

# EXHIBIT C

# THE NATIONAL LAW JOURNAL

DECEMBER 6, 2010

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An ALM publication



MICHAEL KELLY: "I think the days of firms being greedy are over," said the chairman of McCarter & English.

## Billing Blues

Continued pricing pressure from clients means firms are limited to modest yearly rate increases.

BY KAREN SLOAN

Billing rates continued to climb in 2010—but by only a fraction of the rate they grew during the boom years of the mid-2000s.

The average firmwide billing rate—a combination of associate and partner rates—increased by 2.7% in 2010, according to *The National Law Journal's* annual survey of hourly billing rates. It's the second straight year of growth rates less than 3%, which is a

SEE BILLING, PAGE 10

THE NLJ'S 2010 BILLING SURVEY ■ Billing rates rose on average 2.7% ■ The average hourly rate for firms was \$385

## New claims in foreclosure fights

Homeowners are test-driving claims such as civil RICO in their challenges.

BY SHERI QUALTERS

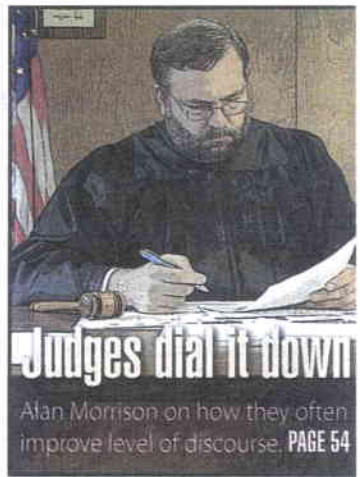
"Robo-signing" has become practically a household word since news broke in September that mortgage lenders signed and approved foreclosure documents on a massive scale without verifying that they rightfully held the mortgage.

Now, foreclosure fights over robo-signing and other paperwork problems are snowballing, according to lawyers monitoring such cases. And the claims that homeowners are using in their cases are expanding, too. Older arguments involving negligence and fraud are still com-

mon, but homeowners are now employing specific state consumer protection laws and federal debt collection and anti-racketeering statutes to fight lenders.

"If the government doesn't step in, this [type of litigation] is going to make personal injury, or maybe even asbestos litigation, seem like a drop in a bucket," said Glenn Russell Jr., a Fall River, Mass., solo practitioner. Russell has been representing borrowers for about five years and has about 55 active cases with clients who are challenging their lenders' standing to foreclose, and one of his cases has become a flashpoint in the debate about

SEE FORECLOSURE, PAGE 4



## Judges dial it down

Alan Morrison on how they often improve level of discourse. PAGE 54



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KATY O'LEARY, ASSOCIATE, NUTTER MCLENNEN & FISH LLP, BOSTON

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# BILLING

A SPECIAL REPORT

# 2010 SURVEY

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THE NATIONAL LAW JOURNAL/WWW.NLJ.COM | DECEMBER 6, 2010

## The new normal: billing rate increases of 5% or less

BILLING, FROM PAGE 1

far cry from the standard 6% to 8% increases from 2004 until 2008 and just slightly higher than the rate of inflation.

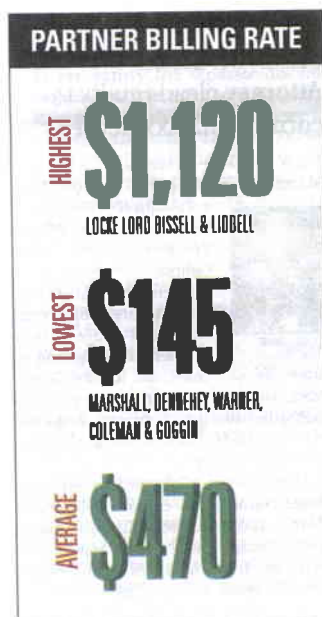
"Firms are still very cautious and thoughtful about trying to push through rate increases," said Altman Weil consultant Tom Clay, whose own research has confirmed similarly modest billing-rate growth. "Our best guess is that the next three years are going to be about the same. I give it a 50% chance that this is the new reality. That could change if there is a major economic boom, but it's very hard to picture clients agreeing to those kinds of rate increases again."

Several law firm leaders and consultants said they expect pricing pressure from clients to remain high for the foreseeable future, thus limiting the ability of firms to fall back on across-the-board rate increases upwards of 5%. Sizable hourly rate increases were a key factor in soaring law firm revenue through much of the past decade. Recent research from Wells Fargo Wealth Management and Citi Private Bank indicates that law firm revenue has been flat thus far for 2010. A recent survey of executives from the 200 most profitable U.S. firms by NLJ affiliate *The American Lawyer* found that 90% of firms expect to increase hourly rates by 5% or less in 2011.

"I think the days of firms being greedy are over," said McCarter & English Chairman Michael Kelly. "The clients are more sophisticated and the competition is fiercer than ever."

The current slide in rate growth started in 2008, when the average firmwide increase was 4.3%, compared to 7.7% in 2007. Growth has slowed even further in the past two years, and the average firmwide billing rate is now \$385, up just \$10 from 2009.

"I can't conceive of rates going higher than 4 or 5% in the foreseeable future,"



said Jackson Lewis managing partner Patrick Vaccaro. The firm reported an average firmwide billing rate of \$364, up \$3 from 2009. "Our clients are requesting that we freeze rates or give them a multi-year rate."

