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 UTBMS Litigation Code Set Revised 2007 Ad Hoc Committee Members

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UTBMS Litigation Code Set Revised 2007

(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