FREE DECISION GUIDE

Is It Billable? Decision Guide

Seven questions to ask before billing a task, typical verdicts for 20 common tasks, and the ABA rules behind them

MIRA · miranow.ai · Updated October 2026

1.5(a)
ABA Model Rule barring unreasonable fees

8
Reasonableness factors listed in Rule 1.5(a)

93-379
ABA Formal Opinion: bill only time actually spent

1 Seven questions before you bill a task

1 Is it work for this client's matter?
If it serves the firm in general, record it as non-billable time.

2 Does the engagement letter cover it?
Check the scope, the fee basis and the rate communicated to the client (Model Rule 1.5(b)).

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3 Do the client's billing guidelines restrict it?
Look for limits on internal meetings, travel, research, staffing and administrative work.

4 Is it legal work or clerical work?
Clerical and administrative tasks are firm overhead, whoever performs them.

5 Is the time reasonable for the task?
Bill only time actually spent, and only what the task reasonably needed (Rule 1.5(a)).

6 Can you describe it clearly?
If you cannot write a specific narrative, review the entry before it is billed.

7 Record it either way
Mark it billable, non-billable or no-charge so the time record stays complete.

2 Common tasks and their typical verdicts

Task	Verdict	Reason
Drafting a contract, pleading or brief	Billable	Core legal work on the matter
Legal research on the client's issue	Billable	Supports the matter; some guidelines limit research
Client calls, meetings and matter emails	Billable	Direct client service
Calls and emails with opposing counsel	Billable	Moves the matter forward
Reviewing discovery or evidence	Billable	Matter work
Attending a hearing or deposition	Billable	Appearance on the matter
Substantive paralegal work	Billable	At the paralegal rate where the client allows it
Internal conference about the matter	Depends	Many client guidelines limit internal meetings
Two lawyers attending the same meeting	Depends	Clients often require approval for a second attendee

Task	Verdict	Reason
Travel time	Depends	Engagement terms set full, reduced or no charge
Bringing a new team member up to speed	Depends	Many clients decline to pay transition time
Reusing earlier work product	Depends	Bill the time spent now, not the original hours
Scheduling, copying, filing, data entry	Non-billable	Clerical work is overhead
Opening the file and running conflict checks	Non-billable	Firm administration
Preparing invoices, answering billing questions	Non-billable	Billing administration
Reviewing your own prebill	Non-billable	Billing administration
Fixing the firm's own error	Non-billable	The client should not pay for the mistake
General training and CLE	Non-billable	Professional development
Learning basic law in your own practice area	Non-billable	Baseline competence is the lawyer's cost
Business development and pitches	Non-billable	Firm marketing

Typical verdicts only. The engagement letter, the client's billing guidelines and firm policy decide each case.

3 ABA Model Rule 1.5(a): what makes a fee reasonable

1
Time, labor and skill
Time and labor required, novelty and difficulty of the questions, and skill needed.

2
Lost opportunities
Likelihood, if apparent to the client, that the work precludes other employment.

3
Local custom
Fee customarily charged in the locality for similar legal services.

4
Amount and results
The amount involved and the results obtained.

5
Time limits
Time limitations imposed by the client or by the circumstances.

6
Relationship
Nature and length of the professional relationship with the client.

7
Lawyer standing
Experience, reputation and ability of the lawyer or lawyers doing the work.

8
Fee type
Whether the fee is fixed or contingent.

4 Billing practices ABA Formal Opinion 93-379 rejects

Hours not worked
A lawyer billing hourly may not charge for hours not actually spent, even when the work went faster than expected.

Recycled work product
Reusing earlier work does not earn the original hours again. Bill the time actually spent.

Double billing travel
Time spent traveling for one client while working for another cannot be billed in full to both.

Overhead as a line item
Without advance disclosure, office rent, library, insurance and similar costs are part of the fee.

5 Handling the gray areas

Do

- ✓ Record gray-area time and mark it non-billable or no-charge
- ✓ Ask before billing travel, second attendees or transition time
- ✓ Split mixed tasks into legal and clerical parts
- ✓ Use the client's task and activity codes when required
- ✓ Write the narrative so the client can see the matter purpose

Avoid

- ✕ Describe clerical work in legal terms to make it billable
- ✕ Bill the same hour to two matters
- ✕ Bill time spent fixing the firm's own error
- ✕ Leave non-billable time unrecorded
- ✕ Decide billability at month-end from memory

6 Client-related work can still be non-billable

A client agreement may limit billing for administrative tasks, internal coordination, travel, training or certain communications. Some firms also choose not to bill certain tasks as a client service decision.

7 Capture both kinds of time

MIRA helps law firms capture billable and non-billable work activity, review time inside Microsoft Teams, and prepare clearer billable descriptions before billing review.

Sources and references: ABA Model Rule 1.5 (Fees), paragraphs (a) and (b); ABA Formal Opinion 93-379 (Billing for Professional Fees, Disbursements and Other Expenses).
General information, not legal advice. Check your jurisdiction's rules and your client billing guidelines.

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www.miranow.ai/resources/billable