Nationwide, among the firms responding to the survey this year and last, the average firmwide billing rate for partners was \$470, up 3% from \$456 in 2009. For associates, the average rate was \$294, up about 2.5% from \$287 in 2009. Although growth was comparatively low, most of these firms—75%—did raise rates in 2010. Rates remained the same at 8% of these firms, while 17% lowered their firmwide average billing rate.



As in recent years, the survey results showed that alternative fee arrangements account for a growing percentage of revenue at many firms, and variations on the billable hour such as discounts and blended fees remain common.

Among the firms lowering billing rates was McCarter & English, which reported a 10% decrease in its average firmwide billing rate in 2010 to \$355. The Newark, N.J.-based firm has reduced rates for the past two years, Kelly said. Although the firm might not generate as much revenue in the short term, Kelly expects that it will benefit with greater client loyalty and trust in the long term.

"When the economy is bad and clients

are laying off people, the last thing you want to say is, 'We're going to raise our rates,'" he said. "I was adamant that we weren't going to do that. I decided we were going to share the pain."

The law firm billing information was collected as part of the NLJ 250, *The National Law Journal's* annual survey of the nation's 250 largest law firms. The survey period ran from Oct. 1, 2009, to Sept. 30, 2010, with 187 firms reporting 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 2009 did not necessarily do so in 2010, the figures suggest billing trends, particularly among midsize firms, which made up the majority of firms that provided detailed billing information for both years.

Simply raising a firm's billable rate is no guarantee of increased revenue. Law firm collection rates have remained flat, said Mark Medice, the program director for Hildebrandt Baker Robbins' Peer Monitor Index, which tracks several law firm economic indicators. "Not only have rates been pretty slow to grow, but at a collected level, they haven't gone up at all," Medice said.

### 'WE'RE SEEING MORE DISCOUNTS'

Additionally, the slow economy has led clients to rely more on hourly-rate discounts.

"I think we're seeing more discounts," said consultant Rees Morrison, who specializes in advising law departments. Five percent is a given, and 10% is what you shoot for if you're spending hundreds of thousands of dollars and up with a particular firm."

Instead of raising rates firmwide by class level—as many have done in years

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**BILLING, FROM PAGE 10**

past—firms are taking a more individual approach that looks at attorneys, their clients and their practices when establishing billing rates, Clay said.

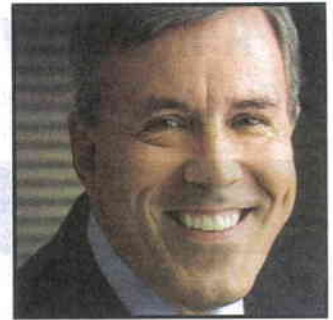
“Really superior lawyers are undervalued because of their fear of pushing up rates, but clients will still pay for the top-end lawyers,” Clay said. “They recognize the value of those lawyers.”

Indeed, three firms reported top partner hourly billing rates of \$1,000 or more, including Foley & Lardner at \$1,035; Winston & Strawn at \$1,075; and Locke Lord Bissell & Liddell at \$1,120. That highest rate is charged by Bryan Goolsby of Locke Lord—the Dallas-based head of the firm’s real estate investment trust practice. The average firmwide partner billing rates at each of those firms was much lower, however.

**SOME GROWTH IN ALTERNATIVES**

Alternative fee arrangements remain a growing trend, according to the survey results. Nearly half of the firms that provided a percentage of their revenue derived from alternative fee arrangement in both 2009 and 2010—49%—said that percentage increased in the past year. The highest percentages were reported by Shook, Hardy & Bacon at 30%; Yoss at 30%; Stevens & Lee at 30%; and Vorys, Sater, Seymour and Pease at 27%.

A survey of 218 law firm managers by Altman Weil in May found that nearly 95% of firms offer some alternative fee arrangements, while *The*



**SLOW GROWTH:** Firms are still very cautious... about trying to push through rate increases, said Tom Clay of Altman Weil, above. Jackson Lewis' Patrick Vaccaro said clients want rate freezes or multiyear rates.

*American Lawyer's* law firm leaders survey showed that 93% of firms have used flat-fee arrangements. In a separate survey of general counsel conducted by *The American Lawyer* and the Association of Corporate Counsel this fall, 53% of GCs said they had used flat-fee billing for an entire matter.

Not everyone believes that the move toward alternative billing rates lives up to the hype, however. Morrison said discussion of those arrangements far outpaces actual agreements.

“Everyone says, ‘There ought to be more ways to charge fees beyond the

billable hour, but it hasn’t happened,” Morrison said. “Most law departments are three people or less. They don’t have the time or ability to craft alternative fee arrangements. Seventy percent of law departments can’t do it, and don’t care about it.”

Indeed, the *American Lawyer* survey found that alternative fee arrangements account, on average, for 16% of firm revenue.

But those arrangements are increasing—what clients want, Vaccaro said. Many of the requests for proposals Jackson Lewis receives from potential clients seek

fee certainty and efficiency from outside counsel. The employment law firm has responded with flat rates, litigation caps and other alternative arrangements, but predicting costs and crafting profitable agreements is still a work in progress for Jackson Lewis’ top-level managers who put together those deals.

“We can pretty well determine what the cost is going to be and build enough protections, but there is a considerable risk involved and we’re willing to take that risk,” Vaccaro said. “If you want to stay in business, you ought to be doing what the client wants.”

