

2022 National Legal Research Teach-In Kit

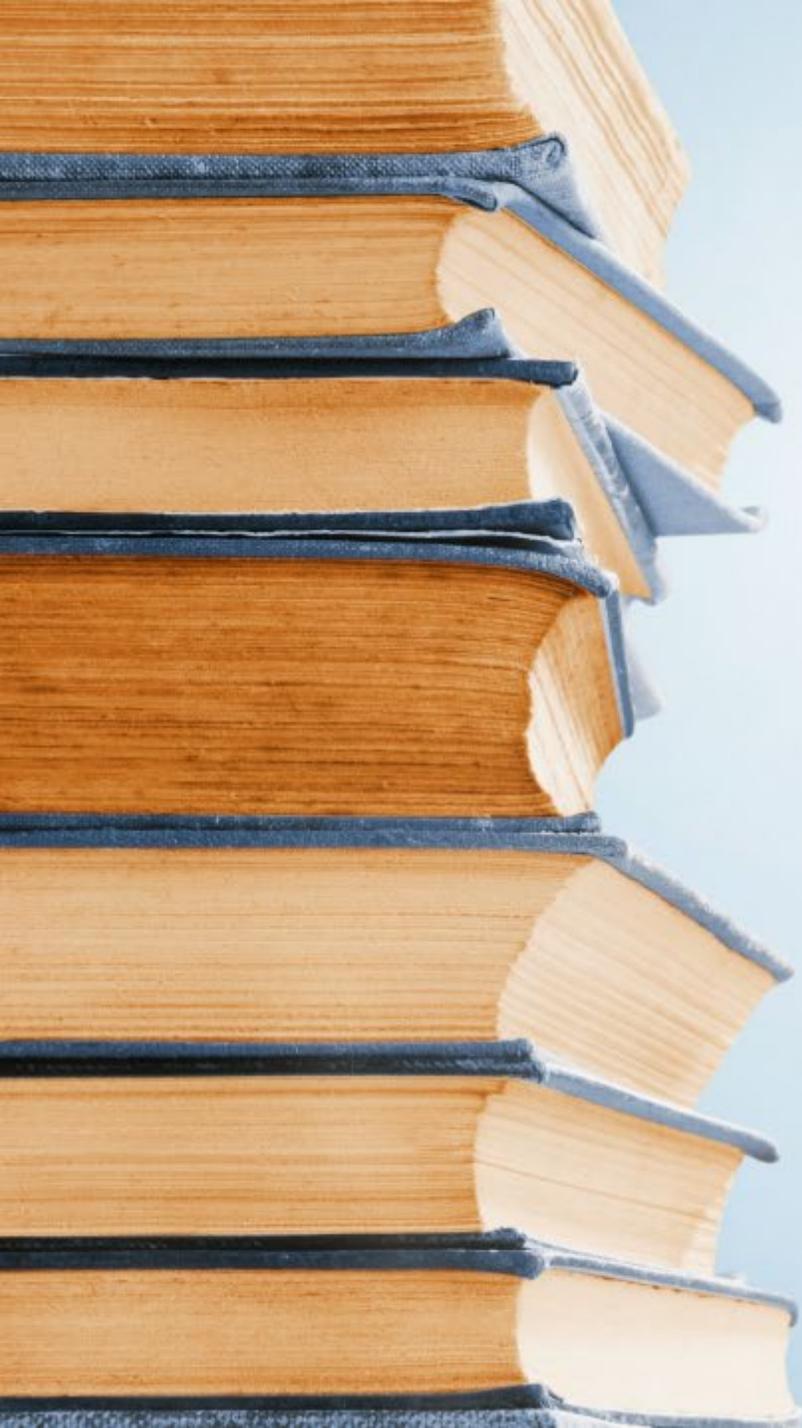
Research Instruction & Patron Services Special Interest Section
American Association of Law Libraries

Research Memo and Billing Capstone Project

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This is a two-component research memorandum and billing assignment prepared as the capstone project for the Research section of a 2-semester, 3-credit Legal Writing, Research, and Analysis (LRAW) course for first-year law students. Materials included are the class presentation PowerPoint slides, time billing chart, reading assignment, sample legal services invoices, and sample rubric. The Research Memo component requires students to draft a research memorandum (500-word limit and 4-hour time limit) documenting their research strategy, analyzing, and applying the law to their factual scenario, all within specific time and word limits. The second component requires the students to engage in a practical skill exercise and prepare a legal services invoice for their client documenting their research time, sources used, and fee charged. Instructors can evaluate the students' research strategy practiced over two semesters and the grading rubrics serve as assessment tools to grade the research memo and legal services invoice.



