

UTBMS Litigation Code Set Revised 2007

The American Bar Association (ABA) and the Association of Corporate Counsel (ACC) facilitated the creation of a series of task based code sets to cover the major classification of legal services, including a specific **UTBMS Litigation Task Code Set** in 1995. Neither association officially endorsed or took ownership as such for the code sets. No umbrella management/professional development organization was created.

UTBMS is digital based making it ideal for e-billing. It has become synonymous with LEDES supported e-billing applications. Insurance defense litigation has emerged as the dominant user of with “*task based billing*” systems. Insurers and insurance defense firms, although supportive of its methodology, had criticisms about task gaps in code phases and ambiguity in the wording of existing tasks.

A core group of stakeholders in insurance defense representative of insurers and insurance defense firms created an ad hoc **UTBMS Insurance Update Initiative**. A survey was conducted among insurers. A series of qualitative teleconference interviews were held with a select group of insurance defense lawyers representative of major insurer panel firms during the fall of 2005. A symposium was held in January, 2006. A series of meetings was convened. Unanimous consensus was reached on the following:

Resolution

We do not intend to re-invent UTBMS. We wish to enhance the current system to better respond to litigation management needs. We have identified these opportunities to do so.

1. **Practice Specific Codes.** We are not interested in designing multiple code sets, simply to address nuances of various legal specialties. The litigation community is best served by one agreed upon code that is modified to reflect current needs.
2. **Litigation Codes.** The current litigation phases and tasks have been unilaterally modified by users to support their litigation management guidelines and to improve budgeting capabilities. We will adopt a lessons learned approach and develop one improved code set that supports uniformity in use and application.
3. **Clarification.** We will identify opportunities for consistent application and definition of existing tasks and additions of new tasks that demonstrate added value. We are not seeking a single “correct” way to apply or interpret the codes. Rather, we can understand the variant uses of each task and will develop a set of definitions and instructions to support each variant.
4. **Education** - There is a need to establish a set of tools to inform and educate law firm timekeepers, billing administrators and clients in the practical use of UTBMS. We will design a set of informational tools to educate UTBMS users.

**UTBMS Litigation Code Set Update Initiative
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Ad Hoc Committee Members**

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Patrick Greiten	THE HARTFORD
Peter Hitson	THE HARTFORD
George Woolverton	Stockwell, Harris, Woolverton, Meuhl

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(L100's) Case Assessment, Development and Administration

L110 Fact Investigation/Development – All actions to investigate, understand the facts of matter

- Interview of client personnel/potential witnesses
- Review of documents
- Work with an investigator
- Legal research for initial case assessment purposes
- Communication for Fact Investigation

L120 Analysis/Strategy – Thinking, Strategizing, and Planning for a case

- Discussions/Writings/Meetings on case strategy
- Preparation/ of Litigation Plan
- Communication on case strategy

L130 Experts/Consultants.

- Research-Interviewing –Working with Experts/Consultants
- Developing Expert/Consultant Reports
- Communication with Expert/Consultants

L140 Document/File Management.

- File organization/administration for database construction/management

L150 Budgeting

- Develop/Edit/Correspondence for Budget

L160 Settlement/Non Binding ADR- Activities directed specifically to settlement.

- Planning/Participation in Settlement Discussions
- Conferences
- Implement Settlement
- Pursuing Mediation
- Travel to/from Mediation
- Attend Mediation
- Pre-litigation Demand Letters
- Research Settlement
- Communication regarding Settlement/Mediation/ADR

(L200's)Pre-Trial Pleadings and Motions – Covers all pleadings and pretrial motions and procedures other than Discovery

L210 Pleadings

- Drafting/Editing Pleading
- Reviewing/Answering Complaints
- Counter-claims and third party complaints
- Motions to dismiss/strike
- Jurisdictional motions
- Research for Pleadings

L220 Preliminary Injunctions/Provisional Remedies

- Developing/Discussing strategy for remedies
- Preparing motions/affidavits/briefs
- Reviewing opponent's papers
- Preparing for court hearing
- Travel to and from court hearings
- Attending court hearing
- Preparing witnesses for the hearing
- Effectuating the remedy
- Research for Preliminary Injunctions/ Provisional Remedies

L230 Court Mandated Conferences.

- Preparing for hearing required by court order or procedural rules
- Travel to/from Court Ordered Conferences
- Attending hearing required by court order or procedural rules

L240 Dispositive Motions

- Develop strategy
- Legal Research for Dispositive Motions
- Motions for complete or partial summary judgment
- Prepare Affidavits
- Reviewing opponent's pleadings
- Defensive motions
- Preparing for/Attending hearing
- Travel to and from hearing

L250 Other Written Motions/Submissions.

- Developing all motions other than dispositive, pleadings, and discovery
- Responding to all motions other than dispositive, pleadings, and discovery
- Arguing all motions other than dispositive, pleadings, and discovery
- Research for Other Written Motions/Submissions

L260 Class Action Certification and Notice –

- Proceedings unique to class action litigation and derivative suits such as class certification and notice.

