


Billing Practices Check for Smaller Law Firms 2013



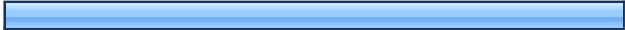
1. Are you doing this survey as (please tick)

		Response Percent	Response Count
A member of a participating law firm at your firm's request?		100.0%	11
An interested individual on your own initiative?		0.0%	0
answered question			11
skipped question			0






2. If you are completing this survey as a member of a participating law firm, please enter the code for your firm. IMPORTANT: Please ensure you enter the 6 letter code exactly as given to you by your survey manager or firm ENTER CODE HERE

	Response Count
	11
answered question	11
skipped question	0



3. What best describes the law firm where you work?

		Response Percent	Response Count
A sole practice with one practising certificate holder		0.0%	0
A sole practice with a principal and employed solicitors		0.0%	0
A partnership with two or more principals		0.0%	0
A partnership with two or more principals and employed solicitors		0.0%	0
An incorporated legal practice (ILP) with one practising certificate holder		0.0%	0
An ILP with a principal and employed solicitors		100.0%	11
An ILP with two or more principals		0.0%	0
An ILP with two or more principals and employed solicitors		0.0%	0
Other (please specify)		0.0%	0
answered question			11
skipped question			0


4. What are the main areas of practice for your firm? (Select up to 3)

		Response Percent	Response Count
Administrative law		0.0%	0
Bankruptcy and insolvency		0.0%	0
Building and construction law		90.9%	10
Commercial and company law		90.9%	10
Conveyancing		100.0%	11
Criminal law		0.0%	0
Family/de facto law		0.0%	0
General practice		0.0%	0
Immigration law		0.0%	0
Industrial and employment law		0.0%	0
Litigation		0.0%	0
Mining		0.0%	0
Personal injury and workcover		0.0%	0
Planning and environment		0.0%	0
Property law		9.1%	1
Wills, estate planning, deceased estates and trusts		9.1%	1
Other (please specify)		0.0%	0
answered question			11
skipped question			0

5. Where is your office located?

		Response Percent	Response Count
Brisbane CBD		0.0%	0
Brisbane Suburbs		0.0%	0
Regional City		9.1%	1
Regional Town		90.9%	10
Interstate		0.0%	0
answered question			11
skipped question			0

6. How many practising certificate holders are there in your firm?

		Response Percent	Response Count
1		0.0%	0
2		0.0%	0
3		0.0%	0
4		100.0%	11
5		0.0%	0
6		0.0%	0
answered question			11
skipped question			0

7. In a typical matter, at the first interview, do you (or does somebody in your firm) talk with the client about

	Never	Sometimes	Always	Rating Count
The work you propose doing (in detail)	0.0% (0)	22.2% (2)	77.8% (7)	9
The benefits and value that the work you propose doing will deliver to the client	0.0% (0)	42.9% (3)	57.1% (4)	7
What the total cost will be for the client (if fixed fee)	0.0% (0)	28.6% (2)	71.4% (5)	7
What the total cost is likely to be for the client (if not fixed fee)	0.0% (0)	25.0% (2)	75.0% (6)	8
Any contingencies that may add to or subtract from the final bill	0.0% (0)	57.1% (4)	42.9% (3)	7
The margin of uncertainty that the client can tolerate with regard to the final bill	50.0% (4)	25.0% (2)	25.0% (2)	8
Arrangements for on going costs disclosure	12.5% (1)	37.5% (3)	50.0% (4)	8
When and under what circumstances you provide costs updates	0.0% (0)	87.5% (7)	12.5% (1)	8
How often the client would like to receive bills	25.0% (2)	62.5% (5)	12.5% (1)	8
Who in the practice will be working on the matter and their charge out rates if applicable	0.0% (0)	50.0% (4)	50.0% (4)	8
How and when payment will be made	0.0% (0)	75.0% (6)	25.0% (2)	8
Arrangements for dealing with complaints	37.5% (3)	37.5% (3)	25.0% (2)	8
Other (please specify)				0
answered question				9
skipped question				2