Legal Research, Analysis, & Writing 2 Spring 2022

Week 12: Billing

Time Frame

- Partners, associates, paralegals, litigation support staff and other timekeepers bill their time in six, ten, or fifteen-minute increments, depending on firm policy and client directives

Our Billing structure

- One hour “on the clock” breaks down into 10 six-minute billing increments, making the shortest time possible to perform and bill for a task six minutes.
- If a lawyer spent three minutes reading and responding to e-mail correspondence, the lawyer would bill a 0.10-hour increment for that task (their most modest option available), and would thereby add three minutes they did not actually “work” to their billable hours, and of course, the client’s tab.
- Other expenses can be billed to the client, e.g., Westlaw or Lexis charges, court filing fees, courier fees, or other administrative costs.

Chart for Billing in Tenths

0.1	1-6 minutes
0.2	7-12 minutes
0.3	13-18 minutes
0.4	19-24 minutes
0.5	25-30 minutes
0.6	31-36 minutes
0.7	37-42 minutes
0.8	43-48 minutes
0.9	49-54 minutes
1.0	55-60 minutes

No Bill /No Money

- If you fail to bill your time, the firm cannot invoice the client and the firm does not get paid. Thus, timekeeping is a function vital to law firm success.
- you must make enough money from your billable hours not only to cover your salary and your overhead, but also to generate revenue for the firm.

Cost Aware Clients

- As legal fees increase, clients have become more cost-conscious and tech-savvy. Consequently, clients are examining legal bills more closely and employing a variety of database applications to electronically sort and analyze billing data.

They May Refuse to Pay

- A growing trend toward e-billing (electronic invoices) has subjected legal invoices to increased scrutiny, negotiation, and dispute.

Best Practices

- A growing trend toward e-billing (electronic invoices) has subjected legal invoices to increased scrutiny, negotiation, and dispute.
 - It is important that the description of your efforts contain sufficient detail to allow the reviewer to gauge the nature and merit of the task.
 - A task description that is too long and wordy increases ambiguity and dilutes comprehension.
 - Instead of “document review,” a better description is “Review of plaintiff's second set of interrogatories.”

Avoid Block Billing

- Block billing is the practice of listing a group of tasks in a block summary under a single time entry. For example: “Draft interrogatory requests; telephone conference with Dr. Brown re: expert report; summarize deposition of Mr. Smith; review and revise correspondence to opposing counsel. 7.3 hours.”
- separately itemize each independent activity and its corresponding time.

Record Time Promptly

- Recording your time immediately after you complete a task is the best way to ensure accuracy
- Do not pad time (inflating actual time spent on a task to fill in gaps of unaccounted-for time).
- Some timekeepers dictate each task immediately after they've performed it and have it transcribed at the end of the day. Others find it easier to keep a time notebook, recording each task by hand and then entering it at the end of the day, week or billing period.

Remember Your Audience

- Like any document you prepare for another's review, it is important to keep your audience in mind when recording time entries.
- an invoice is processed by a number of individuals at various levels inside and outside the company including legal professionals, accountants with the client corporation and third-party auditors
- In recording your time, it is best to avoid abbreviations, slang, and complex jargon.

Client Billing policies

- These billing policies may set forth staffing limitations, budgetary guidelines, disbursement policies and specific timekeeping guidelines. By becoming cognizant of the ground rules at the outset, you can more responsibly account for your time and meet client expectations.

Week 12 OCE: Capstone Project

- Your final project and instructions will be released for all sections at the same time.
- All sections will have the same due date and time.

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LRAW II Research Memo Capstone Project

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This is a two-component research memorandum assignment distributed as the capstone project for the Research section of a 2-semester, 3-credit Legal Writing, Research, and Analysis (LRAW) course for first-year law students. We are also submitting the class presentation PowerPoint slides, including a time billing chart, and the reading assignment. Sample bills are included in the reading assignment for illustrative purposes and requirements may vary, depending on jurisdiction. The Research Memo component requires students to draft a research memorandum (500-word limit and 4-hour time limit) documenting their research strategy, analyzing, and applying the law to their factual scenario. The second component requires the students to prepare a legal services invoice for their client documenting their research time, sources used, and fee charged. The grading rubrics serve as assessment tools for evaluating and grading the research memo and legal services invoice.

Week 12 LRAW 2 OCE – Spring 2022 Capstone Research Project

Release: Friday, March 25, 2022, 9:00 am.

Due: Thursday, April 7, 2022; 5:00 pm.