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## BILLING SURVEY

# A nationwide sampling of law firm billing rates

The National Law Journal asked the respondents to its 2010 survey of the nation's 250 largest law firms to provide a range of hourly billing rates. Firms that supplied the information are listed in alphabetical order. Non-NLJ 250 firms appear separately.

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE			PARTNER			ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Adams and Reese	New Orleans	265	\$265	\$270	\$550	\$250	\$344	\$340	\$290	\$195	\$229	\$235
Alston & Bird	Atlanta	786	\$515	\$505	\$865	\$450	\$627	\$615	\$590	\$270	\$405	\$405
Archer & Greiner	Haddonfield, N.J.	176			\$560	\$305			\$340	\$175		
Arent Fox	Washington	329			\$765	\$400			\$475	\$240		
Armstrong Teasdale	St. Louis	233			\$475	\$300			\$325	\$200		
Baker, Donelson, Bearman, Caldwell & Berkowitz	Memphis, Tenn.	552	\$312	\$305	\$595	\$255	\$357	\$348	\$320	\$165	\$231	\$230
Barnes & Thornburg	Indianapolis	494	\$367	\$375	\$613	\$298	\$416	\$415	\$355	\$225	\$261	\$260
Benesch, Friedlander, Coplan & Aronoff	Cleveland	161	\$315		\$575	\$350	\$335		\$360	\$195	\$245	
Best Best & Krieger	Riverside, Calif.	183			\$550	\$310			\$395	\$225		
Blank Rome	Philadelphia	472	\$510	\$495	\$855	\$440	\$615	\$625	\$550	\$250	\$361	\$353
Bond, Schoeneck & King	Syracuse, N.Y.	199	\$260	\$255	\$475	\$220	\$309	\$330	\$280	\$160	\$208	\$210
Briggs and Morgan	Minneapolis	190	\$373	\$390	\$600	\$290	\$437	\$440	\$315	\$210	\$240	\$235
Broad and Cassel	Orlando, Fla.	160	\$307	\$295	\$475	\$260	\$372	\$375	\$350	\$175	\$242	\$248
Brownstein Hyatt Farber Schreck	Denver	248	\$391	\$380	\$810	\$295	\$463	\$448	\$360	\$200	\$256	\$255
Bryan Cave	St. Louis	928	\$464	\$450	\$790	\$370	\$553	\$540	\$550	\$185	\$344	\$345
Buchalter Nemer	Los Angeles	164	\$415	\$415	\$625	\$270	\$490	\$495	\$450	\$195	\$328	\$310
Buchanan Ingersoll & Rooney	Pittsburgh	423			\$900	\$310			\$465	\$210		
Burr & Forman	Birmingham, Ala.	256	\$328	\$330	\$500	\$210	\$361	\$365	\$335	\$200	\$250	\$250
Butzel Long	Detroit	181			\$750	\$300			\$375	\$200		
Carlton Fields	Tampa, Fla.	275	\$388	\$390	\$775	\$325	\$455	\$455	\$375	\$195	\$268	\$270
Chadbourne & Parke	New York	444	\$456	\$450	\$995	\$390	\$769	\$785	\$625	\$110	\$442	\$455
Cozen O'Connor	Philadelphia	521	\$422	\$390	\$880	\$310	\$497	\$475	\$585	\$225	\$326	\$320
Curtis, Mallet-Prevost, Colt & Mosle	New York	252	\$489	\$480	\$785	\$675	\$669	\$675	\$575	\$290	\$365	\$350
Davis Wright Tremaine	Seattle	491	\$355	\$365	\$795	\$320	\$486	\$480	\$435	\$210	\$304	\$305
Dickinson Wright	Detroit	230			\$575	\$355			\$275	\$195		
Dickstein Shapiro	Washington	336	\$546	\$530	\$950	\$525	\$656	\$650	\$530	\$265	\$426	\$450
Dinsmore & Shohl	Cincinnati	402	\$302	\$290	\$590	\$220	\$360	\$355	\$300	\$175	\$222	\$218
Dorsey & Whitney	Minneapolis	578	\$410	\$395	\$795	\$440	\$515	\$515	\$290	\$180	\$285	\$270
Duane Morris	Philadelphia	629	\$483	\$483	\$850	\$240	\$550	\$545	\$480	\$135	\$349	\$350
Dykema Gossett	Detroit	333	\$445	\$450	\$635	\$360	\$495	\$515	\$450	\$225	\$325	\$320
Eckert Seamans Cherin & Mellott	Pittsburgh	329			\$625	\$250			\$320	\$150		
Edwards Angell Palmer & Dodge	Boston	505	\$451	\$450	\$780	\$345	\$571	\$575	\$610	\$200	\$323	\$303
Ipstein Becker & Green	New York	302	\$429	\$425	\$850	\$350	\$520	\$500	\$450	\$180	\$325	\$320
Fisher & Phillips	Atlanta	238			\$505	\$340			\$360	\$220		
Fitzpatrick, Cella, Harper & Scinto	New York	175			\$730	\$460			\$440	\$275		\$325
Foley & Lardner	Milwaukee	895	\$554	\$570	\$1,035		\$654	\$640		\$255	\$426	\$410
Ford & Harrison	Atlanta	176			\$620	\$375			\$390	\$250		
Fox Rothschild	Philadelphia	472	\$407	\$415	\$690	\$315	\$473	\$470	\$475	\$235	\$298	\$290
Frost Brown Todd	Cincinnati	404	\$279	\$280	\$515	\$200	\$326	\$325	\$250	\$150	\$189	\$190
Gardere Wynne Sewell	Dallas	270	\$445	\$450	\$815	\$380	\$531	\$525	\$445	\$195	\$311	\$310
Gibbons	Newark, N.J.	223	\$404	\$410	\$790	\$390	\$479	\$475	\$450	\$250	\$289	\$275
Godfrey & Kahn	Milwaukee	172			\$495	\$325			\$340	\$180		
GrayRobinson	Orlando, Fla.	250			\$750	\$225			\$315	\$150		
Greenberg Traurig	New York	1,763	\$453	\$480	\$875	\$355	\$550	\$580	\$610	\$200	\$332	\$350
Harris Beach	Rochester, N.Y.	176			\$500	\$275			\$250	\$140		
Hiscock & Barclay	Syracuse, N.Y.	175	\$311	\$275	\$660	\$195	\$348	\$305	\$440	\$150	\$234	\$195

