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Honest Efforts

Three Supreme Court cases challenge law used to secure high-profile fraud convictions.

BY TONY MAURO

U.S. Supreme Court Justice Antonin Scalia, who once said that writing dissents made life worth living, wrote a scorching dissent in *Sorrell v. U.S.* that would have forced the Court to make sense of a 21-year-old federal statute that makes it a crime to

SEE HONEST SERVICES, PAGE 4

Reality dawns on hourly rates

The recession forced firms to moderate or forego rate increases.

BY KAREN SLOAN

The national average firm-wide billing rate, a combination of partner and associate rates, grew by 2.5% during 2009 to \$372, according to *The National Law Journal's* annual survey of billing rates. That's a relatively small boost compared to the 4.3% increase firms that reported in 2008 and the 7.7% rate climb in 2007.

THE NLJ'S 2009 BILLING SURVEY

Billing rates rose on average **2.5%**

The average hourly rate for firms was **\$372**

"Law firms this year increased rates very modestly compared to the standard rate increase of 6 to 8%," said James Jones, a consultant with Hildebrandt International. "I would have expected to see that in 2009, when the message [about the state of the economy] finally sunk in."

Firms' inability to increase billing rates to the extent they have in years past is bound to depress 2009 financial results because rate increases have been the single biggest factor in recent revenue and profit gains, said Altman Weil consultant James Cotterman. The cost cutting firms did during the past year will help mitigate

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Death Penalty U-Turn

Franklin Zimring on the American Law Institute's reversal of policy. PAGE 42



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BILLING SURVEY

A SPECIAL REPORT

Firms bow to reality on rate increases

BILLING, FROM PAGE 13

gate the lower-than-typical rate hikes but likely won't be enough to offset those losses, he said. Firms also reported that they are generating a larger percentage of revenue from alternative billing arrangements, which have grown in popularity as legal departments have looked for ways to cut costs.

Nationwide, the average hourly billing rate for partners was \$457 in 2009, up from \$451 in 2008. For associates, the average rate was \$287, an increase from \$282 last year. Early indications are that billing rates will continue to creep up in 2010. A recent Alman Weil survey of 288 U.S. firms revealed that firms anticipate an overall average rate increase of 3.2% next year. NLJ affiliate *The American Lawyer* recently surveyed 142 managing partners from the country's 200 largest firms, and 81% said they expect to raise billing rates in 2010. The majority of those firms—77%—said that increase would amount to 5% or less.

Although growth was comparatively slow, most firms did raise their rates. The average firmwide billing rate grew at 76% of the firms that reported detailed billing information in both 2009 and 2008.

The law firm billing information was collected as part of the NLJ 250, *The National Law Journal's* survey of the nation's largest law firms. The survey period ran from Oct. 1, 2008, to Sept. 30, 2009, with 190 firms providing at least some billing information. Firms were asked to report their billing rates as well as their use of variations on the billable hour and alternative billing arrangements. Although firms that reported rates in 2008 did not necessarily do so

in 2009, the figures do suggest billing trends, particularly among midsize firms, which composed the bulk of those providing detailed billing information.

Although most firms adopted modest rate increases, 24% reported average firmwide billing rates that were the same or lower than during the previous year. For example, the average firmwide rate at Denver firm Holland & Hart dropped by 1%. Managing partner Thomas O'Donnell declined to discuss the firm's rate-setting process, but acknowledged that the economy was a consideration.

"When we set our rates, particularly this past year, we do so with great consideration to the economy and its effect on clients," O'Donnell said. "We were very mindful of that."

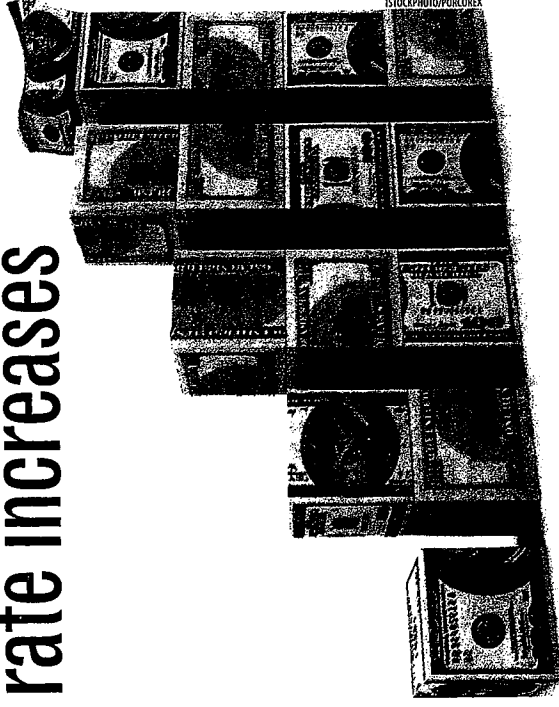
Not everyone is convinced that simply reducing billing rate growth is the right strategy for law firms in this economic climate. Susan Hackett, senior vice president and general counsel of the Association of Corporate Counsel (ACC), expressed surprise that any firm would boost rates right now. "I can tell you that whenever I talk to clients they actually laugh when they hear about firms raising rates in this environment," Hackett said via e-mail. "Every one of them should have been involved in some kind of cost-cutting or efficiency exercise, just like their clients, and the idea that the way to counter possible decreasing workloads or excess capacity is to raise prices is totally contrary to good business judgment."

