

Scott Turow Believes The Billable Hour Must Die!

Posted on January 14, 2009 by [Gary A. Bresee](#)



Scott Turow, famous novelist and one-time full time lawyer, wrote an article for the *American Bar Journal*, "The Billable Hour Must Die." Catchy title. Mr. Turow asks the burning question, if associates were required to bill 1,750 to 1,800 hours in 1986, but are now being pressured to bill 2,000 to 2,200 hours, "how can anyone balance these hours against other aspects of

life?"

This debate is nothing new, of course. Professor William Roth commented on this issue as long ago as 1996 in his book, "The Honest Hour: The Ethics of Time Based Billing by Attorneys."

Like many things in life, it's easy to criticize the current way of doing things. It's much more difficult to come up with an alternative solution.

- How do you use a flat fee agreement when your client is involved in litigation, and the opposing party is objecting to every discovery request that you propound?
- How do you use the concepts of a contingency fee agreement when you represent the defendant?
- What are the ethical pitfalls to avoid in using alternative billing arrangements?

The billable hour is not an easy concept for the legal profession to scrap, or even minimize, but it will remain an interesting topic, particularly during the economic times in which we currently find ourselves.