SEE SAMPLING, PAGE 13

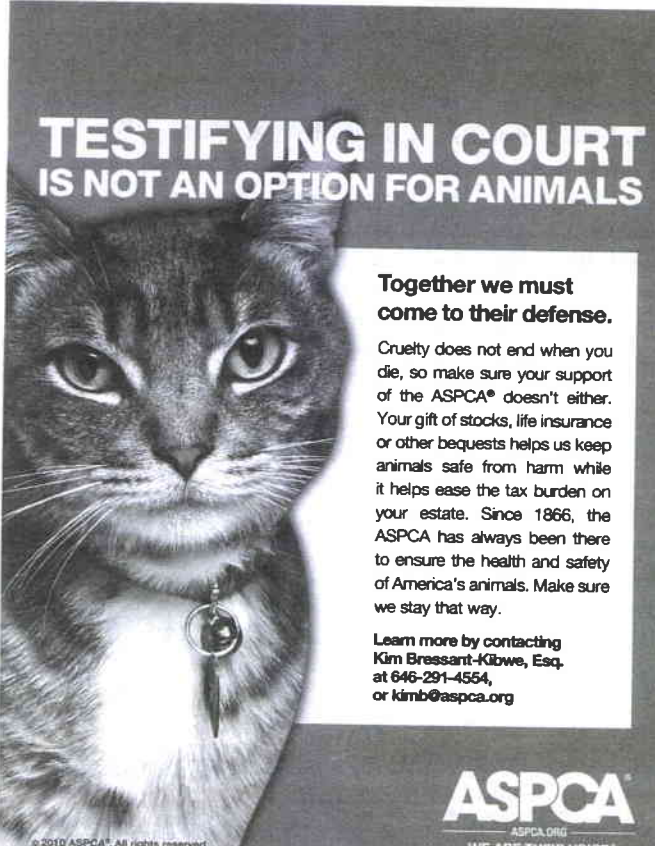
## SAMPLING, FROM PAGE 12

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE			PARTNER			ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Hodgson Russ	Buffalo, N.Y.	197	\$328	\$320	\$665	\$230	\$374	\$370	\$410	\$175	\$238	\$230
Holland & Knight	Washington	942	\$418	\$425	\$850	\$300	\$499	\$495	\$480	\$185	\$288	\$280
Holme Roberts & Owen	Denver	192	\$355	\$345	\$635	\$285	\$415	\$410	\$530	\$170	\$295	\$285
Husch Blackwell	St. Louis	554	\$329	\$331	\$804	\$230	\$357	\$375	\$415	\$171	\$220	\$205
Jackson Kelly	Charleston, W.Va.	161			\$495	\$245			\$275	\$155		
Jackson Lewis	White Plains, N.Y.	661	\$364	\$300	\$715	\$260	\$428	\$430	\$440	\$150	\$282	\$275
Jones, Walker, Wachter, Poitevent, Carrère & Denègre	New Orleans	302			\$620	\$195			\$275	\$140		
Kelley Drye & Warren	New York	325			\$900	\$465			\$565	\$275		
Kilpatrick Stockton	Atlanta	423	\$425	\$425	\$730	\$375	\$527	\$520	\$465	\$225	\$320	\$320
Knobbe, Martens, Olson & Bear	Irvine, Calif.	266	\$432	\$415	\$710	\$395	\$511	\$485	\$450	\$285	\$332	\$335
Lane Powell	Seattle	175	\$349	\$380	\$600	\$310	\$431	\$430	\$350	\$230	\$278	\$275
Lathrop & Gage	Kansas City, Mo.	286			\$490	\$255			\$265	\$180		
Lindquist & Vennum	Minneapolis	184	\$330	\$350			\$415	\$410			\$235	\$230
Littler Mendelson	San Francisco	764	\$372	\$355	\$650	\$290	\$445	\$435	\$480	\$210	\$296	\$285
Locke Lord Bissell & Liddell	Dallas	642	\$486	\$515	\$1,120	\$400	\$599	\$600	\$525	\$215	\$320	\$300
Loeb & Loeb	New York	300			\$975	\$475			\$575	\$275		
Lowenstein Sandler	Roseland, N.J.	238			\$825	\$440			\$575	\$235		
Manatt, Phelps & Phillips	Los Angeles	320	\$568	\$590	\$850	\$525	\$651	\$650	\$525	\$200	\$405	\$410
Marshall, Dennehey, Warner, Coleman & Goggin	Philadelphia	412			\$410	\$145			\$320	\$130		
Maynard, Cooper & Gale	Birmingham, Ala.	212			\$600	\$325			\$295	\$235		
McCarter & English	Newark, N.J.	382	\$355	\$400	\$825	\$360	\$498	\$485	\$405	\$215	\$313	\$315
McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	269	\$210	\$225	\$550	\$295	\$280	\$260	\$275	\$150	\$190	\$185
McGuireWoods	Richmond, Va.	872	\$455	\$450	\$830	\$325	\$543	\$535	\$600	\$220	\$355	\$350
McKenna Long & Aldridge	Atlanta	429	\$455	\$410	\$775	\$375	\$540	\$525	\$490	\$220	\$366	\$355