Slightly higher rates won't necessarily bring in more money, Jones said. Hildebrandt's Peer Monitor Index, which tracks a number of economic indicators at large law firms, suggests that collection rates have been fairly low this year.

"Just because you're charging higher rates doesn't mean you're going to get more money from clients," he said.

Hackett has heard anecdotal evidence that some firms have raised rates on paper in anticipation of clients requesting deep discounts. It hasn't been unusual lately for clients to request discounts in the range of 10% to 20% off hourly rates, Cotterman said. Recent rate increases in the range of 2% may represent an attempt by firms to keep up with inflation and maintain some level of growth. A one-year rate freeze would have significant long-term effects on firm revenue, because rate increases compound over time—much as the long-term value of a 401(k) retirement fund would decline if contributions were suspended for a year, Cotterman said.

Four law firms reported partner bill-



ISTOCKPHOTO/PARKOREX

ing rates of \$1,000 or more, including Buchanan Ingersoll & Rooney at \$1,020, Foley & Lardner at \$1,035, Jenner & Block at \$1,000 and Locke Lord Bissell & Liddell at \$1,045. The "movers and shakers" who charge upwards of \$1,000 are not the norm and tend to have specialized practices and close relationships with high-ranking government officials, Cotterman said.

SILVER LINING

One silver lining Hackett has found in the dismal economy is that more clients are ditching the billable hour. Increasingly, clients are asking firms to enter into alternative fee arrangements that take into account the overall costs of their legal matters. "Some might say, 'I really don't care what your rates are—"

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BILLING SURVEY

BILLING, FROM PAGE 12
that's not my problem. This is what I'm willing to pay for the work...you figure it out from there," Hackett wrote.

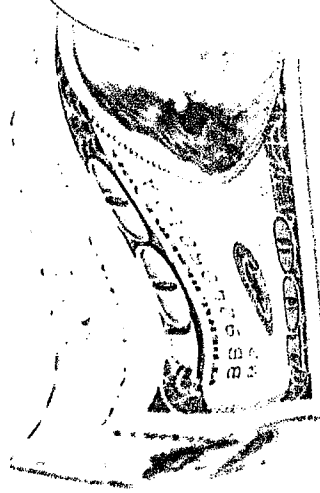
The billing survey highlighted the degree to which alternative billing arrangements are becoming an important part of the way law firms generate revenue. Nearly every firm that responded to the survey said that it charged fixed or flat fees, retrospective fees based on value, contingency fees or a hybrid of

or more of their revenue. An October survey of 587 general counsel by *The American Lawyer* and the ACC revealed that 39% of those chief legal officers saw an increase in the amount of their legal work handled through alternative fee arrangements in 2009.

"I get a sense in the past 18 months that in-house counsel's concern with the billable hour is deeper than its has ever been," said John Murphy, chairman of Shook, Hardy & Bacon, which report-

alternative fee arrangements for years—most notably including its agreement to provide products liability defense for Tyco International Ltd. for a monthly fixed fee, which has been in place since 2004. Murphy predicted that the percentage of revenue generated by alternative fee arrangements would grow in the coming years.

"It wouldn't surprise me if we are in the 30% to 35% range," he said in speculation about 2010.



I can tell you that whenever I talk to clients they actually laugh when they hear about firms raising rates in this environment.

those options. Among the firms that reported the percentage of revenue derived from alternative fee arrangements, 57% said that amount represented 10% or more of their revenue during 2009. By comparison, 50% of firms during 2008 reported that alternative fee arrangement accounted for 10%

ed that 25% of its revenue now comes through alternative fee arrangements. "I don't think I've seen an RFP [request for proposals] come across my desk in the past year that didn't ask if you are amenable to an alternative arrangement, and what that might look like."

Shook, Hardy & Bacon has offered

to handle all of Levi Strauss & Co.'s legal work, with the exception of intellectual property matters. "Before this year, there was a lot of talk about alternative fee arrangements, but not much action," Fries said. "There really wasn't a huge movement from law firms, and there was little interest from most legal departments in doing things differently."

The faltering economy has put clients under greater budget pressure and highlighted the conflicting interests of the client and the law firm under the traditional hourly billing model.

"There is no doubt in my mind that there is enormous inefficiency in the historic hourly billing model," Fries said. "People just threw bodies on the matter."

Although there is no question that alternative fee arrangements are growing in popularity, it's unclear whether those arrangements could ever produce the record profits to which firms had grown accustomed. "I don't think we're going to see increases in law firm revenue that we saw from 2003 to 2008," Murphy said.

Alternative fee arrangements can be a good thing for law firm bottom lines, but profits will depend on efficiency, Jones said. "Alternative pricing arrangements aren't necessarily less profitable for firms," he said. "It depends on how you manage the work. All at once, there is a premium on doing things efficiently. Law firms have never really had to deal with that before."

Contact Karen Sloan at ksloan@nlj.com.

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BILLING SURVEY

A nationwide sampling of law firm billing rates

The *National Law Journal* asked the respondents to its 2009 survey of the nation's 250 largest law firms to provide a range of hourly billing rates. Firms that supplied the information—including some not in the NLJ 250—are listed in alphabetical order.