8. How does your firm estimate what the costs will be for a client?

	never	sometimes	always	Rating Count
Use of historical costs information	14.3% (1)	57.1% (4)	28.6% (2)	7
Predicted time-cost calculation	0.0% (0)	87.5% (7)	12.5% (1)	8
Reference to standard fees	0.0% (0)	87.5% (7)	12.5% (1)	8
Negotiation with the client about the value of the work and the cost	50.0% (4)	37.5% (3)	12.5% (1)	8
Calculation of the value of the work to the client	12.5% (1)	75.0% (6)	12.5% (1)	8
Taking client feedback into account	37.5% (3)	50.0% (4)	12.5% (1)	8
Taking the market into account	12.5% (1)	75.0% (6)	12.5% (1)	8
Referring to a court scale	57.1% (4)	42.9% (3)	0.0% (0)	7
		Other (please specify)		0
answered question				8
skipped question				3

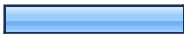


9. Does your firm have a policy or procedure in place to

	Yes	No	I don't know	Rating Count
Manage the matter to ensure consistency with the original estimate(s)	85.7% (6)	0.0% (0)	14.3% (1)	7
Ensure the costs being charged are consistent with the practice's own internal costs/billing policies	85.7% (6)	0.0% (0)	14.3% (1)	7
Discuss a provisional bill with the client	14.3% (1)	28.6% (2)	57.1% (4)	7
Make valid costs disclosures	71.4% (5)	0.0% (0)	28.6% (2)	7
Adhere to the costs agreement	57.1% (4)	0.0% (0)	42.9% (3)	7
			Other (please specify)	0
answered question				7
skipped question				4

10. Does your firm use any of the following billing methods ?

	Never	Sometimes	Always	Rating Count
Time based (hourly)	0.0% (0)	70.0% (7)	30.0% (3)	10
No win no fee	100.0% (8)	0.0% (0)	0.0% (0)	8
Fixed fee - 'menu' fees for standard tasks and instructions (conveyance, wills, EPAs)	0.0% (0)	70.0% (7)	30.0% (3)	10
Fixed fee - tailored fees fixed to specific client needs, following client interview, with reference to internal costs	0.0% (0)	100.0% (9)	0.0% (0)	9
Fixed fee - value pricing - where fees are fixed with greater reference to agreed client value than to internal costs	50.0% (3)	50.0% (3)	0.0% (0)	6
Fixed fee (Legal Aid)	100.0% (9)	0.0% (0)	0.0% (0)	9
Other (partial) conditional fee arrangements	80.0% (4)	20.0% (1)	0.0% (0)	5
Interim billing	0.0% (0)	88.9% (8)	11.1% (1)	9
Hybrid arrangement (eg part fixed/part time-costing)	14.3% (1)	85.7% (6)	0.0% (0)	7
A court scale	83.3% (5)	16.7% (1)	0.0% (0)	6
			Other (please specify)	0
answered question				10
skipped question				1

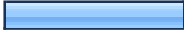
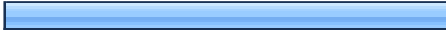
11. Where time billing is utilised in relation to hours worked, what is your firm's policy/guideline as to when times should be entered onto a timesheet? (pick one only)

		Response Percent	Response Count
There is no policy		0.0%	0
Immediately		28.6%	2
Same day		57.1%	4
Within the week		0.0%	0
By the end of the month		14.3%	1
Other (please specify)		0.0%	0
answered question			7
skipped question			4

12. Does your firm have billing policies and/or procedures in respect of when it is appropriate to bill for any of the following?

	Yes	No	I don't know	Rating Count
Drafting/document preparation	50.0% (3)	16.7% (1)	33.3% (2)	6
Research	16.7% (1)	16.7% (1)	66.7% (4)	6
Travel	0.0% (0)	33.3% (2)	66.7% (4)	6
Waiting (eg for Court/meetings)	16.7% (1)	16.7% (1)	66.7% (4)	6
Internal conferences	33.3% (2)	16.7% (1)	50.0% (3)	6
Internal reviews of files	33.3% (2)	16.7% (1)	50.0% (3)	6
Supervision meetings	33.3% (2)	16.7% (1)	50.0% (3)	6
File Management	16.7% (1)	16.7% (1)	66.7% (4)	6
Administration	16.7% (1)	16.7% (1)	66.7% (4)	6
Recycling a document prepared for another client	33.3% (2)	16.7% (1)	50.0% (3)	6
answered question				6
skipped question				5

13. Does your firm bill for care and consideration?

		Response Percent	Response Count
Never		28.6%	2
Sometimes		71.4%	5
Often		0.0%	0
answered question			7
skipped question			4

