

## Billing for Text Messages

OK, yesterday, a client started texting me a lot (deciding whether to accept a settlement offer). In total I wrote out nine response texts (a few though were multiple texts), over the course of the entire day. I didn't feel comfortable though putting down a 0.9 for all those text messages, and creating a separate entry for each one. I doubt the total amount of time added to over 12 minutes so I put down 0.2 for all of them. But with emails I almost always bill out .1 for each one I send out - although I do forward emails to OC to clients without a further time entry.

So how do most of you handle that?

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I don't text, but I see no reason to treat them differently than you do emails.

Shell Bleiweiss, Illinois

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I'd treat it like an e-mail.

Sasha Golden, Massachusetts

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I expect this will be a popular response:

Bill for the full time (at .1 each or whatever your contract minimum is) and then reduce it if you think it's not fair (or the state bar won't think it's fair).

That will tell the cl that "yes, I do bill for each of these, so don't start texting me ten times a day" but won't make you lose your license.

Corrine

Corrine Bielejeski, California

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If you are looking for a tie-breaker, you may consider the value-added component. What did the text message exchange provide the client? Did it address his concern? Did he gain from your insight? What was the "value" to the client?

I have offered advice that took little time but saved the client large litigation expenses. I have also responded to repetitive client questions (basically the same question rephrased seeking their desired answer) that took too much time and provided little more than see last response. I like to consider the value of a communication during billing and make communication suggestions to the client based on effectiveness of one form versus another. For example, the scatter com person is better sending an email outline than circling the wagon for a long conversation.

I am interested in hearing others' opinions on this.

Very truly yours,

Bill

William M. Driscoll, Massachusetts

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I think you handled it just right. I think you take the total amount of time and bill that, showing "multiple texts."

Reta A Mckannan, Alabama

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I don't text however I do let my clients know my email policy which is .1 for each review and respond, or if the emails are what I call "rapid fire" where we are having a conversation over a 15 minutes period with multiple emails, I charge for the actual time spent rather than each pair of emails. I haven't had a complaint about the billing with regard to this policy.

Deborah Kaminetzky, New York

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Did these texts require thought on your part? If so it's fair to bill.

John Davidson, Pennsylvania

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What Corrine said.

Keep in mind that unless you specifically state in an engagement letter that you have a minimum billing increment you can't charge for more time than you actually spend responding.

I generally discourage texting (only a few clients have my cell). Apart from the time it takes you to respond, it really is a distraction that can keep you from focusing properly on other work. Maybe you only spent 30 seconds (or less) responding, but how long did it take you to get back into the flow of what you were doing before--especially if you got a bunch of them, each a few minutes apart?

Kevin W. Grierson, Virginia

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I don't do texting with clients, but I would treat it similar to emails. I frequently bill one entry for multiple emails and estimate the time on the conservative side. That would be for general handholding and casual responses. If I need to open the file or research anything to provide an answer, I bill for that time as well.

Duke Drouillard, Nebraska

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My retainer explains that my minimum increment is 0.1 hours.

Another problem is actually recording such time. They don't happen while I am here sitting in the office. Here I have a timer that I can use to track time and my billing program is open and then voila, I enter. Some of these texts happened while I went to Starbucks and later to lunch. I don't have that problem with phone calls because I can see how many minutes each took.

Sterling L. DeRamus, Alabama

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My service agreement set out minimums, including for phone calls and E-mails/text messages.

Of course, clients went "huh??? Just for a quick e-mail???" | nbsp; Yes. | nbsp; See, I have read the e-mail, I thought about how I would respond, I wrote the response, then I printed it out for your 3-ring binder file, transferred the e-mail to your computer client file. | nbsp; So even a one-word e-mail and a one-word response takes a certain amount of time to handle. | nbsp; This is the reason for Para X(a) in our service agreement -- which we went through when you first retained me -- and the "How You Can Save Money" section. | nbsp; Every single thing goes into the file. | nbsp; A two-word question and a yes/no answer becomes a filenote that I place in your physical file as well as your computer file, the same procedure as a 2-page Note to File after a hearing, or a Motion or Petition. | nbsp; Sometimes I combine a few short calls under one entry -- last month, for instance, we traded three very short calls in about 10 minutes. | nbsp; That was "item" billed, but three notations of phone calls.

Consider this. According to somebody who knows this stuff, when you're interrupted, you take X time to pick up the dropped thread and get back into the groove. I tacked that recovery time onto the interruptor's call by charging 0.x/hr for even the shortest call. I also would group several calls into one block, but I would give each its own line IF they were all within a short time. For instance, if I was coordinating a status hearing with OC, my client, the Guardian ad Litem, and the Court's calendaring clerk, I might have six 20-second calls among clerk, client, and me. They would be individual line items but in one time block classified PCs to schedule hearing. With a very particular and detail-oriented client who questioned a lot of line items on every statement, put each 20-second call on its own line with its own 0.1 time. Looks pissy but, ultimately, this type of control-needy client will ultimately question fewer items if s/he has more details.

C.J. Stevens, Montana

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