FIRM NAME	FIRMWIDE			PARTNER			ASSOCIATE							BY ASSOCIATE CLASS YEAR					
	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	1ST	2D	3D	4TH	5TH	6TH	7TH	8TH
Adams and Reese	252.38	255	500	245	333.26	325	310	185	219.78	215									
Adorno & Yoss	308	300	525	225	354	350	300	155	255	225									
Alston & Bird	491	485	860	450	602	590	555	285	388	385									
Arent Fox			755	420			485	260											
Armstrong Teasdale			450	320			315	175											
Baker, Donelson, Bearman, Caldwell & Berkowitz	302	295	595	236	349	340	315	160	218	215									
Barnes & Thornburg	345	350	615	375	396	395	390	210	246	240									
Best Best & Krieger	310	300	550	310	421	425	380	185	245	245									
Bond, Schoenck & King	278	290	465	200	319	320	275	150	191	195									
Bowman and Brooke			500	250			500												
Briggs and Morgan	373	390	600	290	437	440	315	210	240	235									
Brinks Hofer Gilson & Lione	407	405	725	335	530	550	425	190	292	280									
Broad and Cassel	307	295	475	260	372	375	350	175	242	248									
Brownstein Hyatt Farber Schreck	377	370	795	280	446	425	340	185	247	250									
Bryan Cave	448	430	765	355	541	530	550	160	331	330									
Buchalter Nemer	399	400	625	270	467	475	430	195	311	300									
Buchanan Ingersoll & Rooney			1,020	310			580	200											
Burr & Forman	314	325	480	275	352	350	335	200	247	300									
Butzel Long			700	285			395	200											
Carlton Fields	393	395	750	325	457	455	365	195	278	285									
Carlson Fields	415	390	880	300	488	460	685	220	325	320									
Cozen O'Connor	522	515	785	675	730	730	575	290	434	435									
Curtis, Mallet-Prevost, Colt & Mosle	346	355	775	310	474	465	445	210	300	305									
Davis Wright Tremaine	411		750	385	507	495	465	230	310	295									
Day Pitney			575	275			325	185											
Dickinson Wright	520	518	950	500	633	630	515	265	403	415									
Dickstein Shapiro	286	270	525	200	345	340	295	165	204	200									
Dinsmore & Shohl	335	310	795	245	520	520	545	165	315	300									
Dorsey & Whitney	463.46	472.5	795	325	527.26	515	450	225	334.67	337.5									
Duane Morris			585	295	440	440	440	200	290	290									
Dykenna Gossett	447	450	750	325	547	545	495	170	321	305									
Edwards Angel Palmer & Dodge	434	425	855	350	523	500	475	180	332	325									
Epstein Becker & Green			1,035	470			440	275											
Fitzpatrick, Cella, Harper & Scinto	530	540	810	470	631	620	440	275	422	400									
Foley & Lardner	391	420	595	340	466	468	370	245	296	308									
Ford & Harrison	325	325	535	295	378	370	325	195	240	238									
Fowler White Boggs	383	395	675	310	451	450	400	225	276	265									
Fox Rothschild	274	275	490	200	317	310	245	160	191	185									
Frost Brown Todd	400	400	775	380	512	500	445	210	310	302									
Gardere Wynne Sewell			700	365			425	220											
Gibbons			485	310			300	180											
Godfrey & Kahn			750	170			150	300											
GrayRobinson	442	450	850	345	554	545	575	200	328	340									
Greenberg Traurig	252	330	505	225	300	365	235	150	170	195									
Greenebaum Doll & McDonald			475	250			275	140											
Harris Beach	313	311	650	195	352	347	430	150	235	217									
Hiscock & Barclay	318	310	665	225	365	360	450	165	233	225									
Hodgson Russ																			

