Mention keeping time records to a bankruptcy lawyer and you’re likely met with expressions of utter revulsion.

I swear that all too many assert that the major appeal of being a bankruptcy lawyer is precisely that they don’t have to keep time.

Between flat fee deals with clients, and no look fees in Chapter 13, they feel liberated from the clock and the time sheet.
What a mistake.

Penny-wise and pound-foolish, in my view. Here are my big four reasons why.

**Supports supplemental fee app**

First and most obvious, without contemporaneous time records, it’s hard to file an application for additional fees. You need time records to establish that the no-look fee is inadequate in this case.

You need to demonstrate what you’ve done. You may have to show that you were as efficient as the facts, or the client, permitted you to be.

No look fees are pegged to the minimalist, or if you’re lucky, the average case. But we know the courts are full of cases that are neither simple nor smooth. Time records allow you to show that.

Then, we overlook the most compelling part of fee applications: the chance to tell the judge, in the narrative that tells the big story of the case, just what the issues and challenges are of representing real people with real problems.

Only when they hear the part of the story that doesn’t take place in their courtroom can judges really appreciate the work we do.

**Data for readjustment of local no look fee**

The no-look fee for debtor’s lawyers has an insidious appeal: set a fee and forget it.

No look fees are no good

Well, if we want to stay in business, we either need to get the no look fee to reflect the real cost of representing debtors, or we need to reject it and file fee apps, which require time records.

What better way to campaign for a realistic no look fee than to have time records spanning many representative cases.
It may not be big-data, but it works in big ways to have facts to support your pitch for a larger no look fee.

Records in your defense

Disputes about our work seem inevitable. Clients want to call you out for what you have, or haven’t, done.

Send a bill and you’re told the price is inflated.

Probably the only thing better than contemporaneous time records of what you did is the letter to the client on the subject.

I open a new billing matter where the client is intent on an uphill fight, say, to keep an endangered or too-costly property. I want to be able to segregate the time spent on a matter about which I was skeptical from the first.

Fee shifting

My very favorite reason for keeping time records is the chance to make the opposition pay for my work. Do good work at no cost to my client.

Any time that fees are a measure of damages, like stay or discharge violations, or disputes involving contract or fees to the prevailing party by statute, you need to know just what you did in that matter.

Without time records, you’re on thin ice.

I open a sub-account for every contested matter that has the possibility of recovering my fees from the other side.

What doesn’t kill us Makes us stronger.

Keeping time records is nothing more than habit. It’s not a difficult habit to build.

And the reward is bankable.