(L300's)Discovery

L310 Written Discovery /Interrogatories

- Developing/Responding/Objecting to Interrogatories
- Request to admit
- Summarize Interrogatories/admissions received

L320 Document Production

- Developing, responding, objecting to, and negotiating document request.
- Identifying/Reviewing documents for production
- Identifying/Reviewing documents for privilege
- Prepare/Draft Request to Produce
- Prepare/Draft response for Request to Produce
- Prepare/Draft Notice of NNP (Notice of Non-Party Production)
- Prepare/Draft Subpoena/Authorizations
- Obtain non-subpoenaed documents (ie. tax returns, work comp, disability, court files)
- Review/Summarize Subpoenaed Documents

L330 Depositions

- Preparing Deposition notices and subpoenas
- Communicating with opposing/other party's counsel on scheduling and logistics
- Planning and preparing to take the deposition
- Discussing deposition strategy
- Preparing witnesses
- Reviewing documents for deposition preparation
- Attending depositions
- Travel to and from
- Drafting deposition summaries

L340 Expert Discovery

- Preparing expert discovery notices
- Communicating with expert discovery on scheduling and logistics
- Discussing expert strategy
- Preparation and consultation with expert
- Reviewing Expert documents/records and/or films review
- Drafting expert summaries
- Independent Medical Examination (IME)

L350 Discovery Motions

- Developing/Responding to/Arguing motions that arise from discovery
- Protective Order Process

L360 Discovery On-Site Inspections

- Travel To & From Site Inspections
- Attend Site Inspection

(L400's) Trial Preparation and Trial

L410 Fact Witnesses.

- Preparing for examination of non-expert witness
- Preparing for cross-examination on non-expert witness

L420 Expert Witnesses.

- Preparing for examination of expert witness
- Preparing for cross examination of expert witness

L430 Written Motions/Submissions.

- Developing written motions during prep for trial/ and trial
- Preparing for Motions in Limine
- Preparing/Reviewing Jury Instructions
- Responding to written motions during prep for trial/ and trial
- Arguing written motions during prep for trial/ and trial
- Developing/Reviewing written pre-trial/trial filings
 - Witness lists/ Proposed findings of fact/Conclusions of law
 - Trial briefs

L440 Trial Preparation and Support.

- Preparing for trial
- Preparing Opening/Closing Arguments
- Establishing off-site support office
- Identifying documents/evidence for use at trial
- Preparing demonstrative materials and exhibits
- Deposition abstracts/indexing/summarization
- Mock Trials/Focus Groups/Jury Research
- Travel to/ from Trial Preparation

L450 Trial and Hearing Attendance.

- Appearing at trial
- Appearing at trial related hearings
- Appearing at court-mandated conferences
- Travel to & from Trial & Hearing
- Communication regarding trial progression

L460 Post-Trial Motions/Submissions.

- Developing/Responding/Arguing post-verdict matters
- Research Post Trial Motions and Submissions
- Travel to/from

L470 Enforcement

- Enforcing judgments
- Collecting judgments
- Filings for stay pending appeal

(L500's)Appeal

L510 Appellate Proceedings/Motions Practice

- Research Appellate Issues
- Prepare/review motions/other filings
- Draft Response to motions/other filings
- Arguing motions/other filings
- Attend Motion Hearing
- Travel to and from Motion Hearing
- Prepare Notice of Appeal
- Designating Appellate Record
- Extraordinary Writs/Appellate Proceedings
- Review responses to Appellate Petition
- Prepare responses to Appellate Petition
- Prepare Petition Appendix

L520 Appellate Briefs.

- Research appellate brief
- Preparing appellate brief
- Reviewing opposing party appellate brief
- Review Record

L530 Oral Argument.

- Preparing for Oral Argument
- Arguing an appeal
- Travel to and from
- Appeals Communication with Client/Opposing counsel/co-counsel
- Prepare Appellate Record

ACTIVITY CODES

A100 ACTIVITIES

- A101 Plan and prepare for
- A102 Research
- A103 Draft/Revise
- A104 Review/Analyze
- A105 Communicate (in firm)
- A106 Communicate (with client)
- A107 Communicate (other outside counsel)
- A108 Communicate (other external)
- A109 Appear for/attend
- A110 Manage data/files
- A111 Other
- A112 Travel

EXPENSE CODES

E100 EXPENSES

- E101 Copying
- E102 Outside Printing
- E103 Word Processing
- E104 Facsimile
- E105 Telephone
- E106 On Line Research
- E107 Delivery Services/Messengers
- E108 Postage
- E109 Local Travel
- E110 Out of Town Travel
- E111 Meals
- E112 Court Fees
- E113 Subpoena Fees
- E114 Witness Fees
- E115 Deposition Transcripts
- E116 Trial Transcripts
- E117 Trial Exhibits
- E118 Litigation Support Vendors
- E119 Experts
- E120 Private Investigators
- E121 Arbitrators/Mediators
- E122 Local Counsel
- E123 Other Professionals
- E124 Other