SEE SAMPLING, PAGE 15

SAMPLING FROM PAGE 14

FIRM NAME	FIRMWIDE		PARTNER				ASSOCIATE				BY ASSOCIATE CLASS YEAR							
	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	1ST	2D	3D	4TH	5TH	6TH	7TH	8TH
Hogan & Hantson	540		990	385	675	660	550	150	420	405	300	340	370	405	435	465	495	525
Holland & Hart	349	345	615	295	412	405	360	175	266	268	215	235	255	275	295	305	320	325
Holme Roberts & Owen	365	345	635	285	415	410	530	170	295	265								
Hughes Hubbard & Reed			925	650	375.57	368	695	295	219.6	205								
Husch Blackwell Sanders	319.23	318	777	220	288.79	285	399	168	180.09	180	160	175	185	195	205	215		
Jackson Kelly	250.27	250	445	220	425	425	250	145	282	275								
Jackson Lewis	360	350	715	245	655	625	535	325	409	400	325	370	400	435	475	495	525	525
Jenner & Block			1,000	525														
Jones, Walker, Waechter, Poitevent, Carrère & Denègre			620	185			260	170			295	330	355	400	420	440	470	495
Kelley Drye & Warren			875	450			545	265			270	295	320	345	375	385	395	
Kilpatrick Stockton	425	425	700	375	515	495	425	225	310	295	270	295	320	345	375	385	395	
Knobbe, Martens, Olson & Bear			680	390	492	480	380	270	308	295	270	295	320	345	370			
Lane Powell	337	365	575	340	420	415	350	225	272	280								
Lathrop & Gage			490	255			265	180			170	195	230	255	275	290	300	310
Lewis, Rice & Fingersh			450	250			210	140										
Lindquist & Vennum	320	340	600	275	386	390	300	200	236	225								
Littler Mendelson	361	340	685	270	433	425	435	125	278	275								
Locke Lord Bissell & Liddell	458.06	480	1,045	375	562.95	560	525	200	310.11	295								
Loeb & Loeb	566	575	950	475	667	650	550	285	400	425	317.5	367.5	405					
Lowenstein Sandler			785	425			500	230										
Luce, Forward, Hamilton & Scripps	410	420	650	360	496	490	540	240	304	290								
Manatt, Phelps & Phillips	531	550	850	495	626	620	505	290	383	410	290	290	325	365	410	440	470	505
Marshall, Dennehey, Warner, Coleman & Goggin			400	140			310	125										
McAndrews, Held & Malloy			625	310			290	220										
McCarter & English	396	395	700	350	472	468	395	205	307	315								
McDonnell Boehnen Hulbert & Berghoff			670	295			270	225										
McElroy, Deutsch, Mulvaney & Carpenter	200	215	500	295	275	250	250	145	185	170	145	170	180	190	195	200	205	215
McKenna Long & Aldridge			775	350	471	470	470	220	284									
Michael Best & Friedrich	305	300	620	235	383	375	305	190	235	225								
Miller, Canfield, Paddock and Stone	368	375	640	240	431	440	400	175	254	245								
Miller & Martin	305	350	610	220	330	375	315	180	235	230								
Montgomery, McCracken, Walker & Rhoads	396	350	605	370	452	420	355	180	266	250	220	230	250	270	285	305	330	355
Moore & Van Allen	359	350	770	265	437	420	425	200	259	250								
Morris, Manning & Martin	424	415	760	365	492	490	425	200	353	360	200	265	310	340	365	390	415	425
Nelson Mullins Riley & Scarborough	340	325	850	275	394	380	405	190	248	245								
Nexsen Pruet			500	220			250	175										
Nixon Peabody	436	435	865	455	583	600	570	230	386	370	290	329	359	379	405	429	466	447
Ogletree, Deakins, Nash, Smoak & Stewart	347	625	625	400	386	290	290	195	281									
Patton Boggs	521	520	990	400	650	625	540	200	396	400	290	315	340	370	400	425	450	480
Pepper Hamilton			820	420			450	240										
Perkins Cole	424	815	815	265	518	515	525	195	337		272	286	313	322	347	355	396	419
Phelps Dunbar	212.62	252.50	450	170	255.87	355	260	130	170.30	165								
Phillips Lytle	250	255	475	240	340	335	415	150	235	230								
Polsinelli Shughart			600	250			275	185										
Quarles & Brady	353	365	625	285	422	425	375	200	252	245	204	220	238	249	260	275	304	301
Robinson & Cole	325	360	650	320	449	450	525	210	262	360	210	220	230	240	250	265	285	300
Roetzel & Andrus	307	319	550	250	347	350	300	180	227	230								
Rutan & Tucker			635	335			400	225										
Saul Ewing	387	375	800	315	464	450	585	205	294	260	225	237.5	245	247.5	252.5	270	282.5	322.5
Schulte Roth & Zabel			880	715			670	265			320	465	485	525	545	565	585	605
Schwabe, Williamson & Wyatt	305	300	540	290	410	400	440	195	260	250								
Sedgwick, Detert, Moran & Arnold	343	335	670	315	418	415	555	225	302	295								

SEE SAMPLING, PAGE 16

BILLING SURVEY

SAMPLING, FROM PAGE 15

FIRM NAME	FIRMWIDE		PARTNER		ASSOCIATE					BY ASSOCIATE CLASS YEAR								
	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	1ST	20	30	4TH	5TH	6TH	7TH	8TH
Sheppard, Mullin, Richter & Hampton			715	495			525	285			285	320	350	380	405	430	450	470
Shumaker, Loop & Kendrick	309	330	515	235	341	340	395	165	231	235	195							
Smith, Gambrell & Russell			740	325			440	195										
Snell & Wilmer	381	345	775	315	473	380	480	175	300	228	205	240	260	287.5				
Stinson Morrison Hecker	333	345	680	275	391	380	305	195	232	228								
Stoel Rives	369	375	600	310	430	425	375	190	267	265								
Strasburger & Price	331		610	325			365	210										
Sullivan & Worcester	520	525	800	470	629	618	560	285	373	365	285	300	325	345	365	385	405	440
Sutherland Asbill & Brennan	403	390	800	420	563	550	480	220	332	320								
Taft, Stettinius & Hollister			475	200	346		370	160	212									
Thompson Coburn			595	320			390	190										
Thompson & Knight	471	458	825	410	560	560	500	265	358	365	265	300	330	365	385	405	425	440
Townsend and Townsend and Crew	351	360	750	480	530	560	460	260	360	360	260	290	325	350	390	420	450	470
Ulmer & Berne	265		550	245	340		320	180	215		180							
Vedder Price	406	410	700	375	469	455	450	245	312	300	245	260	280	300	315	335	350	350
Venable	457	460	975	420	556	550	450	275	336	325								
Wiggin and Dana			650	360			410	220										
Williams Mullen			710	315	417.01		380	220	273.64									
Winstead	395		655	350	462		385	215	285		215	230	260	285	310	330	340	350
Winston & Strawn	498	480	995	400	638	630	670	210	372	345	295	312.5	337.5	372.5	410	447.5	482.5	512.5
Womble Carlyle Sandridge & Rice	212.8	130	750	300	461.7	465.1	415	140	284.6	280.9	130							
Wyatt, Tarrant & Combs	284	305	475	250	350	355	265	190	218	220								

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BILLING SURVEY

Firms report using alternatives to the billable hour

Below is a list of law firms that reported use of alternative billing methods. We asked firms to differentiate between variations on the billable hour (discounted and blended hourly rates) and true alternatives (fixed or flat, contingency, hybrid and retrospective fees).

