

## How to Use E-Billing Data to Monitor Use of Litigation Best Practices

While the UTBMS\* Standard Litigation Code Set has its limitations, there are many opportunities to take advantage of the data produced by the litigation code set to track the use of Best Practices by law firm staff working on your cases.

The list below is illustrative and not comprehensive. For example, it does not include routine expense control topics.

- The reviews suggested below do not require data from the matter management system, such as case type. However, your review will be more robust if you are able to take into account case type, jurisdiction of the case and other details.

**Using Custom Code Sets:** While most e-billing vendors and law firm billing systems support customized Code Sets, it is often wise to exploit the Standard Set to the fullest before asking law firms to go through the tedious process of ensuring that every timekeeper has and fully understands how to apply your modified codes. Often, companies using modified codes experience wide variances in the data coming through because some law firm timekeepers don't understand how to properly apply them.

Best Practice	Review Questions/ Graphs	E-Billing Source
<b>Motions for Summary Dismissal; Removal</b>	<ul style="list-style-type: none"> <li>• Does the firm recognize and act quickly on opportunities for seeking dismissal and/or removal from "hellhole" state jurisdictions to federal court?</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date of Service</li> <li>▪ L120, L240, Peer Code, E122</li> </ul>
<b>Early Case Assessment</b>	<ul style="list-style-type: none"> <li>• In what months were case assessment tasks charged?</li> </ul>	<ul style="list-style-type: none"> <li>• Date of service</li> <li>• L110, L120, L190</li> </ul>
<b>Prompt Discovery</b>	<ul style="list-style-type: none"> <li>• In what months were discovery tasks charged?</li> </ul>	<ul style="list-style-type: none"> <li>• Date of service</li> <li>• L300 Series</li> </ul>
<b>Early Case Resolution</b>	<ol style="list-style-type: none"> <li>1. In what months were settlement tasks undertaken?</li> <li>2. How much time was committed to the effort? By whom?</li> <li>3. Does counsel wait for court-mandated conference before committing appropriate time to settlements?</li> </ol>	<ul style="list-style-type: none"> <li>Date of Service</li> <li>L160, L230, Peer Code</li> </ul>
<b>Appropriate Diligence in Budgeting</b>	<ul style="list-style-type: none"> <li>▪ How much time is billed for budgeting activities? By whom? At what point in the case?</li> </ul>	<ul style="list-style-type: none"> <li>• Date of Service</li> </ul>

<b>Collaboration With Partners</b>	1. How much time is billed for communicating with clients and external counsel (network firms)?	<ul style="list-style-type: none"> <li>• L150, Peer Code</li> <li>• A106, A107, Peer Code</li> </ul>
<b>Utilization of Existing Documents, Motions</b>	<ul style="list-style-type: none"> <li>• How much time was spent preparing documents in cases where there is established law and you have "standard" documents available to counsel on-line? By whom?</li> </ul>	<ul style="list-style-type: none"> <li>• L430, A101, A102, A103, A104, Peer Code</li> </ul>
<b>Cost-efficient Deposition Practice</b>	<ul style="list-style-type: none"> <li>• Is the firm's average time commitment to taking depositions in line with the nature of its cases and the experience of other firms?</li> </ul>	<ul style="list-style-type: none"> <li>• L330, Peer Code</li> </ul>
<b>Expert Witnesses</b>	<ul style="list-style-type: none"> <li>■ Is the firm using expert witnesses who are on the company's "most effective witness" list?</li> <li>■ Is the firm using expert witness depositions from previous cases where possible or taking new expert witness depositions unnecessarily?</li> </ul>	1. E114, E119, E123, L340, Peer Code

\* Uniform Task-Based Management System