Delaware Department of Justice

Outside Counsel Billing Policy

As of April 30, 2015

I. Budgeting, billing and staffing

a. Billing rates will be in effect for entire matter as provided for in the outside counsel contract. Any change must be approved by the Coordinating Attorney in writing 60 days in advance of the effective date of the change in a billing rate.

b. General Billing practices

i. Bills to be rendered monthly within 30 days after end of month for entire month. No carry-over billing (example cannot bill from May 1 — June 15).

ii. Details of fees by lawyer, paralegal, number of hours by task, description.

iii. Expenses/disbursements detail and charges by category.

iv. Block Billing of Services is unacceptable. All bills shall be billed in increments of no less than 0.1 billing hour (6 minutes).

v. Time billed for each activity should be identified separately. Do not combine different types of activities in one entry on the invoice. "Block billing" of fees is not acceptable, even if the same individual performed the activities.

vi. The description of services or activity should be brief and informative. For example, merely listing "Research" is not an acceptable billing entry. An acceptable entry would be "Legal research on statute of limitations issues related to [Insert issue]. Another example would be merely listing "Telephone calls" would not be acceptable, instead "Telephone calls to J. James of [Firm] and M. Smith [of firm] re: motion to dismiss." Be sure to identify the "who, what and where."

vii. No more than 2 outside counsel attorneys at meetings, depositions, mediations, negotiations, and/or hearings unless pre-approved by the Coordinating Attorney.

viii. No firm paralegals at meetings, depositions, mediations, negotiations, and/or hearings unless pre-approved by the Coordinating Attorney.

ix. Billable hours for summer interns/clerks will not be allowed unless pre-approved by the Coordinating Attorney.

x. More than 12 hours per day by one member of outside counsel staff will be closely reviewed.

xi. Internal conferences accounting for more than 10% total monthly billings closely reviewed. Excessive intra-office conferences between attorneys or paralegals for the purpose of providing instruction or status will be closely reviewed.

xii. Excessive number of attorneys performing services in a matter will be closely reviewed, unless prior approval is received from the Coordinating Attorney in writing.

xiii. Billing for research on general legal issues which should be within the knowledge of the firm and/or associate will be closely reviewed.

xiv. Billing of hours for work done by multiple attorneys in the firm
for similar work on the same issue will be closely reviewed.

xv. Billing attorney and/or paralegal time for invoice preparation, review, or for corrections to the invoice is not acceptable.

xvi. Excessive time spent in "file review" will be closely reviewed.

xvii. Excessive time spent in "review and revision" of documents that that you prepare will be closely reviewed.

xviii. Charging attorney time for tasks that should be performed efficiently and effectively at less expense by a paralegal or secretary, or charging paralegal time for tasks that should be performed by clerical workers will be closely reviewed. For example, we do not allow charging attorney time for arranging logistics for a deposition.

xix. Hours charged at a more senior attorney rate when a matter should be handled by a less senior attorney will be closely reviewed.

xx. Charging for secretarial time, and or overtime or other staff members is not acceptable

c. Expenses/Disbursements

i. Reasonable expenses and fees will be reimbursed. Should you have any questions or concerns whether or not a fee or expense falls within the reasonable expense range or will be reimbursed please contact your Coordinating Attorney for an approval.

ii. Examples of non-reimbursable overhead

a. Computer, e-mail, word processing charges

b. Conference room charges, rent Online research charges

c. Supplies

d. Library use, staff

e. Clerks

f. Proofreader charges

g. Support salaries

h. Telephone charges

i. Fax charges

j. Online research (Westlaw, Lexis)

d. Use of Outside Consultants, Experts and Contract Attorneys. There may be instances where the use of consultants, experts and contract attorneys may be required to staff a case. This should be done as part of the case planning in conjunction with your Coordinating Attorney. These fees should be reasonable and necessary, and are subject to approval by the Delaware Department of Justice.