

Guidelines for Fee Claim Activity Reporting

One of the most frequent reasons the AOC must deny or reduce attorney fee claims is because the claim does not accurately describe the services that an attorney has performed on a client's behalf. Generalizations of activities, such as "file review", "case preparation" and "legal research" do very little to describe activities in relation to the time billed for them. Review of time entries is further complicated when multiple tasks are grouped together in one activity entry, such as "Review file, call to D.A, research and letter to client..... 1.8 hrs." This is known as "block billing" and it is frowned upon by virtually any client who reviews an attorney's fee statement. This is especially true in the case of insurance-provided counsel. For decades, insurance companies have demanded more details from attorneys about time spent on activities in a case in order to assess the reasonableness of fees. And although the rates of compensation for court-appointed cases is not what it should be, the obligation to provide accurate fee claims is the same. Tennessee Supreme Court Rule 13, Section 6 (a) (6) provides:

"Counsel will be held to a high degree of care in the keeping of contemporaneous time records supporting all claims and in the application for payment. Counsel is required to maintain records supporting claims for payment. Failure to provide *sufficient specificity in the claim* or supporting documentation may constitute denial of the claim for compensation or reimbursement." (Emphasis added)

In order to allow the AOC to accurately review claims and to process them as quickly as possible, details of activities on cases performed after October 1, 2012, should adhere to the following guidelines:

Attorney fee claims must identify the time expended on each activity included in the claim. The AOC will not process claims prepared in a "block billing" format, in which total time spent on a number of activities during the course of the day are aggregated.

EXAMPLE:

Acceptable: Telephone conference with D.A. regarding plea offer (0.2); research regarding self-defense (1.2); letter to client re: court date (.2) Total: 1.6 hours.

Unacceptable: Telephone conference with D.A. regarding plea offer; research regarding self-defense; letter to client re: court date Total: 1.6 hours.

Descriptions of services and costs should be complete and precise. For example, "Case investigation" and "legal research" are insufficient, while "interviewed witness who saw car leaving the scene" and "legal research re: chain of custody" are acceptable. PLEASE DO NOT USE THE PICK LIST (MAGNIFYING GLASS OPTION) UNDER THE SERVICE REIMBURSEMENT; YOU HAVE 200 CHARACTERS TO FREE-FORM DESCRIBE YOUR ACTIVITIES. THE PICK LIST OPTION IS CURRENTLY BEING MODIFIED.

Providing accurate, specific information about each activity in a case reduces the likelihood that a fee claim will be held for further review and possible reduction or non-payment. The work you do on behalf of indigent parties, as well as your assistance in improving the clarity of claims, is greatly appreciated.