

# Practice Makes Perfect: Weaving Together the Fabric of the Virtuous Biller

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Randy D. Gordon & Nancy B. Rapoport, [Virtuous Billing](#), 16 Nev. L.J. 698 (2015).

During the holiday season, I think of Santa evaluating who is naughty and nice. Like Santa, senior lawyers in law firms make end-of-the-year determinations when deciding on bonuses, salary increases, promotions, and distributions. Unlike Santa who judges the character of children on his list, law firm partners may focus more on objective measures of worth. In law firms this often amounts to billable hours collected and business generated. In firms, new lawyers quickly learn what is valued within the organization and many shape their conduct to maximize their income and promotion possibilities. As explained by Eliyah Goldratt, the Israeli physicist and management consultant, "Tell me how you measure me and I will tell you how I will behave."<sup>1</sup>

In their recent article, *Virtuous Billing*, [Randy D. Gordon](#) and [Nancy B. Rapoport](#), recognize the role of incentives and performance management in law firms. The authors examine firm conduct and billing practices through the lens of virtue ethics. I especially like the article and commend it to you because it provides positive recommendations on steps that firm leaders and other interested parties can take to improve the quality of work for clients and the quality of life of lawyers.

This article was published in connection with the [Conference on Psychology and Lawyering](#) hosted by the William S. Boyd School of Law, Las Vegas, Nevada. In tackling the topic of organizational dynamics in law firms, the authors use the classical concept of "virtue" to demonstrate how we develop habits that shape character. To put the discussion in context, they explain how the changing business model of law firms has resulted in "metrics myopia" in which firm partners focus on originations and collected billable hours in making compensation and promotion decisions. This contributes to lawyer mobility and a culture in which the "internal goods of the practice (being an excellent lawyer who serves clients well) are held hostage to the external (money and prestige)." (P. 708.) The authors suggest that the devolution from the internal to the external undermines the Aristotelian virtue of "friendship" that holds together institutions. (P. 708.)

With this background, the authors apply principles of virtue ethics to law practice generally and billing specifically. They explain that people are virtuous when they create and follow habits of excellence. With this approach, they examine the following categories of virtues, considering what habits would make a lawyer a virtuous biller: judgment, empathy, integrity/honesty, passion/engagement, diligence, and creativity/innovation. Following the discussion of billing virtues, the authors outline corresponding "billing vices" in a table.

Table 1: Billing Virtues and Corresponding Vices

Billing virtue	Billing vice
Billing judgement	Billing everything to the client, even wasteful work or make-work
Billing empathy	Not describing work done for the client at all, or not describing it in a way that the client will understand what the lawyer did
Billing integrity/honesty	Putting the lawyer's own needs (to make a billable hour quota or to jockey for position

Billing passion/engagement	within a firm) above the client's needs; misrepresenting work that's been done Not paying attention to what's being done on a matter, and not scrutinizing the bill before sending it to the client
Billing diligence	Not recording time contemporaneously