Michael Best & Friedrich	Milwaukee	214	\$346	\$345	\$650	\$235	\$400	\$390	\$320	\$190	\$239	\$230
Miles & Stockbridge	Baltimore	223			\$695	\$325			\$370	\$220		
Miller & Martin	Chattanooga, Tenn.	192	\$328	\$335	\$610	\$235	\$361	\$365	\$275	\$180	\$218	\$210
Moore & Van Allen	Charlotte N.C.	282	\$364	\$350	\$785	\$265	\$441	\$425	\$350	\$180	\$257	\$250
Nelson Mullins Riley & Scarborough	Columbia, S.C.	400	\$347	\$340	\$850	\$245	\$399	\$385	\$335	\$185	\$248	\$240
Nexsen Pruet	Columbia, S.C.	178			\$525	\$230			\$250	\$160		
Nixon Peabody	New York	682	\$429	\$430	\$905	\$375	\$613	\$625	\$580	\$195	\$388	\$395
Ogletree, Deakins, Nash, Smoak & Stewart	Greenville, S.C.	485	\$351		\$575	\$300	\$389		\$390	\$195	\$285	
Patton Boggs	Washington	525	\$482	\$485	\$990	\$355	\$645	\$625	\$550	\$215	\$399	\$400
Pepper Hamilton	Philadelphia	458	\$326		\$825	\$420	\$547		\$465	\$230	\$329	
Perkins Coie	Seattle	683	\$447		\$825	\$275	\$534	\$530	\$570	\$200	\$354	
Phelps Dunbar	New Orleans	281	\$226	\$215	\$385	\$180	\$272	\$265	\$240	\$145	\$183	\$180
Phillips Lytle	Buffalo, N.Y.	177	\$255	\$260	\$535	\$260	\$352	\$350	\$450	\$150	\$283	\$230
Polsinelli Shughart	Kansas City, Mo.	500			\$600	\$250			\$325	\$185		
Quarles & Brady	Milwaukee	419	\$364	\$360	\$660	\$290	\$438	\$435	\$400	\$210	\$260	\$245
Roetzel & Andress	Akron, Ohio	215	\$317	\$325	\$525	\$225	\$357	\$350	\$325	\$165	\$243	\$245
Rutan & Tucker	Costa Mesa, Calif.	133			\$650	\$355			\$450	\$225		
Saul Ewing	Philadelphia	219	\$412	\$425	\$800	\$320	\$491	\$478	\$475	\$225	\$310	\$285
Schulte Roth & Zabel	New York	433			\$895	\$735			\$690	\$275		
Seyfarth Shaw	Chicago	704	\$377	\$375	\$770	\$335	\$505	\$503	\$535	\$185	\$325	\$320
Sheppard, Mullin, Richter & Hampton	Los Angeles	464			\$820	\$495			\$620	\$270		
Shumaker, Loop & Kendrick	Toledo, Ohio	210	\$331	\$350	\$540	\$250	\$366	\$365	\$315	\$185	\$246	\$235
Smith, Gambrell & Russell	Atlanta	175			\$740	\$325			\$440	\$195		
Snell & Wilmer	Phoenix	396	\$338	\$325	\$795	\$315	\$486	\$475	\$550	\$175	\$282	\$265
Stoel Rives	Portland, Ore.	368	\$381	\$395	\$600	\$315	\$441	\$443	\$390	\$190	\$270	\$265
Strasburger & Price	Dallas	181	\$336	\$351	\$617	\$250	\$372	\$393	\$306	\$194	\$243	\$245
Taft, Stettinius & Hollister	Cincinnati	286	\$315	\$315	\$500	\$220	\$358	\$350	\$365	\$165	\$227	\$225