FIRM NAME	REVENUE BREAKDOWN	
	% OF FIRM'S REVENUE OBTAINED THROUGH VARIATIONS ON THE BILLABLE HOUR	% OF FIRM'S REVENUE OBTAINED THROUGH ALTERNATIVE BILLING METHODS
Adams and Reese		Hybrid; Fixed or flat; Retrospective; Contingency
Adorno & Yoss	30	Hybrid; Fixed or flat; Contingency
Akerman Senterfitt	43	Hybrid; Fixed or flat; Contingency
Akin Gump Strauss Hauer & Feld		Fixed or flat; Contingency
Allen Matkins Leck Gamble Mallory & Natisis	60	Hybrid; Fixed or flat; Contingency
Alston & Bird	15	Hybrid; Fixed or flat; Retrospective; Contingency
Andrews Kurth	15	Hybrid; Fixed or flat; Retrospective; Contingency; Other
Arent Fox	14	Hybrid; Fixed or flat; Contingency
Armstrong Teasdale		Hybrid; Fixed or flat; Retrospective; Contingency
Arnold & Porter		Other
Baker & Daniels		Other
Baker, Donelson, Bearman, Caldwell & Berkowitz		Hybrid; Fixed or flat; Retrospective; Contingency
Baker Hostetler		Hybrid; Fixed or flat; Retrospective; Contingency
Balch & Bingham		Hybrid; Fixed or flat; Contingency; Other
Ballard Spahr		Hybrid; Fixed or flat; Contingency
Barnes & Thornburg		Hybrid; Fixed or flat; Contingency; Other
Bass, Berry & Sims		Hybrid; Fixed or flat; Contingency
Best Best & Krieger	5	Hybrid; Fixed or flat; Contingency; Other
Bingham McCutchen	2.5	Fixed or flat; Contingency
Bond, Schoenck & King	4	Hybrid; Fixed or flat; Retrospective; Contingency
Bowman and Brooke	60	Hybrid; Fixed or flat; Contingency
Brinks Hofer Gilson & Lione	88	Hybrid; Fixed or flat; Contingency
Broad and Cassel		Hybrid; Fixed or flat; Contingency; Other
Brown Rudnick		Hybrid; Fixed or flat; Contingency
Brownstein Hyatt Farber Schreck	18	Hybrid; Fixed or flat; Retrospective; Contingency; Other
Bryan Cave		Fixed or flat
Buchalter Nemer		Hybrid; Fixed or flat; Contingency; Other
Buchanan Ingersoll & Rooney	6	Fixed or flat
Bullivant Houser Bailey		Fixed or flat; Contingency; Other
Burr & Forman	38	Fixed or flat; Contingency; Other
Butzel Long	14	Hybrid; Fixed or flat; Retrospective; Contingency
Cadwalader, Wickersham & Taft		Other
Carlton Fields		Hybrid; Fixed or flat; Contingency; Other
Chapman and Cutler		Hybrid; Fixed or flat
Clark Hill		Hybrid; Fixed or flat; Contingency
Covington & Burling		Hybrid; Fixed or flat; Retrospective; Contingency
Cozen O'Connor		Hybrid; Fixed or flat; Contingency
Crowell & Moring		Hybrid; Fixed or flat; Retrospective; Contingency
Curtis, Mallet-Prevost, Colt & Mosie	10	Hybrid; Fixed or flat; Retrospective; Contingency
Davis Wright Tremaine	44	Hybrid; Fixed or flat; Contingency
Day Pitney		Hybrid; Fixed or flat; Contingency
Dickinson Wright		Hybrid; Fixed or flat; Retrospective; Contingency; Other
Dickstein Shapiro		Hybrid; Fixed or flat; Retrospective; Contingency
Dinsmore & Shohl	0	Hybrid; Fixed or flat; Contingency