14. Under what circumstances do you believe you are entitled to claim care and consideration?

	Response Count
	4
answered question	4
skipped question	7

15. If you do bill for care and consideration, is it appropriate to charge care and consideration when the bill is drawn up on

	Yes	No	Rating Count
A time basis	75.0% (3)	25.0% (1)	4
A court scale	75.0% (3)	25.0% (1)	4
		answered question	4
		skipped question	7

16. What is typically done in your firm regarding costs updates?

	Never	Sometimes	Always	Rating Count
The client receives regular, scheduled bills that include the charges to date, and estimated charges remaining	14.3% (1)	71.4% (5)	14.3% (1)	7
In our costs updates we try to communicate the benefit of the work to the client, and value for money	0.0% (0)	100.0% (5)	0.0% (0)	5
IT systems (time recording/accounts) to prompt when milestones are met in terms of accrued WIP	60.0% (3)	40.0% (2)	0.0% (0)	5
A personal bring up system is used	40.0% (2)	60.0% (3)	0.0% (0)	5
The client can check WIP or current costs on-line	100.0% (8)	0.0% (0)	0.0% (0)	8
The matters I deal with have short time frames only	25.0% (1)	75.0% (3)	0.0% (0)	4
Regular itemized accounts unless inappropriate eg for a routine conveyance	0.0% (0)	28.6% (2)	71.4% (5)	7
			Other (please specify)	1
answered question				9
skipped question				2


17. What is typically done in your firm if it seems a client's bill will be different to the original estimate for dealing with their matter?

	Never	Sometimes	Always	Rating Count
An email is sent to let them know of the changes, seeking their consent by reply email	14.3% (1)	85.7% (6)	0.0% (0)	7
A formal letter is sent, requesting a response	42.9% (3)	57.1% (4)	0.0% (0)	7
We discuss the changes in person	11.1% (1)	66.7% (6)	22.2% (2)	9
We communicate to the client how the work benefits them, and the value for money that they receive	16.7% (1)	66.7% (4)	16.7% (1)	6
We follow up an initial phone call with a letter that requires a response	28.6% (2)	71.4% (5)	0.0% (0)	7
We inform the client of the change and assume they consent if they do not respond	50.0% (3)	50.0% (3)	0.0% (0)	6
Other (please specify)				1
answered question				9
skipped question				2

18. Does your firm review a client's bill before sending to

	Never	Sometimes	Always	Rating Count
Compare the bill to the estimate	0.0% (0)	0.0% (0)	100.0% (8)	8
Identify double entries	0.0% (0)	0.0% (0)	100.0% (8)	8
Identify entries relating to other matters (eg time misallocated to the wrong matter)	0.0% (0)	0.0% (0)	100.0% (8)	8
Ensure that disbursements claimed have been reasonably incurred	0.0% (0)	12.5% (1)	87.5% (7)	8
Ensure that disbursements claimed are reasonable in amount	0.0% (0)	0.0% (0)	100.0% (8)	8
Ensure the amount of the bill is fair and reasonable and not excessive	0.0% (0)	12.5% (1)	87.5% (7)	8
			Other (please specify)	0
answered question				8
skipped question				3

19. Does your firm measure estimate accuracy? (eg by comparing initial estimates to the actual bill)

		Response Percent	Response Count
Yes		100.0%	7
No		0.0%	0
answered question			7
skipped question			4

20. How often does the final bill to the client exceed the estimate by

	Never	Sometimes	Frequently	Rating Count
10%	0.0% (0)	50.0% (3)	50.0% (3)	6
20%	0.0% (0)	100.0% (6)	0.0% (0)	6
30%	0.0% (0)	100.0% (6)	0.0% (0)	6
40%	16.7% (1)	83.3% (5)	0.0% (0)	6
50%	33.3% (2)	66.7% (4)	0.0% (0)	6
>50%	33.3% (2)	66.7% (4)	0.0% (0)	6
answered question				6
skipped question				5






21. What is the most common reason for the bill to exceed the estimate? (Tick all that apply and/or add any other reasons in the comment box)

		Response Percent	Response Count
Inaccurate initial estimates		0.0%	0
More time spent on the matter	<div></div>	75.0%	6
Complex developments with the matter	<div></div>	100.0%	8
Care and consideration added	<div></div>	12.5%	1
Other (please specify)			0
answered question			8
skipped question			3

