

## Litigators Who Charge at Least X for a Court Appearance

In my fee agreement, I charge at least 30 minutes for any in-person court appearance, even if it is a brief matter. I was thinking about making it longer; perhaps an hour. FYI, I handle divorce cases in California.

What do other litigators think about charging a minimum for in person court appearances?

---

If I am charging hourly for a case, I also charge for my travel time. Since you and I are essentially neighbors, neither of us can get to court in less than half an hour. So I don't have it in my fee agreement, but the minimum for a court hearing is an hour.

Jonathan Stein, California

---

Do U charge for Travel Time; & Preparation Time?

Paul G. Kostro, New Jersey

---

I charge for prep time. As for travel time, I charge if it is not my nearby courthouse.

Matthew Rosenthal, California

---

Absolutely, unless it is the county courthouse, which is about 3 blocks from me. The other counties in this area are at least 30 minutes, most are an hour drive each way

Bobby Lott, Jr., Alabama

---

I do . . .

Walter D. James III, Texas

I usually but not always bill for travel time plus time in court and return travel; possibly prep time depending on the case. If the appearance is by court call, there is no travel time. There is no need to mention a minimum; that might be misinterpreted

as the charge for every court appearance, which would be too low for most appearances.

Roger Rosen, California

---

When I litigated, I charged for travel time (to and from) and time waiting in the courtroom to be heard. I did not charge for sitting in the hallway if I got there early and the courtroom was locked. So, no need to have a minimum time for attending he hearing.

Scott I. Barer, California

---

I charge door to door. Period.

Robert "Robby" W. Hughes, Jr., Georgia

---

One critical point is that you fully disclose to your clients how you charge.

I can't now lay my hands on it, but there was an ethics opinion a few years ago (from Colorado, if I recall) about a lawyer with a high-volume practice (something like consumer debt collection or similar) whose engagement agreement stated that he charged for time spent (including travel time), in increments of 0.1 hours, with a minimum of 0.2 hours. But when he had multiple appearances on the same day (which was common for him), he would charge each client for the travel time to court, plus a minimum of 0.2 hours. For example, if the return date for several cases was at 9:00 on Tuesday morning, he would charge each client for the 30 minutes it took him to get to the courthouse from his office, for the 30 minutes it took him to return, plus the 12 minute minimum—a total of 1.2 hours. If he had 10 cases on which he went to the courthouse and got a default judgment, he could bill 12 hours (10 x 1.2) in the course of an hour or two. The opinion was that this practice was improper, and that he should have divided his hour of travel time across all of the matters he handled that day, so he could have billed 3 hours total based on his engagement agreement (1 hour total travel time, divided by 10 matters equal 6 minus or 0.1 hours for travel, plus 0.2 minimum charger per case, multiplied by 10 equals 3 hours). Oftentimes, that was still more than the actual time he spent (because his

motions for default did not generally require 12 minutes apiece), but it was consistent with his engagement agreement.

Incidentally, his argument was that if he had only a single matter that day, it would still have taken him an hour of travel time, so none of his clients was billed more than he would have charged if he had needed to go to the courthouse 10 separate times. The ethics panel did not buy the argument.

Brian H. Cole, California

---

A law school classmate was convicted and disbarred for billing 13,000 hours in a 13-month period using a minimum period system. As I remember he was billing several failing/failed banks. The invoices were funneled to a government regulatory agency who aggregated the bills and raised the issue.

A few years after this he was killed in a car crash.

This occurred in the early '90s so I may have the actual numbers wrong.

Jim Pardue, North Carolina

---

Hopefully the billing issue and the car crash weren't related.

Joseph A. DeWoskin, Kansas

---

I borrowed a friend's fee agreement 15 years ago as a guide for my own. His fee agreement then was an hour for any in court appearance, minimum.

I think it's fairly common, particularly when you consider the time you spend between getting up from your desk and having your case called in the courtroom.

Barry Kaufman, Florida

---

Door-to-door. But, I just lump it all in one time ticket: "Appear for hearing on Motion to Vacate (including travel time)". My Representation Agreement is also clear that travel time will be billed. But, I do not double bill. For example, I will reduce the travel time if I am able to bill another client for phone calls or correspondence made

on the road or while waiting for a case to be called. I just don't point it out to the client I'm waiting for. Their expectation should be to pay their attorney for all time.

Ryan Young, Virginia

---

I'm also a divorce lawyer. I charge a minimum hour for all court appearances. I don't charge for travel time (but I never have to travel far). A lot of family law attorneys in Chicago charge a higher hourly rate for court appearances and a minimum time.

Betsy Ehlen, Illinois

---

I wish Michael Boli were still around to chime in, but his advice would likely tell you to be careful and make sure you meet the reasonableness standard.

Also watch whether your local court has restrictions on certain types of charges. For example, my bankruptcy court has a long list of billing requirements and work that can't be charged for. These restrictions have been in place, with minor changes, for decades.

<https://www.canb.uscourts.gov/procedure/guidelines-compensation-and-expense-reimbursement-professional-and-trustees>

. Some highlights include minimum billing must be no greater than 0.1 and no charging for roundtrip travel of less than an hour. I have heard that our Chief Judge and Bench-Bar are taking a look at these for possible revision, including allowing us to bill for CourtCall.

Corrine Bielejeski, California

---

I have taken issue with different rates for in court vs. office work. My time you pay for is the same regardless of where I am doing the work from. Doesn't matter if I am writing at my desk, or arguing to the Court. Also, it can have a "chilling" effect on whether a client decides to proceed in a certain way, or a motivation for an unscrupulous attorney to promote in court work.

Phil A. Taylor, Massachusetts

---

I do not have a minimum cost for a court appearance. On an hourly case I charge for prep, travel, and the hearing. That is sufficient and I do not need to pad the bill with a minimum charge. I do not think it would be ethical to charge 1-hour min for in court time and travel, prep, etc.

if the hearing took 15 minutes. Yes, I have been in and out of a court that fast.

Phil A. Taylor

---