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# Popular Threads on Solosez

## Paralegal's Billable Hours

I recently hired a paralegal. My fee retainer provides for an hourly rate for paralegal work. My question is - What can the paralegal bill the client for? Is all the time she spends on a client's matter billable to the client? Or do we have to deem some of her work non-billable?

Thanks for your responses in advance!

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Lots of firms bill for the time of support staff, not just paralegals, at varying rates. You can bill for those things that your fee agreement says that you can bill for. Here is an excerpt from one firm's fee agreement:

The hourly rates of the other services are as follows, subject to periodic adjustment: Law Clerk \$100.00 per hour Paralegal 80.00 per hour Executive Secretary 70.00 per hour Support Services 15.00 per hour

Paul Hogan

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I officially proclaim that Sunnyvale, CA rates should prevail in northern Idaho.

I will call you when I am ready to sell off my office furniture to pay the rent.

Best regards, Arthur B. Macomber

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This might help - - I had to brief the issue in an award of attorneys' fees dispute: A prevailing party can receive compensation for charges incurred through the use of legal assistants, paralegals or law clerks (hereinafter a "legal assistant") provided that the legal assistant performed tasks that would otherwise require the time of the attorney. However, before the court can consider the time expended by non-lawyers, the applicant must show that the time expended by the non-lawyer should reasonably be charged against the non-prevailing party. The applicant is required to show that a legal assistant has acquired legal training and knowledge sufficient to permit him or her to contribute substantially to the attorneys analysis and preparation of a particular legal matter. *Ahwatukee Custom Estates v. Bach*, 193 Ariz. 401, 403, 952 P.2d 106, 108 See also *Continental Townhouse East v. Brockbank*, 152 Ariz. 537, 544, 733 P.2d 1120, 1127 (App. 1986). The *Continental Townhouse* court adopted the following definition of a legal assistant:

A legal assistant is a person, qualified through education, training, or work experience, who is employed or retained by a lawyer, law office,



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governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically-delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task. Id. at 545.

Curtis Drew

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Very close, Curtis, to the definition of a Paralegal found on the National Federation of Paralegal Association's website, [www.paralegal.org](http://www.paralegal.org):

As defined by the National Federation of Paralegal Associations, a Paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.

I hope this helps.

Lyza Sandgren

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The definition I used was in the Court opinion, and I think the Court was quoting an ABA Standing Committee on Legal Assistants' policy statement from 1986.

Curtis Drew

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I too include in my Client Representation Agreement the billing rate for my experienced paralegal. The Agreement also includes language with a description of what is legal work (not including unbillable administrative work.) I do not, of course, bill for administrative efforts -- opening files, copying, answering phones -- when the paralegal does them just as I do not bill when I have to do something administrative.

Our Agreement also indicates that the bills will show a description of what is done each day, actually each entry. Typical entry for my paralegal would be - "researched use of Delaware LLC v MA LLC" or "prepared draft of interrogatories for LM to review." The time taken is shown in Time slips and a total by professional in a summary at the end. This detail results in few questions about legal bills. My paralegal is good at legal research (although in many cases, I just use the results as starting point.)

Lawrence B. Morse

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My paralegal, like me-own-self, is expected to bill for every second spent on a file. If it is decreed to be in some way inappropriate to actually

\*charge\* the client, the slip is adjusted to a "No Charge". But the time and the effort always shows on every file.

Mary L. C. Daniel

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I think the answer is "it depends."

If my legal assistant is doing paralegal-type work, such as preparing probate accounts or Medicaid applications, she gets billed. If she's doing filing or traditional secretarial-type work, she doesn't.

If I were a litigator and my paralegal drafted discovery requests, I'd bill for that.

Sasha Golden

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Thank you all so much for your very thoughtful responses. Now I know that if my paralegal works 120 hours a month, that 5 hours of billable hours is not acceptable... ;)

again, thank you all.

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