## BILLING SURVEY

SAMPLING, FROM PAGE 13

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE		PARTNER				ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Thompson Coburn	St. Louis	326			\$610	\$300			\$395	\$190		
Thompson & Knight	Dallas	328			\$825	\$410			\$440	\$265		
Townsend and Townsend and Crew	San Francisco	177	\$320	\$290	\$750	\$470	\$563	\$550	\$460	\$260	\$345	\$325
Ulmer & Berne	Cleveland	177			\$565	\$260			\$375	\$185		
Vedder Price	Chicago	255	\$425	\$425	\$720	\$370	\$483	\$470	\$365	\$255	\$326	\$325
Venable	Washington	494	\$484	\$495	\$950	\$445	\$590	\$585	\$500	\$280	\$353	\$330
Williams Mullen	Richmond, Va.	300	\$368	\$340	\$645	\$315	\$428	\$395	\$370	\$230	\$279	\$280
Winstead	Dallas	264	\$395		\$655	\$340	\$462		\$390	\$215	\$291	
Winston & Strawn	Chicago	899	\$486	\$490	\$1,075	\$475	\$670	\$660	\$610	\$250	\$393	\$375
Womble Carlyle Sandridge & Rice	Winston Salem, N.C.	503	\$372	\$375	\$625	\$300	\$461	\$465	\$445	\$210	\$291	\$285
Wyatt, Tarrant & Combs	Louisville, Ky.	186			\$500	\$245			\$285	\$180		
<b>NON-NLJ 250 FIRMS</b>												
Brinks Hofer Gilson & Lione	Chicago	149	\$435	\$435	\$725	\$345	\$541	\$560	\$420	\$195	\$308	\$285
Fowler White Boggs	Tampa, Fla.	127	\$350	\$370	\$575	\$325	\$400	\$388	\$315	\$205	\$250	\$255
Lewis, Rice & Fingersh	St. Louis	157			\$460	\$260			\$315	\$150		
Luce, Forward, Hamilton & Scripps	San Diego	143			\$670	\$350			\$445	\$245		
McAndrews, Held & Malloy	Chicago	102			\$675	\$260			\$350	\$225		
Montgomery, McCracken, Walker & Rhoads	Philadelphia	117			\$625	\$380	\$461		\$395	\$205	\$284	
Morris, Manning & Martin	Atlanta	135	\$424	\$415	\$760	\$425	\$492	\$490	\$545	\$225	\$353	\$360
Schwabe, Williamson & Wyatt	Portland, Ore.	158	\$350	\$340	\$540	\$310	\$415	\$410	\$450	\$200	\$260	\$250
Sullivan & Worcester	Boston	156	\$537	\$543	\$830	\$475	\$647	\$623	\$535	\$290	\$383	\$370



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# Firms report using alternatives to the billable hour

Below is a listing of law firms, in NLJ 250 order, that reported use of alternative billing methods. We asked firms to report on percentages of revenue obtained through variations on the billable hour and true alternatives. 2009 percentages appear where available.

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	REVENUE BREAKDOWN			
			% OF FIRM'S REVENUE OBTAINED THROUGH VARIATIONS ON THE BILLABLE HOUR		% OF FIRM'S REVENUE OBTAINED THROUGH ALTERNATIVE BILLING METHODS	
			2010	2009	2010	2009
Greenberg Traurig	New York	1,763			11	3
Reed Smith	Pittsburgh	1,430	10	19	10	7
Orrick, Herrington & Sutcliffe	San Francisco	1,079			25	25
Bryan Cave	St. Louis	928			20	
Paul, Hastings, Janofsky & Walker	New York	924	40	95	13	5
Bingham McCutchen	Boston	918	5	2.5	5	2.5
Wilmer Cutler Pickering Hale and Dorr	Washington	907			10	1.7
Fulbright & Jaworski	Houston	855	67		10	
Alston & Bird	Atlanta	786	60	60	8	5
Littler Mendelson	San Francisco	764	41		5	
Seyfarth Shaw	Chicago	704			10	
Jackson Lewis	White Plains, N.Y.	661	30	30	15	14
Troutman Sanders	Atlanta	651	30	30	15	15
Locke Lord Bissell & Liddell	Dallas	642	80	80	20	20
Duane Morris	Philadelphia	629	4	4	6	6
Pillsbury Winthrop Shaw Pittman	New York	623	30		15	
Dorsey & Whitney	Minneapolis	578	5		5	
Husch Blackwell	St. Louis	554	95	98	5	2
Baker, Donelson, Bearman, Caldwell & Berkowitz	Memphis, Tenn.	552	35	50		
Patton Boggs	Washington	525	15	15	13	9.6
Edwards Angell Palmer & Dodge	Boston	505	20	10	8	5
Womble Carlyle Sandridge & Rice	Winston-Salem, N.C.	503	75	75	15	15
Polsinelli Shughart	Kansas City, Mo.	500	15		15	
Shook, Hardy & Bacon	Kansas City, Mo.	500			30	25
Hinshaw & Culbertson	Chicago	494	5	10	5	10
Stephens & Johnson LLP	Washington	487			10	10
Ogletree, Deakins, Nash, Smoak & Stewart	Greenville, S.C.	485	91	91	9	8.6
Sheppard, Mullin, Richter & Hampton	Los Angeles	464	13	20	13	10
Pepper Hamilton	Philadelphia	458	10		15	14
Chadbourne & Parke	New York	444	92		8	
McKenna Long & Aldridge	Atlanta	429	11	30	20	35
Buchanan Ingersoll & Rooney	Pittsburgh	423	5	6		
Kilpatrick Stockton	Atlanta	423		40	2.6	20
Quarles & Brady	Milwaukee	419			7	
Marshall, Dennehey, Warner, Coleman & Goggin	Philadelphia	412	20	20	12	12
Frost Brown Todd	Cincinnati	404	76	32		1.8
Nelson Mullins Riley & Scarborough	Columbia, S.C.	400	5	5	5	5
Snell & Wilmer	Phoenix	396	20	10	15	15
McCarte & English	Newark, N.J.	382	6	10	5	10
Gordon & Rees	San Francisco	362	7.5	7.5	7.5	7.5
Andrews Kurth	Houston	351	15	15	5	15