ALTERNATE, FROM PAGE 18

FIRM NAME	REVENUE BREAKDOWN		
	% OF FIRM'S REVENUE OBTAINED THROUGH VARIATIONS ON THE BILLABLE HOUR	% OF FIRM'S REVENUE OBTAINED THROUGH ALTERNATIVE BILLING METHODS	
DLA Piper			Hybrid; Fixed or flat; Retrospective; Contingency; Other
Dorsey & Whitney			Hybrid; Fixed or flat; Retrospective; Contingency; Other
Duane Morris	4	6	Fixed or flat; Contingency
Dykema Gossett	84	20	Hybrid; Fixed or flat; Contingency
Eckert Seamans Cherin & Mellott			Hybrid; Fixed or flat; Contingency; Other
Edwards Angell Palmer & Dodge	10	5	Fixed or flat; Contingency
Epstein Becker & Green			Hybrid; Fixed or flat; Retrospective; Other
Fenwick & West			Hybrid; Fixed or flat; Retrospective; Contingency
Finnegan, Henderson, Farabow, Garrett & Dunner	70	10	Hybrid; Fixed or flat; Retrospective; Contingency
Fish & Richardson			Fixed or flat
Fitzpatrick, Cella, Harper & Scinto			Hybrid; Fixed or flat; Retrospective; Contingency
Foley Hoag			Hybrid; Fixed or flat; Retrospective; Contingency
Foley & Lardner			Hybrid; Fixed or flat; Retrospective; Contingency
Ford & Harrison	12	4	Hybrid; Fixed or flat; Retrospective; Contingency
Fowler White Boggs			Hybrid; Fixed or flat; Contingency
Fox Rothschild			Hybrid; Fixed or flat; Contingency
Fredrikson & Byron	1	5	Hybrid; Fixed or flat; Retrospective; Contingency
Frost Brown Todd	32	1.8	Fixed or flat; Contingency
Fulbright & Jaworski			Hybrid; Fixed or flat; Retrospective; Contingency
Gardere Wynne Sewell	22		Hybrid; Fixed or flat; Contingency; Other
Gibbons	30	1	Hybrid; Fixed or flat; Retrospective; Contingency
Godfrey & Kahn	30	10	Hybrid; Fixed or flat; Retrospective; Contingency
Gordon & Rees,	7.5	7.5	Hybrid; Fixed or flat; Retrospective; Contingency
GrayRobinson			Hybrid; Fixed or flat; Contingency
Greenberg Traurig			Hybrid; Fixed or flat; Retrospective; Contingency
Greenebaum Doll & McDonald			Hybrid; Fixed or flat; Contingency
Harris Beach	20	20	Hybrid; Fixed or flat; Contingency
Harter Secrest & Emery	30	10	Hybrid; Fixed or flat; Retrospective; Contingency
Herrick, Feinstein	25	40	Hybrid; Fixed or flat; Retrospective; Contingency
Hinshaw & Culbertson	10	10	Hybrid; Fixed or flat
Hiscock & Barclay,			Hybrid; Fixed or flat; Contingency
Hodgson Russ	25	5	Hybrid; Fixed or flat; Retrospective; Contingency
Hogan & Hartson			Other
Holland & Hart	30	10	Hybrid; Fixed or flat; Retrospective; Contingency
Holland & Knight			Hybrid; Fixed or flat; Retrospective; Contingency
Holme Roberts & Owen	15	15	Hybrid; Fixed or flat; Contingency
Honigman Miller Schwartz and Cohn	4	4	Hybrid; Fixed or flat; Contingency
Hughes Hubbard & Reed			Hybrid; Fixed or flat; Retrospective; Contingency; Other
Hunton & Williams			Hybrid; Fixed or flat; Retrospective; Contingency
Husch Blackwell Sanders			Hybrid; Fixed or flat; Retrospective; Contingency
Ice Miller	98	2	Hybrid; Fixed or flat; Contingency
Irell & Manella			Hybrid; Fixed or flat; Contingency
Jackson Kelly			Hybrid; Fixed or flat; Contingency
Jackson Lewis	30	14	Hybrid; Fixed or flat; Retrospective
Jenner & Block	64	14	Hybrid; Fixed or flat; Retrospective; Contingency
Jones Day			Hybrid; Fixed or flat; Retrospective; Other
Jones, Walker, Waechter, Poitevent, Carrère & Dentègre	35	5	Hybrid; Fixed or flat; Contingency
Kilpatrick Stockton	40	20	Hybrid; Fixed or flat; Contingency
K&L Gates			Hybrid; Fixed or flat; Contingency; Other

SEE ALTERNATE, PAGE 20

BILLING SURVEY

ALTERNATE, FROM PAGE 19

REVENUE BREAKDOWN		
FIRM NAME	% OF FIRM'S REVENUE OBTAINED THROUGH VARIATIONS ON THE BILLABLE HOUR	% OF FIRM'S REVENUE OBTAINED THROUGH ALTERNATIVE BILLING METHODS
Knobbe, Martens, Olson & Bear	15	15
Kramer Levin Natfalis & Frankel	50	10
Lane Powell		
Latham & Watkins		
Lathrop & Gage		
LeClairRyan	10	10
Leonard, Street and Deinard		
Lewis Brisbois Bisgaard & Smith	35	35
Lewis, Rice & Fingersh		
Lewis and Roca		
Lindquist & Vennum		
Littler Mendelson		
Locke Lord Bissell & Liddell	80	20
Loeb & Loeb	10	20
Lowenstein Sandler		
Luce, Forward, Hamilton & Scripps	10	5
Manatt, Phelps & Phillips		
Marshall, Dennehey, Warner, Coleman & Goggin	20	12
McAndrews, Held & Malloy		
McCarter & English	10	10
McDonnell Boehnen Hulbert & Berghoff	5	12
McElroy, Deutsch, Mulvaney & Carpenter		
McGlinchey Stafford	30	35
McKenna Long & Aldridge	10	12
Michael Best & Friedrich		
Miller, Canfield, Paddock and Stone		
Miller & Martin	15	1
Montgomery, McCracken, Walker & Rhoads	35	5
Moore & Van Allen		
Morgan, Lewis & Bockius		
Morris, Manning & Martin	30	5
Morrison & Foerster		
Munger, Tolles & Olson		
Neal, Gerber & Eisenberg		
Nelson Mullins Riley & Scarborough	5	5
Nexsen Pruet		
Nixon Peabody		
Ogletree, Deakins, Nash, Smoak & Stewart	91	8.6
O'Melveny & Myers		
Orrick, Herrington & Sutcliffe		
Patton Boggs	15	9.6
Paul, Hastings, Janofsky & Walker	95	5
Pepper Hamilton		
Perkins Coie		
Pheps Dunbar	10	10
Phillips Lytle	30	5
Plunkett Cooney	10	
Polinelli Shughart	10	15
Proskauer Rose		

