



BRIEF CASE

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Hourly fee lives on

The death of the hourly fee may be delayed, it would seem. The recently published *Legal Department Benchmarking Report* indicates that alternative fee arrangements are less common in Australia and New Zealand than many might have thought, although the report indicated the trend toward was growing. However, the US Supreme Court last month rejected the argument that departures from hourly billing were becoming more common. The court noted that the “lodestar method,” being hours worked times the billing rate, had yet to find an alternative. The result of the majority decision is likely to hinder any move away from hourly billing if lawyers want to maximise their chances of getting court approval of fees. The message for US lawyers at least: innovate with fees at your peril.

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