SEE ALTERNATIVES, PAGE 16



## BILLING SURVEY

ALTERNATIVES, FROM PAGE 15

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	REVENUE BREAKDOWN			
			% OF FIRM'S REVENUE OBTAINED THROUGH VARIATIONS ON THE BILLABLE HOUR		% OF FIRM'S REVENUE OBTAINED THROUGH ALTERNATIVE BILLING METHODS	
			2010	2009	2010	2009
Vorys, Sater, Seymour and Pease	Columbus, Ohio	350	28		27	
Sedgwick, Detert, Moran & Arnold	San Francisco	347	16	86	1	1
Fish & Richardson	Boston	339	70	70	10	10
Dykema Gossett	Detroit	333	83	84		
Eckert Seamans Cherin & Mellott	Pittsburgh	329	50		20	20
Arent Fox	Washington	329	15	15	15	10
Thompson & Knight	Dallas	328	30	30	3	3
Manatt, Phelps & Phillips	Los Angeles	320	66		14	
Loeb & Loeb	New York	300	15	10	10	20
Stinson Morrison Hecker	Kansas City, Mo.	288			10	
Taft, Stettinius & Hollister	Cincinnati	286	40		20	
Moore & Van Allen	Charlotte, N.C.	282	50	35	15	5
Phelps Dunbar	New Orleans	281	2	10	2	10
Wiley Rein	Washington	274	25	20	3	1
Gardere Wynne Sewell	Dallas	270	20	22	18	15
McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	269	6	5	15	12
Winstead	Dallas	264	6		3	
Burr & Forman	Birmingham, Ala.	256	60	38	6	6
Yoss	Miami	254	25	30	30	25
Curtis, Mallet-Prevost, Colt & Mosle	New York	252	10	10	0	5
GrayRobinson	Orlando, Fla.	250			15	15
Brownstein Hyatt Farber Schreck	Denver	248	18	18	27	23
Armstrong Teasdale	St. Louis	233	15	14	15	14
Honigman Miller Schwartz and Cohn	Detroit	228	4	4	4	4
Miles & Stockbridge	Baltimore	223	5.2		12	
Gibbons	Newark, N.J.	223	20	30	10	1
Saul Ewing	Philadelphia	219	35	57	5	10
Michael Best & Friedrich	Milwaukee	214	15	10	10	12
Maynard, Cooper & Gale	Birmingham, Ala.	212	5		5	
Shumaker, Loop & Kendrick	Toledo, Ohio	210	10	10	5	5
Clark Hill	Detroit	206			12	10
Hodgson Russ	Buffalo, N.Y.	197		25	30	5
Miller & Martin	Chattanooga, Tenn.	192	17	15	3	1
Holme Roberts & Owen	Denver	192	15	15	15	15
Best Best & Krieger	Riverside, Calif.	183	5	5	5	5
Strasburger & Price	Dallas	181	30	60	15	10
Leonard, Street and Deinard	Minneapolis	178	10	10	10	10
Stevens & Lee	Reading, Pa.	177	30	30	30	25
Phillips Lytle	Buffalo, N.Y.	177	20	30	20	5
Townsend and Townsend and Crew	San Francisco	177	20		25	25
Ford & Harrison	Atlanta	176	20	12	7	4
Lane Powell	Seattle	175	50	50	10	10
Smith, Gambrell & Russell	Atlanta	175	10	10	10	10
Hiscock & Barclay	Syracuse, N.Y.	175			24	21
Schnader Harrison Segal & Lewis	Philadelphia	175	15	15	5	5
Godfrey & Kahn	Milwaukee	172	25	30	5	10
Buchalter Nemer	Los Angeles	164	5		5	
Benesch, Friedlander, Coplan & Aronoff	Cleveland	161			18	

# 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 Journal's* 2010 survey of the nation's 250 largest firms. Non-NLJ 250 firms appear separately.