SEE ALTERNATE, PAGE 21

ALTERNATE, FROM PAGE 20

FIRM NAME		REVENUE BREAKDOWN	
FIRM NAME	% OF FIRM'S REVENUE OBTAINED THROUGH VARIATIONS ON THE BILLABLE HOUR	% OF FIRM'S REVENUE OBTAINED THROUGH ALTERNATIVE BILLING METHODS	
Quarles & Brady			Hybrid; Fixed or flat; Contingency
Reed Smith	19	7	Hybrid; Fixed or flat; Retrospective; Contingency; Other
Reinhart Boerner Van Deuren			Hybrid; Fixed or flat; Contingency
Robinson & Cole	35	18	Hybrid; Fixed or flat; Contingency
Roetzel & Andress			Hybrid; Fixed or flat; Contingency
Ruden McClosky	1	1	Fixed or flat; Contingency
Rutan & Tucker			Hybrid; Fixed or flat; Contingency
Saul Ewing	57	10	Hybrid; Fixed or flat; Contingency
Schnader Harrison Segal & Lewis	15	5	Hybrid; Fixed or flat; Contingency
Schwabe, Williamson & Wyatt	25	10	Hybrid; Fixed or flat; Retrospective; Contingency
Sedgwick, Detert, Moran & Arnold	86	1	Fixed or flat; Contingency
Seyfarth Shaw			Fixed or flat; Contingency
Sheppard, Mullin, Richter & Hampton	20	10	Hybrid; Fixed or flat; Retrospective
Sherman & Howard			Hybrid; Fixed or flat; Retrospective; Contingency
Shook, Hardy & Bacon			Hybrid; Fixed or flat; Contingency
Shumaker, Loop & Kendrick			Hybrid; Fixed or flat; Retrospective; Contingency
Sills Cummis & Gross	10	5	Hybrid; Fixed or flat; Contingency
Skadden, Arps, Slate Meagher & Flom			Hybrid; Fixed or flat; Retrospective; Contingency; Other
Smith, Gambrell & Russell	10	10	Other
Snell & Wilmer	10	15	Hybrid; Fixed or flat; Contingency
Squire, Sanders & Dempsey			Hybrid; Fixed or flat; Contingency
Sieptoe & Johnson LLP			Fixed or flat; Contingency
Stevens & Lee	30	10	Hybrid; Fixed or flat; Retrospective; Contingency
Sittes & Harbison			Hybrid; Fixed or flat; Retrospective; Contingency
Stoel Rives			Hybrid; Fixed or flat; Retrospective; Contingency
Strasburger & Price	60	10	Hybrid; Fixed or flat; Contingency
Sullivan & Worcester	10	2	Hybrid; Fixed or flat; Contingency
Sutherland Asbill & Brennan			Hybrid; Fixed or flat; Retrospective; Contingency
Taft, Stettinius & Hollister			Hybrid; Fixed or flat; Contingency; Other
Thompson Coburn	30	3	Hybrid; Fixed or flat; Retrospective; Contingency
Thompson & Knight			Hybrid; Fixed or flat; Contingency
Townsend and Townsend and Crew			Hybrid; Fixed or flat; Contingency
Troutman Sanders	30	25	Hybrid; Fixed or flat; Contingency
Ulmer & Berne	45	15	Hybrid; Fixed or flat; Contingency
Vedder Price	10	7	Hybrid; Fixed or flat; Contingency
Venable			Fixed or flat
Vinson & Elkins			Hybrid; Fixed or flat; Retrospective; Contingency
Vorys, Sater, Seymour and Pease			Hybrid; Fixed or flat; Retrospective; Contingency
Waller Lansden Dortch & Davis	15	20	Hybrid; Fixed or flat; Retrospective; Contingency
White and Williams			Hybrid; Fixed or flat; Contingency
Wiggin and Dana			Fixed or flat; Contingency
Wiley Rein	20	1	Hybrid; Fixed or flat; Contingency
Williams Mullen			Hybrid; Fixed or flat; Contingency
Wilmer Cutler Pickering Hale and Dorr			Hybrid; Fixed or flat; Retrospective; Contingency
Winstead	6	1.7	Hybrid; Fixed or flat; Contingency
Winston & Strawn	45	3	Hybrid; Fixed or flat; Contingency
Womble Carlyle Sandridge & Rice			Hybrid; Fixed or flat; Retrospective; Contingency
Wyatt, Tarrant & Combs			Hybrid; Fixed or flat; Contingency
Womble Carlyle Sandridge & Rice	75	15	Hybrid; Fixed or flat; Contingency

BILLING SURVEY

Firms report their billing rates by associate class

Below is a sampling of hourly rates charged by law firms that establish billing rates based on associate class. The firms reported the data as part of *The National Law Journals* 2009 survey of the nation's 250 largest law firms.

