**Balancing the Billable and the Non-Billable**

**VADA Lunch & Learn**

**June 23, 2021**

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1. Consider this the sequel to Stan Wellman’s January Lunch & Learn on “How to Effectively Bill Your Time.”
   1. Remember … the sequel is never as good as the original.
   2. If you haven’t seen Stan’s presentation, please do so. The recording is available on the “Members Only” section of the VADA website.
2. Both presentations are about being mindful and efficient about the time we spend at work.
   1. I really do love my job.
   2. And yet … I still would rather be with my family. I would still rather be at a William and Mary game.
   3. So, I want to make my time at the office (or home office) count.
3. This presentation is about considering necessary and valuable non-billable time.
   1. It is not about time spent surfing the internet at work. 😊
   2. It is about time that furthers your career and/or is simply part being a well-rounded lawyer.
   3. Categories we will discuss ….
      1. Marketing and client development
      2. CLE & professional development
      3. Firm management
      4. Pro bono work
      5. Non-profit boards
      6. Bar associations
   4. As we discuss these, you will find:
      1. Some of these categories overlap.
      2. My main theme will be finding ways that are enjoyable (at least a little) to do all the above.
4. Marketing and client development
   1. This will, of course, look different according to your practice.
   2. For many of us, though, I think it involves good relationships with long-term institutional clients.
   3. It involves both keeping current clients and developing new ones.
   4. I think the most important thing is being deliberate about it, such as keeping a calendar or reminder system.
   5. It has admittedly been much harder during the pandemic. There is probably a need to be more creative.
   6. It will be woven, also, I think into some of the other areas. Being an expert in your subject area and making lots of contacts will market you, even when it is not deliberate marketing at the time.
5. CLE & professional development
   1. Your first motivation to complete continuing legal education is, of course, to keep your license to practice law.
   2. But I encourage you to find CLEs that …
      1. You enjoy and
      2. That strengthen your practice, according to your
         1. Subject area; and
         2. Experience.
   3. Teaching CLEs is fun, and the VADA can hook you up.
   4. Plan and complete it early.
6. Firm management
   1. This may look different depending on the governance style of your firm. But at some point, you will be asked, expected, or want to participate in the management of your firm.
   2. Again … to your ability, find an area that interests you.
   3. Even if its not your favorite area, you will want to help with firm management, because …
      1. Your friends/colleagues won’t like you if you make them do all the work; and
      2. You want to have a say in your future.
7. Pro bono work
   1. The Virginia State Bar Professional Guidelines, Rule 6.1, set an aspirational goal of 2% per year of a lawyer’s professional time being spent on pro bono work.
   2. As a defense attorney, sometimes finding pro bono work that suits your specialty is difficult.
      1. Both the Virginia State Bar (https://www.vsb.org/site/sections/pro\_bono/resources\_for\_attorneys) and Virginia Bar Association (<https://www.vba.org/page/2020-Pro-Bono-Report-Part-2>) have sections on their websites devoted to pro bono service and helping attorneys to find suitable pro bono opportunities. These include:
         1. Ways to find pro bono opportunities electronically, such as <https://www.justiceserver.org/JusticeServer>.
         2. Ways to connect to other pro bono organizations, such as your local legal aid society.
         3. Specials programs that will train you in a specific area, such as Wills for Heroes.
         4. The Virginia State Bar has an Access to Legal Services Committee, and the Virginia Bar Association has a Pro Bono Council.
      2. Your local legal aid society can also be a good resource. Sometimes you struggle through a pro bono no-fault divorce because.
      3. Rule 6.1 establishes two alternative ways to meet the obligation:
         1. Collectively as a firm; or
         2. Financial contributions to legal aid programs.
   3. Remember to specifically identify in your billing system any pro bono file opened. This will make tracking your pro bono time much easier.
8. Non-profit boards
   1. I gave this a category of its own because I find as an attorney, with any engagement at all in your community, you will get more than your share of invitations.
   2. You must be choosy, otherwise you will overcommit.
   3. I encourage you to make your commitments based on where your interests lie. And not simply who asks you first.
   4. Be willing to say no. No matter how worthy the organization, you do them no favors by agreeing to serve if you do not have the time.
   5. Serving on them can have benefits to your practice:
      1. It can be good marketing.
      2. It can provide a source of pro bono work, to the degree you are providing legal advice (may need to segregate out this time).
9. Bar associations
   1. Again, you will have no shortage of opportunities.
      1. Local bar organizations.
      2. Statewide bar organizations.
      3. Specialty bar organizations.
   2. Be selective, and let your selections be driven by your areas of interest and what will benefit your practice.
   3. There are multiple benefits in areas we have already discussed:
      1. There is marketing that goes on.
      2. There are ample CLE opportunities.
10. Conclusion
    1. A well-rounded practice will include at least some of all the above. Though the emphasis may change with the person, and over time.
    2. Some of it will benefit you financially. Some of it will increase your skill and expertise. Some if it is just the difference between being a part of profession and simply having a job.
    3. To best of your ability, find ways to participate in each that you enjoy and/or interest you.
    4. Be mindful of the obligations you take on. Non-billable time is part of but cannot dominate your practice.
    5. Be as deliberate in recording time for these as you are with billable activities.
       1. It helps you be accountable to your firm.
       2. It lets you know how much time you are spending on each relative to the others.
       3. It lets you know if your billable v. non-billable time is in the balance that you want.