FIRM NAME	LARGEST OR PRINCIPAL OFFICE	NUMBER OF ATTORNEYS	1ST YEAR	2D YEAR	3D YEAR	4TH YEAR	5TH YEAR	6TH YEAR	7TH YEAR	8TH YEAR
Alston & Bird	Atlanta	786	\$270-\$345	\$330-\$395	\$365-\$440	\$395-\$470	\$420-\$515	\$445-\$550	\$470-\$570	
Benesch, Friedlander, Coplan & Aronoff	Cleveland	161	\$195	\$200	\$215	\$230	\$240	\$250	\$275	
Blank Rome	Philadelphia	472	\$250-\$275	\$260-\$290	\$280-\$305	\$325-\$360	\$345-\$400	\$370-\$435	\$390-\$460	\$410-\$480
Brownstein Hyatt Farber Schreck	Denver	248	\$200							
Bryan Cave	St. Louis	928	\$185-\$300	\$215-\$350	\$250-\$385	\$275-\$395	\$300-\$420	\$275-\$460	\$330-\$480	\$340-\$510
Curtis, Mallet-Prevost, Colt & Mosle	New York	252	\$290	\$335	\$375	\$415	\$455	\$495	\$535	\$575
Davis Wright Tremaine	Seattle	491	\$190-\$285	\$205-\$295	\$225-\$325	\$235-\$345	\$245-\$365	\$265-\$380	\$285-\$405	\$295-\$415
Dickinson Wright	Detroit	230	\$190	\$195	\$205	\$220	\$230	\$240	\$250	
Dickstein Shapiro	Washington	336	\$265-\$290	\$325-\$375	\$375-\$425	\$375-\$425	\$425-\$475	\$425-\$475	\$475-\$530	\$475-\$530
Dinsmore & Shohl	Cincinnati	402	\$180	\$190	\$205	\$220	\$230	\$240	\$250	\$260
Edwards Angell Palmer & Dodge	Boston	505	\$255	\$275						
Fitzpatrick, Cella, Harper & Scinto	New York	175	\$275	\$300	\$325	\$350	\$370	\$385	\$405	\$420
Frost Brown Todd	Cincinnati	404	\$150							
Gardere Wynne Sewell	Dallas	270	\$195	\$210	\$260	\$280	\$300	\$315	\$355	\$385
Harris Beach	Rochester, N.Y.	176	\$155	\$170	\$200	\$230	\$230	\$230	\$250	\$250
Hiscock & Barclay	Syracuse, N.Y.	175	\$150-\$340	\$150-\$340	\$165-\$360	\$165-\$360	\$165-\$360	\$175-\$380	\$175-\$380	\$185-\$440
Kelley Drye & Warren	New York	325	\$305	\$340	\$370	\$410	\$435	\$455	\$485	\$510
Kilpatrick Stockton	Atlanta	423	\$250	\$275	\$310	\$325	\$335	\$360	\$375	\$385
Knobbe, Martens, Olson & Bear	Irvine, Calif.	266	\$285	\$310	\$335	\$360	\$385			
Lindquist & Vennum	Minneapolis	184	\$200	\$210	\$225	\$235	\$245	\$260	\$265	\$290
Locke Lord Bissell & Liddell	Dallas	642	\$215	\$230	\$253	\$270	\$300	\$321	\$349	\$386
Loeb & Loeb	New York	300	\$350-\$375							
Maynard, Cooper & Gale	Birmingham, Ala.	212	\$235	\$235	\$245	\$255	\$270	\$280	\$295	
McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	269	\$150	\$175	\$185	\$195	\$200	\$205	\$210	\$220
McKenna Long & Aldridge	Atlanta	429	\$279	\$312	\$325	\$346	\$363	\$381	\$382	\$415
Nixon Peabody	New York	682	\$279	\$311	\$350	\$384	\$399	\$429	\$448	\$460
Patton Boggs	Washington	525	\$290	\$315	\$340	\$370	\$400	\$425	\$450	\$480
Pepper Hamilton	Philadelphia	458	\$230	\$275	\$300	\$330	\$355	\$370	\$385	\$395
Perkins Coie	Seattle	683	\$272	\$290	\$306	\$337	\$345	\$372	\$391	\$436
Phillips Lytle	Buffalo, N.Y.	177	\$160	\$170	\$190	\$195	\$210	\$225	\$220	\$235
Quarles & Brady	Milwaukee	419	\$210-\$235	\$220-\$240						
Saul Ewing	Philadelphia	219	\$225-\$235	\$230-\$260	\$255-\$275	\$240-\$315	\$260-\$285	\$285-\$300	\$295-\$425	\$275-\$320
Schulte Roth & Zabel	New York	433	\$375	\$445	\$495	\$540	\$560	\$580	\$605	\$625
Sheppard, Mullin, Richter & Hampton	Los Angeles	464	\$270-\$335	\$330-\$430	\$365-\$475	\$395-\$510	\$420-\$540	\$445-\$565	\$470-\$595	\$490-\$620
Snell & Wilmer	Phoenix	396	\$185	\$200	\$225	\$260	\$285	\$315	\$350	\$365
Strasburger & Price	Dallas	181	\$200	\$220	\$240	\$260	\$280	\$300	\$320	\$340
Thompson & Knight	Dallas	328	\$265	\$300	\$330	\$365	\$385	\$405	\$425	\$440
Townsend and Townsend and Crew	San Francisco	177	\$260	\$290	\$325	\$370	\$390	\$420	\$450	\$460
Vedder Price	Chicago	255	\$225	\$270	\$290	\$310	\$325	\$345	\$360	\$380
Williams Mullen	Richmond, Va.	300	\$230	\$250	\$265	\$295	\$295	\$310	\$345	\$345
Winstead	Dallas	264	\$215	\$215	\$227	\$260	\$280	\$300	\$325	\$350
Winston & Strawn	Chicago	899	\$295-\$320	\$305-\$335	\$325-\$365	\$350-\$400	\$380-\$440	\$420-\$480	\$455-\$520	\$490-\$555
<b>NON-NLJ 250 FIRMS</b>										
Brinks Hofer Gilson & Lion	Chicago	149	\$240	\$265	\$285	\$310	\$340	\$365	\$390	\$410
Montgomery, McCracken, Walker & Rhoads	Philadelphia	117	\$205	\$215	\$235	\$255	\$275	\$295	\$315	\$335
Morris, Manning & Martin	Atlanta	135	\$200	\$265	\$310	\$340	\$365	\$390	\$415	\$425
Schwabe, Williamson & Wyatt	Portland, Ore.	158	\$200							
Sullivan & Worcester	Boston	156	\$290	\$305	\$330	\$350	\$370	\$390	\$425	