than the client expects, even though the amount is well justified. Your mission is to depict what was done in a confident and convincing manner so as to persuade the client that the work was well justified, contributed to the client's welfare and should be promptly rewarded with payment.



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The wording should be clear, concise and concrete, suggesting the importance of what was done and relating each entry to the overall goal of the representation. The client wants to believe that what we are doing is somehow related to why the client hired us and is consistent with the client's business or litigation objectives. The billing attorney must often edit the wording of entries so that they flow together as a strong message in support of payment. The objective of good time entries is to minimize or eliminate the need for such editing.

Present a Dignified Bill

Abraham Lincoln once said that "a lawyer's time is his stock in trade." He understood that a good lawyer doing good work should not be ashamed to bill for it. You try to give your clients excellent service and a fine work product, and you should not be shy or defensive about charging the clients appropriately for the services provided. Do so, however, in a manner that presents the bill in a dignified and professional form. This does not happen naturally; it takes work.

Think Before You Enter Time. Do It Daily.

Part of being a good lawyer is taking the time and thought to express daily time entries in a professional and persuasive manner. Associates will win high marks from partners with time entries which do not require editing before sending the bill. Billing attorneys will gain respect from their clients for demonstrating the value of the work they perform in the statement seeking payment. If the client reads nothing else you send him, he will read your bill. Make sure it starts with good entries, entered daily. All attorneys should avoid postponing completion of timesheets in order to avoid losing time or minimizing time actually spent. **The longer the lag in completing the timesheet, the greater the risk of forgetting what was done and how it benefited the client. Try to submit your entries within one or two days of the work being performed,** and be sure the client is billed promptly so that he or she remembers the work for which the bill is sent. Remember to send the client the work product, if the work should be sent, before the bill is sent for that work.



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SAMPLE TIME ENTRIES

Business Law Activities

<u>DON'T</u>	<u>DO</u>
September 27: Memorandum to Client.	September 27: Prepare memorandum to Client regarding issues in purchase documents.
October 2: Telephone call from Client.	October 2: Conference with Client regarding evaluation of seller issues raised by purchase documents.
October 5: Telephone call to S. Brown.	October 5: Conference with seller's counsel to negotiate issues in purchase agreement.
October 11: Meet with staff.	October 11: Consult with employment counsel on labor implications of proposed purchase and concerns regarding Union correspondence.



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Litigation Activities

<u>DON'T</u>	<u>DO</u>
April 2: Receipt and review letter from Henry Smith.	April 2: Review correspondence from opposing counsel regarding proposed arbitration.
April 3: Staff conference regarding discovery.	April 3: Consult regarding documents to be produced and withheld based on attorney-client privilege.
April 4: Travel to court. Attend hearing. Return travel. Listen to radio in car.	April 4: Court appearance in Stockton to argue our motion to compel production of documents.
April 15: Conference with Third Party Administrator Witness. Attend deposition of same. Return to office.	April 15: Meet with Third Party Administrator Witness to prepare for her deposition and review documents regarding same. Defend her deposition at offices of opposing counsel in San Jose, CA.

CIVIL EXTERNSHIP TIMESHEET

University of San Francisco School of Law

EXTERNSHIP WEEKLY TIMESHEET

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Student: Julia Reed Semester/Year: Spring 2014

Agency/Judge: Green, Carlos & Resnick LLP Week of [Month/Date]: 1/6/14

* Record your time in quarter hour increments (e.g. 2.0, 2.25, 2.5, 2.75 hours).

DATE	Hours*	Activities/Tasks
1/6	2.75	Review client offer letter and research equity agreement option in anticipation of preparing client agreement.
	Hours	Activities/Tasks
1/6	.25 3.00	Conference with C. Resnick re: research results. Email client for clarification of company status in order to refine research.
	Hours	Activities/Tasks
1/6	1.00	Research alternative methods of profit sharing.
	Hours	Activities/Tasks
1/7	.5	Prepare for and attend teleconference with client and supervising attorney re: method for evaluation of client’s performance, benefits of a profit-sharing arrangement over equity in the partnership, and how to prepare a profit-sharing agreement.
	Hours	Activities/Tasks
1/7	2.75	Review client file, demand letter, and mediation brief at co-counsel’s office in anticipation of preparing demand letter for two additional plaintiffs.
	Hours	Activities/Tasks
1/7	1.75	[non-billable—provided for purpose of showing all hours worked] misc. admin.
Total Hours*	12	

I certify that this timesheet is a true statement of the hours worked by this student and that the work assigned has been performed in a satisfactory manner.

Judge or Supervising Attorney

Date

Student

Date

CRIMINAL EXTERNSHIP TIMESHEET

EXTERNSHIP WEEKLY TIMESHEET

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Student: Caitlin Fish Semester/Year: Spring 2014

Agency/Judge: SFDA Week of [Month/Date]: 2/3/14

* Record your time in quarter hour increments (e.g. 2.0, 2.25, 2.5, 2.75 hours).

DATE	Hours*	Activities/Tasks
2/3	4.0	Review case file and preliminary hearing transcripts. Consult with supervisor re: potential weaknesses of identification of defendant.
	Hours	Activities/Tasks
	1.0	Review "Omnibus Motion in Limine and Points and Authorities."
	Hours	Activities/Tasks
2/3	2.5	Research re: requirements of section 186.22(b)(1) gang enhancement including relevant burdens of proof for prosecution.
	Hours	Activities/Tasks
	3.0	Key-cite People v. Martinez and research all cases citing to it.
	Hours	Activities/Tasks
2/4	4.0	Observe DUI trial voir dire.
	Hours	Activities/Tasks
	1.25	Research re: heat of passion homicide according to case law cited in "Omnibus Motion in Limine and Points and Authorities."
	Hours	Activities/Tasks
	1.75	Draft memo re: relevancy of evidence regarding third party culpability.
Total Hours*	17.5	

I certify that this timesheet is a true statement of the hours worked by this student and that the work assigned has been performed in a satisfactory manner.

Judge or Supervising Attorney

Date

Student

Date

JUDICIAL EXTERNSHIP TIMESHEET

EXTERNSHIP WEEKLY TIMESHEET

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Student: Anya Zaheer Semester/Year: Spring 2014

Agency/Judge: Judge Jana Scott Contreras _____ Week of [Month/Date]: 3/3/14

* Record your time in quarter hour increments (e.g. 2.0, 2.25, 2.5, 2.75 hours).

DATE	Hours*	Activities/Tasks
3/3	7.5	Observe patent & copyright infringement trial. Take notes and discuss with Judge Contreras. Conference with supervising law clerk re: Anti-SLAPP Motion bench memo.
	.5	
	Hours	Activities/Tasks
3/4	3.75	Research re: Anti-SLAPP Motion. Lunch with Judge Contreras and law clerks. Prepare bench memo re: Anti-SLAPP Motion.
	.75	
	3.5	
	Hours	Activities/Tasks
3/5	7.75	Prepare bench memo re: Anti-SLAPP Motion. [non-billable—provided for purpose of showing all hours worked] misc. admin
	.25	
	Hours	Activities/Tasks
3/6	8	Observe patent & copyright infringement trial. Take notes and discuss with Judge Contreras.
	Hours	Activities/Tasks
3/7	.75	Conference with Judge Contreras re: Anti-SLAPP Motion bench memo edits. Revise Anti-SLAPP Motion bench memo. Draft Trademark Order.
	5	
	2.25	
Total Hours*	40	

I certify that this timesheet is a true statement of the hours worked by this student and that the work assigned has been performed in a satisfactory manner.

Judge or Supervising Attorney

Date

Student

Date