22. Does your firm provide clients with an itemised bill? ("itemised" in this question broadly means that the bill allows the client to readily see what services are being charged at what fees)

	Never	Sometimes	Always	Rating Count
At the completion of the matter	0.0% (0)	37.5% (3)	62.5% (5)	8
At regular billing intervals	0.0% (0)	33.3% (3)	66.7% (6)	9
As requested by the client	0.0% (0)	12.5% (1)	87.5% (7)	8
Dependent on agreed client preference at the start of the matter	50.0% (4)	12.5% (1)	37.5% (3)	8
answered question				9
skipped question				2



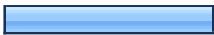

23. Does your firm gauge client satisfaction with costs disclosure and/or billing? (Tick all that apply)

		Response Percent	Response Count
No		0.0%	0
We ask the client at the end of the matter through a meeting or phone call		25.0%	2
We monitor for any problems arising		87.5%	7
We ask clients to complete our client satisfaction survey (on line)		0.0%	0
We ask clients to complete our client satisfaction survey (telephone call)		0.0%	0
We ask clients to complete our client satisfaction survey (by post)		75.0%	6
We rely on clients telling us if they are dissatisfied with costs disclosures or billing		100.0%	8
We gauge satisfaction by the recovery percentage or % of bill amounts that are ultimately recovered		37.5%	3
	Other (please specify)		0
answered question			8
skipped question			3



24. How often does your firm offer training (whether internal or external) to all fee earners?

	Never	Regularly each year	At induction	Rating Count
About costs disclosure obligations	0.0% (0)	85.7% (6)	14.3% (1)	7
On providing estimates to clients	0.0% (0)	85.7% (6)	14.3% (1)	7
On billing practices	0.0% (0)	85.7% (6)	14.3% (1)	7
			Other (please specify)	0
			answered question	7
			skipped question	4


25. Do you review your billing practices to ensure that you comply with your professional obligations? Please tick any that apply

		Response Percent	Response Count
Regularly as a matter of course		50.0%	3
When there are legislative changes		50.0%	3
If it seems problems are arising for clients		33.3%	2
If prompted by good advice received when attending external training		83.3%	5
I am confident that my billing practices always comply with my professional obligations		0.0%	0
		answered question	6
		skipped question	5


26. Have you ever had concerns about the billing practices of other legal practitioners/staff in your firm?

		Response Percent	Response Count
Yes		12.5%	1
No		87.5%	7
answered question			8
skipped question			3

27. During your employment with the firm, have you ever observed any instances of "padding" bills for work not actually performed?

		Response Percent	Response Count
Yes		0.0%	0
No		100.0%	8
answered question			8
skipped question			3






28. If you answered yes to either or both of the previous questions, how did you handle those concerns? (Tick all that apply)

		Response Percent	Response Count
I did nothing		0.0%	0
I discussed the matter with a supervisor or managing partner/legal practitioner director		100.0%	1
I discussed the matter with another legal practitioner		0.0%	0
I discussed the matter with the legal practitioner whose practices I queried		0.0%	0
Other (please specify)			1
answered question			1
skipped question			10

29. A client retains a firm on the basis that they will be charged on an hourly rate. The client is given an estimate of work for \$10,000.00. At the conclusion of the matter, the account comes to \$5,000.00 on a time costing basis. The practice charges the client \$9,000.00 as the work performed by the firm was of a high quality and the outcome exceptional.

	Yes	No	Rating Count
In your opinion, is the billing practice ethically appropriate?	16.7% (1)	83.3% (5)	6
Would your firm encourage this practice?	0.0% (0)	100.0% (6)	6
Does your firm have a policy/procedure in relation to this issue?	20.0% (1)	80.0% (4)	5
Have you ever been given guidance/advice in relation to the practices described above?	40.0% (2)	60.0% (3)	5
Please comment further if, for example, some answers depend on the circumstances or the matter.			2
		answered question	6
		skipped question	5

30. You work in a conveyancing practice where clients agree to pay professional fees plus disbursements. You become aware that your firm commenced a policy of including a surcharge of \$10.00 in all property search disbursements. (eg property search actual costs is \$20.00. The bill would show the disbursement as \$30.00). You think the client should be charged the property search fee without a surcharge.