General Instructions:

- a) **IMPORTANT:** All work is to be your individual work and completed on your own. You are reminded soliciting, receiving, or providing help to or from anyone other than a librarian, or your LRAW Fellow is an honor code violation. You may not share or provide copies of assignments or answers to any other student.
- b) Answers will require citations. If you are citing a source, your answer must include complete citations in Bluebook format.
- c) **BEFORE** the assignment due date, if you have any questions or problems locating a resource, ask Dean Brown or Professor Turkewitz, or your LRAW fellow.
- d) Be sure to answer **Parts 1** and **2** of the assignment.

Part 1 (15 pts.)

Our law firm has been retained by Mr. and Mrs. Miller to ascertain their rights and evaluate any potential case based upon the facts below.

The Senior Attorney has assigned you to write an informal, internal research memo regarding the issues identified in this problem citing to primary and secondary authorities as the authorities relate to relevant South Carolina laws and regulations. The year is 2022.

- In your informal, internal memo, include legally significant facts, conclusion(s), and recommendation(s) relating to our client's rights and accepting the case or not.
- Pay attention to Bluebook citations and readability of your work.
- Include your research strategy indicating your evaluation and choice of authorities, how you found your primary and secondary authorities, and where you found them.
- You may spend **no more than 4 hours** on this research/writing project, and it may be **no longer than 500 words**. If you go over the 500-word limit, you must explain why in your memo.

Facts

The Miller and the Smith families live next door to each other. Mr. and Mrs. Miller own a landscape company. Soon after moving into their new home in 2005, they noticed their neighbors, Mr. & Mrs. Smith, were not maintaining the approximately 200 square feet area of land that separated the Miller and the Smith homes. Beginning in week two of owning the property, the Millers began mowing the lawn weekly and performing typical residential landscaping work within the disputed area. The Millers were very popular in the neighborhood, often hosting cookouts during the summer months for the entire block. This activity resulted in people attending the Miller Cookouts using the Millers' yard and disputed area. Mr. and Mrs. Miller believe their maintenance and use of the disputed land is such that they are now owners due to adverse possession. Is this an accurate belief under South Carolina Law?

Proceed to Part 2

Part 2 (15 pts.)

In addition to your informal, internal research memo, prepare and attach your client's research bill.

NOTE: Billable time does not include bill preparation.

Billing for this assignment:

One hour "on the clock" breaks down into 10 6-minute standard billing increments; six minutes is the shortest time possible to perform a task. For example, if a lawyer spent three minutes reading and responding to e-mail correspondence, they would bill a 0.10-hour increment for that task.

For our exercise, your work is billed at **\$100 an hour**. If you use an authoritative free legal database only bill your hourly rate.

Exception: *If you use a Fee-Based Database (Westlaw, Lexis, and Bloomberg Law) include these additional fees to the bill:*

\$25.00 each time you search across all resources in the database

\$15.00 for each new use/search of a Federal Primary Law resource

\$10.00 for each new use/search of a State Primary Law resource

\$20.00 for each new use/search of secondary sources

If you go over the 4-hour researching and drafting time limit, you must include an explanation on your bill.

Evaluation Rubrics (total 30 pts.)

Part 1: Research Memo

Jurisdiction: South Carolina (-2)

Authorities used (-2)

PRIMARY

State statutes and citations

S.C. Code Ann. § 15-67-210. (Presumption of possession)

S.C. Code Ann. § 15-67-220. (Effect of occupation under written instrument.)

S.C. Code Ann. § 15-67-230. (What constitutes adverse possession under written instrument.)

Mandatory/Binding case law

Jones v. Leagan, 384 S.C. 1 (2009).

Fraizer v. Smallseed, 384 S.C. 56 (2009).

King V. Hawkins, 282 S.C. 508 (1984).

Any persuasive caselaw?

SECONDARY

Legal encyclopedia, SC Jurisprudence, citations and relevant language

8 S.C. Jur. Adverse Possession § 15

8 S.C. Jur. Adverse Possession § 4

Law review articles or periodicals? Citation and relevant language

ALRs used? Citation, and relevant language

Any other relevant secondary source(s)? Books/ebooks? Citation and relevant language

Michael G. Sullivan & Douglas S. MacGregor, *Elements of Civil Causes of Action*, § 2.A (2015).