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	TOTAL NUMBER OF ATTORNEYS	1ST YEAR	2D YEAR	3D YEAR	4TH YEAR	5TH YEAR	6TH YEAR	7TH YEAR	8TH YEAR
Alston & Bird	Atlanta	820	\$315	\$350	\$388	\$415	\$445	\$483	\$503	
Barnes & Thornburg	Indianapolis	483	\$210	\$220	\$230	\$245	\$250	\$260	\$270	\$280
Brinks Hofer Gilson & Lione	Chicago	179	\$240	\$260	\$280	\$305	\$335	\$360	\$385	\$405
Brownstein Hyatt Farber Schreck	Denver	223	\$185							
Bryan Cave	St. Louis	991	\$160	\$253	\$265	\$313	\$323	\$370	\$388	\$408
Burr & Forman	Birmingham, Ala.	233	\$200							
Curtis, Mallet-Prevost, Colt & Mosle	New York	240	\$290	\$335	\$375	\$415	\$455	\$495	\$535	\$575
Davis Wright Tremaine	Seattle	495	\$152	\$158	\$174	\$184	\$195	\$203	\$217	\$222
Dickinson Wright	Detroit	226	\$185	\$190	\$205	\$215	\$225	\$235	\$250	
Dickstein Shapiro	Washington	362	\$278	\$343	\$393	\$393	\$438	\$438	\$488	\$488
Dinsmore & Shohl	Cincinnati	422	\$175	\$185	\$200	\$215	\$225	\$235	\$245	\$255
Edwards Angell Palmer & Dodge	Boston	526	\$245	\$265	\$278					
Fitzpatrick, Cella, Harper & Scinto	New York	179	\$275	\$300	\$325	\$350	\$370	\$385	\$405	\$420
Ford & Harrison	Atlanta	191	\$260							
Gardere Wynne Sewell	Dallas	258	\$210	\$230	\$260	\$280	\$300	\$320	\$340	\$370
Greenebaum Doll & McDonald	Louisville, Ky.	164	\$150	\$160	\$170	\$200	\$230	\$230	\$250	
Harris Beach	Rochester, N.Y.	183	\$148	\$170	\$200	\$263	\$263	\$278	\$278	\$308
Hiscock & Barclay	Syracuse, N.Y.	181	\$245	\$245	\$263	\$263	\$263	\$278	\$278	\$308
Hogan & Hartson	Washington	1,151	\$300	\$340	\$370	\$405	\$435	\$465	\$485	\$525
Holland & Hart	Denver	390	\$215	\$235	\$255	\$275	\$295	\$305	\$320	\$325
Jackson Kelly	Charleston, W.Va.	171	\$160	\$175	\$185	\$195	\$205	\$215	\$215	
Jenner & Block	Chicago	443	\$325	\$370	\$400	\$435	\$475	\$495	\$525	\$525
Kelley Drye & Warren	New York	327	\$295	\$330	\$355	\$400	\$420	\$440	\$470	\$495
Kilpatrick Stockton	Atlanta	440	\$270	\$295	\$320	\$345	\$375	\$385	\$395	
Knobbe, Martens, Olson & Bear	Irvine, Calif.	233	\$270	\$295	\$320	\$345	\$370	\$370	\$370	
Lewis, Rice & Fingersh	St. Louis	157	\$170	\$195	\$230	\$255	\$275	\$290	\$300	\$310
Loeb & Loeb	New York	288	\$318	\$368	\$405	\$410	\$410	\$440	\$470	\$505
Manatt, Phelps & Phillips	Los Angeles	331	\$290	\$290	\$325	\$365	\$410	\$440	\$470	\$505
McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	232	\$145	\$170	\$180	\$190	\$195	\$200	\$205	\$215
Montgomery, McCracken, Walker & Rhoads	Philadelphia	129	\$220	\$230	\$250	\$270	\$285	\$305	\$330	\$355
Morris, Manning & Martin	Atlanta	144	\$200	\$265	\$310	\$340	\$365	\$390	\$415	\$425
Nixon Peabody	New York	708	\$290	\$329	\$359	\$379	\$405	\$429	\$466	\$447
Patton Boggs	Washington	539	\$290	\$315	\$340	\$370	\$400	\$425	\$450	\$480
Perkins Coie	Seattle	658	\$272	\$286	\$313	\$322	\$347	\$355	\$396	\$419
Quarles & Brady	Milwaukee	415	\$204	\$220	\$238	\$249	\$260	\$275	\$304	\$301
Robinson & Cole	Hartford, Conn.	230	\$210	\$220	\$230	\$240	\$250	\$265	\$285	\$300
Saul Ewing	Philadelphia	230	\$225	\$238	\$245	\$248	\$253	\$270	\$283	\$323
Schulte Roth & Zabel	New York	460	\$320	\$435	\$485	\$525	\$545	\$565	\$585	\$605
Sheppard, Mullin, Richter & Hampton	Los Angeles	469	\$285	\$320	\$350	\$380	\$405	\$430	\$450	\$470
Shumaker, Loop & Kendrick	Toledo, Ohio	210	\$195							
Snell & Wilmer	Phoenix	412	\$205	\$240	\$260	\$288				
Sullivan & Worcester	Boston	165	\$285	\$300	\$325	\$345	\$365	\$385	\$435	
Thompson & Knight	Dallas	405	\$265	\$300	\$330	\$365	\$385	\$405	\$425	\$440
Townsend and Townsend and Crew	San Francisco	189	\$260	\$290	\$325	\$350	\$390	\$420	\$450	\$470
Ulmer & Berne	Cleveland	173	\$180							
Vedder Price	Chicago	253	\$245	\$245	\$260	\$280	\$300	\$315	\$335	\$350
Winstead	Dallas	252	\$215	\$230	\$260	\$285	\$310	\$330	\$340	\$350
Winston & Strawn	Chicago	856	\$295	\$313	\$338	\$373	\$410	\$448	\$483	\$513

Firms not on the NLJ 250: Lewis, Rice & Fingersh, Montgomery, McCracken, Walker & Rhoads, Morris, Manning & Martin