		Response Percent	Response Count
Would you do nothing?		12.5%	1
Would you discuss the matter with a supervisor or managing partner/legal practitioner director?		50.0%	4
Would you Inform the Legal Services Commission after speaking to management?		0.0%	0
Would the culture of your firm encourage your choice of action?		12.5%	1
Does your firm have a policy or procedure in relation to this issue?		12.5%	1
Have you ever been given guidance/advice in relation to your choice of action?		0.0%	0
Other (please specify)		12.5%	1
answered question			8
skipped question			3

31. You act for a client in litigation and schedule court appearances for three different files on the same day which deal with the same issue (eg they are all applications by your client to strike out three different claims for want of prosecution). You spend a total of four hours at court (including waiting time).

	Yes	No	Rating Count
Do you bill the client 4 hours for each matter?	0.0% (0)	100.0% (4)	4
Do you bill the client the actual time spent on each matter?	100.0% (6)	0.0% (0)	6
Would the culture of your firm encourage the action you decide to take?	100.0% (4)	0.0% (0)	4
Does your firm have a policy/procedure in relation to this issue?	75.0% (3)	25.0% (1)	4
Have you ever been given guidance/advice in relation to the practices described above?	75.0% (3)	25.0% (1)	4
		Other (please describe)	1
answered question			6
skipped question			5

32. You research an area for one client which takes two hours. A few months later the same issue arises in respect of a second client and as a result of the previous work product, the time to complete the advice for the second client takes only one hour.

	Yes	No	Rating Count
Do you bill the second client the same as you did for the first client?	16.7% (1)	83.3% (5)	6
In your opinion, is it ethical to use re-cycled work product which leads a practitioner to billing more than the number of hours actually worked?	0.0% (0)	100.0% (6)	6
Would the culture of your firm encourage this practice?	0.0% (0)	100.0% (5)	5
Does your firm have a policy/procedure in relation to this issue?	50.0% (2)	50.0% (2)	4
Have you ever been given guidance/advice in relation to the practices described above?	75.0% (3)	25.0% (1)	4
Please comment further if, for example, some answers depend on the circumstances or the matter.			1
answered question			6
skipped question			5






33. Please tick the box below that describes your role in the firm

		Response Percent	Response Count
Principal	<input type="checkbox"/>	0.0%	0
Partner/Director	<input type="checkbox"/>	11.1%	1
Employed solicitor	<input type="checkbox"/>	33.3%	3
Trainee solicitor	<input type="checkbox"/>	0.0%	0
Paralegal	<input type="checkbox"/>	0.0%	0
Law clerk	<input type="checkbox"/>	0.0%	0
Conveyancing clerk	<input type="checkbox"/>	11.1%	1
Administration/secretarial	<input type="checkbox"/>	44.4%	4
Office manager	<input type="checkbox"/>	0.0%	0
Other	<input type="checkbox"/>	0.0%	0
answered question			9
skipped question			2

34. What is your gender?

		Response Percent	Response Count
Male	<input type="checkbox"/>	11.1%	1
Female	<input type="checkbox"/>	88.9%	8
answered question			9
skipped question			2

35. If you hold a current practising certificate, for how long have you held it?

		Response Percent	Response Count
<5 years		28.6%	2
5 to 9 years		0.0%	0
10 to 14 years		0.0%	0
15 to 19 years		0.0%	0
20 to 24 years		14.3%	1
25 to 29 years		14.3%	1
30 to 34 years		0.0%	0
35 to 39 years		0.0%	0
40+ years		14.3%	1
N/A		28.6%	2
answered question			7
skipped question			4

36. Please give us some feedback on this survey. In your experience of participating in the survey, how satisfied are you

	Not satisfied	Neutral	Satisfied	Rating Count
That the survey was easy to work through	14.3% (1)	28.6% (2)	57.1% (4)	7
That the questions are relevant to your firm	0.0% (0)	71.4% (5)	28.6% (2)	7
That the questions raised useful issues for your firm	0.0% (0)	42.9% (3)	57.1% (4)	7
That the majority of scenarios are relevant to your firm	28.6% (2)	28.6% (2)	42.9% (3)	7
That the majority of scenarios raised useful issues for your firm	0.0% (0)	57.1% (4)	42.9% (3)	7
Please comment further if you wish				2
answered question				7
skipped question				4