

Table of Contents

Dedication	iii
Foreword.....	ix
About the Author	xi
Section 1: Cost Versus Value: The Rise of the Hourly Rate	1
Negative Impacts of Hourly Rates.....	2
An Integrated Approach: The Three-Point Intersect	6
The Ultimate Objective.....	9
Section 2: The Engagement Letter: Essential Issues	11
Knowing the Client's Matter.....	12
Terms of the Engagement	14
Means of Payment: Special Points about Credit Cards.....	17
Other Fee Considerations.....	18
Sample Engagement Letter Provisions.....	19
Section 3: Budgets for Client Matters	21
Why Develop a Budget?	22
A Collaborative Process	23
Signs of Trouble	24
Three Key Parameters	25
Subsequent Communication.....	26
Use Informed Judgment	28
Section 4: Client Trust Accounts.....	29
Disciplinary Rule Requirements	30
Trust versus General Accounts	31
Flat, Retained, and Split Fees.....	32
Trust Account Access.....	34
Tracking Problems	36
Section 5: Pricing Services by Value Billing.....	39
Increasing Perceptions of Value.....	41
Charging for Ancillary Services.....	43

Table of Contents *continued*

Justifying a Fee Increase.....45
Unbundling Services.....48
Communicating Value.....49

Section 6: Alternative Pricing Methods.....51
Making Alternatives Work: The Foundation52
Primary Methods.....53
Combining Options.....55
Maintaining Control.....57

Section 7: Fixed or Flat Fees: Further Exploration59
Determining the Fixed Rate60
Negotiating the Rate62
The Contingency Fee Alternative.....63

Section 8: Refunded Fees and Fees Not Yet Earned67
Refundable Fee Issues68
Payment of Fees Not Yet Earned70

Section 9: Special Appearances73
Financial Liability for Malpractice.....74
Fee Splitting.....77
Court-Ordered Fees.....78

Section 10: Practical Billing Considerations81
Defining Reasonableness82
Conveying Value through Detailed Billings.....83
Increasing Convenience85
Value versus Time86

Section 11: The Collections Process89
Measuring Collections Performance.....90
Assessing Client Responses.....91
Setting the Terms92
Maintaining the Relationship.....94
Knowing When to Walk Away.....94

Keeping Track.....	96
Detailing Your Collections Policy.....	98
Resolving Disputes.....	98
Ending Discounts.....	100
Getting Paid Faster.....	101
Section 12: The Role of Compensation Systems	105
Profits and Rates.....	106
Fair Compensation and Firm Culture	107
The Corporate Model: Value-Driven Work and Compensation	110
Pro Bono Issues.....	113
Section 13: Associate Compensation Issues	117
Associate P&L Calculation	118
Profitability versus Pay.....	120
The Role of Leverage.....	121
Recruiting Costs and Compensation	122
Section 14: The Fees Dynamic in Action.....	125
Commoditization.....	126
Productization.....	127
The Service-Driven Modality	128
The Functional Interaction	130
From Good Work to Cold Hard Cash.....	133
Section 15: Getting More Information.....	135
Firm Compensation Statistics	136
Consulting Resources.....	137
American Bar Association Publications.....	138
Fee Agreement Forms	139
Weblogs.....	140
LawBiz® Management Company Resources.....	141
Appendix	
Sample Engagement Letter Fee Provisions.....	145
State Bar of California Fee Provisions Examples.....	145
A General Letter Example	154