Used Legally Significant Facts (-1)

Include Research Strategy (-2)

Include Conclusion/Recommendation (-2)

Bluebook Citations (-3)

Readability (-1)

Fails to provide Explanation if they went over word count and/or time (-2)

Word Count (-2) if over

Part 2: Billing (total 15 points)

Format (to, from date, re:) (-2)

Block billing (-2)

Not in 10, 6-minute increments (-2)

Not listing databases or website (-2)

Not adding fees for Westlaw, Lexis, Bloomberg Law (-3)

Fails to provide Explanation on bill if they went over time limit (-2)

Not listing time if they went over (-2)

Total cost missing (-2)

Reading Assignment: Billing**Course Materials:**

Allison C. Shields, *Billing 101*, 25 GPSolo 26 (2008).

Jonathan H. Choi, *In Defense of the Billable Hour: A Monitoring Theory of Law Firm Fees*, 70 S.C. L. Rev. 297 (2018).

Weblinks:

Megan E. Boyd, *Billing Tips for New Lawyers*, A.B.A Young Lawyers Div., https://www.americanbar.org/groups/young_lawyers/publications/after-the-bar/professional-life/billing-tips-for-new-lawYERS/?utm_medium=email (last visited Nov. 30, 2021).

Recommended Reading: Karen Miller-Kuwana & Lindaa Ouyang, *Analysis: Survey Grades Law Students' Preparedness for Practice*, <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-survey-grades-law-students-preparedness-for-practice> (last visited Jan. 31, 2022).

Sample Invoice #1

*In Account with***Liberty Law Corporation**

Attorneys at Law EIN 38-2123191
 145 E. 35th St.
 Seattle, Washington 98450
 Phone: (212) 291-9211 Fax: (212) 291-9221

Invoice Number: **20100003***Invoice Date:* **March 31, 2010***File Number:* **NORTHM**

To: **Mary North**
 Apartment 114 - 125 West 10th Avenue
 Seattle WA 98108

Matter: Estate of John North*Attorney:* Frank R. Galvin*Reference:* **Estate of John North**

<i>OUR FEES - In connection with the above matter</i>			
	<i>Hours</i>	<i>Rate</i>	<i>Fees</i>
Mar 14, 2010 ASC Draft letter to opposing council	.20	375.00	75.00
Mar 15, 2010 ASC Draft letters to opposing council, telephone to client	1.10	375.00	412.50
Mar 17, 2010 ASC Meet with client	.50	375.00	187.50
Mar 24, 2010 ASC Draft release letter	.50	375.00	187.50
Mar 26, 2010 ASC Correspondence with client; telephone to opposing lawyer	.20	375.00	75.00
Mar 27, 2010 ASC Revise release letter	.30	375.00	112.50
<i>Total Fees</i>			<u>1,050.00</u>
<i>DISBURSEMENTS - Incurred on your behalf</i>			
	<i>Qty</i>	<i>Each</i>	<i>Costs</i>
Mar 12, 2010 File administration fee			35.00
Mar 16, 2010 Photocopies	145	0.25	36.25
Mar 16, 2010 Faxes to counsel	4	10.00	40.00
<i>Total Disbursements</i>			<u>111.25</u>
Invoice Total:			<u>\$1,161.25</u>

Please make Check(s) payable to: "Liberty Law Corporation"

*Invoices are payable when rendered.
 Interest on outstanding accounts at
 1.5% per month, 18% per annum.*

Sample Invoice #2

Jones, Bierko, & Hill

Attorneys at Law
 1515 S. Federal Highway
 Boca Raton, FL 33434
 Phone: 5614457766 | Fax: 5613349978

INVOICE

Sky Bros
 400 Sky Place
 Altoona, PA 16601
 USA

Invoice Date: January 29, 2013
 Invoice Number: 10001
 Invoice Amount: \$750.00

Matter: Hobbs Complaint**Attorney's Fees**

1/29/2013	Breakfast meeting with Hobbs re Depo prep	C.M.B.	1.50	\$300.00
1/29/2013	Breakfast meeting with Hobbs re Depo prep	S.A.J.	1.50	\$150.00
1/29/2013	Call to discuss new evidence	S.A.J.	1.00	\$100.00
1/29/2013	Call to discuss new evidence	C.M.B.	1.00	\$200.00
SUBTOTAL:				5.00 \$750.00

Costs

SUBTOTAL: \$0.00

Matter Ledgers

8/1/2007	Balance before last invoice			\$0.00
8/1/2007	Invoice 9991			\$1,002.00
1/29/2013	Funds transferred from Trust			\$(750.00)
1/29/2013	Invoice 10001			\$750.00
SUBTOTAL:				\$1,002.00

Trust Account

1/29/2013	Previous Balance			\$4,225.00
1/1/2008	Initial Retainer Deposit			\$5,000.00
1/29/2013	Advanced fees withdrawn from Trust - Hobbs Complaint			\$(750.00)
Available in Trust:				\$8,475.00