What Is Double Billing in Law Firms? Unethical Billing Practices Attorneys Should Avoid

According to the American Bar Association, 45% of all attorneys have had a client dispute a legal fee within the last five years. At the heart of most of these fee disputes is a pernicious practice called double billing. Whether through negligence or design, billing twice for the same work can slip past the most well-intentioned firm's processes. A single mistake in billing can lead to not only fee disputes, but allegations of malpractice and disbarment.

As regulatory pressures intensify and clients demand greater accountability, law firms can no longer afford to treat billing accuracy as an afterthought. It is more than careful record-keeping in the high-stakes game of legal services. It is the key to client trust and professionalism.

Think of how you feel when a restaurant charged me twice for the same meal. The frustration is immediate, even if the second charge is the result of a simple mistake. Clients feel the same way when they are double billed by their lawyer, except the stakes and dollar amounts are far higher. Let us discuss the question of "what is double billing", why it is a big problem for law firms, and how your firm can avoid these unethical billing practices attorneys are sometimes accused of.

What Is Double Billing in Law?

Double billing happens when a lawyer charges for more billable hours than were actually worked, leaving a discrepancy between the services rendered and the fees. The double billing meaning extends past mere bookkeeping errors. Double billing is a sign of a potential violation of the ethical

obligations that lawyers owe to clients, and it is one of the most cited unethical billing practices attorneys can fall into.

According to the American Bar Association's Formal Opinion 93-379, attorneys who are contracted to charge clients on an hourly basis "may not bill more time than they actually spend on a matter, except to the extent that they round up to minimum time periods." This straightforward ethical guidance establishes that charging multiple clients for the same amount of time worked is contrary to professional responsibility norms.

Common Examples of Double Billing in Law Firms

Although there are some instances of blatant efforts to pad billable hours, there are others due to inefficient administrative processes, malfunction of proper time-tracking systems, or simple human error. Now that you know what double billing is, it is clear that, regardless of intent, its implications are long-term for legal professionals, potentially impacting client trust and firm reputation.

Intentional Double Billing Practices

Double billing is sometimes done deliberately to pad hours. For instance:

- **Repeat Time Entries:** Recording the same hours worked on a task in more than one billing entry, such as submitting the same bill, or a 2nd billing, to a client more than once.
- **Billing Multiple Clients for Court Hearings:** A lawyer who goes to court on behalf of three clients in one day and is at the courthouse for four hours, then bills all three of the clients for the four hours, is guilty of double billing.
- **Overlapping Travel Time:** A lawyer flying across the country to a deposition for one client and working on a motion for another client on the flight, then charging both clients for the same time.
- **Recycled Work Product:** Billing a second client for work previously performed on research for another client. This 2nd billing of the same work is one of the clearer unethical billing practices attorneys can engage in.

Unintentional Double Billing Scenarios

Not all double billing is intentional. A number of factors can contribute to double billing by accident:

- **Ineffective time reporting:** Procedures that lead to double reporting, especially when attorneys fail to record their activities in real-time.
- **Manual Billing Processes:** Adopting manual billing processes like paper or spreadsheet billing increases the chance of error and duplicated billing.
- **Administrative Mistakes:** Simple clerical errors, such as sending an invoice to the wrong client or inputting the wrong time entries.
- **Delayed Time Entry:** Most timekeepers bulk-enter at the end of the week or month, which can result in memory lapses and duplicate entries.

Are There Any Repercussions to Double Billing?

Of course. Not taking the right steps can lead to all sorts of ethical and professional consequences with a serious impact on client relationships. Here is an outline of the serious consequences of being double billed by a firm or being caught doing the double billing.

Ethical and Professional Consequences

Double billing directly contradicts state bar association and American Bar Association rules of professional conduct. Model Rule 1.5 reinforces the requirement that a lawyer must not enter into an agreement to, charge, or collect an excessive fee or an unreasonable fee.

The consequences of violating these ethical norms can be disastrous:

- **Disciplinary Action by State Bar:** Lawyers who engage in unethical billing practices are liable to disciplinary action. Rule 8.4 of the ABA Model Rules of Professional Conduct states that it would be professional misconduct for a lawyer to engage in conduct involving deceit, fraud, dishonesty, or knowing or reckless misrepresentation. In serious offenses, this can lead to suspension or disbarment.

- **Monetary Sanctions:** Disciplinary boards can inflict monetary sanctions on lawyers who are found to have practiced unethical billing. For example, an Illinois lawyer was disciplined for allegedly double billing over $130,000.

Client Relations and Business Impact

In addition to formal sanction, double billing can have serious consequences for client relations and a firm's business.

- **Lawsuits:** Clients can sue their attorneys after double billing is discovered. For instance, a DLA Piper lawsuit was filed on the grounds of a purported claim that the firm revealed a conflict of interest from an inadvertently sent bill through an email to a different client.
- **Reputational Harm:** Trust is the very basis of attorney-client relationships. When clients discover billing irregularities or feel they have been double billed, the trust is undermined and the firm's reputation suffers. Negative publicity and online reviews can quickly taint a firm's reputation in the legal community.
- **Lost Business Opportunities:** Clients and other lawyers will be reluctant to refer cases or do business with a firm having a reputation for overbilling, consequently limiting possible business opportunities.

Tips to Prevent Double Billing and Other Unethical Billing Practices Attorneys Worry About

Once you understand what double billing is, it is important to learn how to avoid it. Preventing duplicate billing involves using good policies, adequate training, and new technology tools. Here are some useful tips that law firms can use to maintain ethical billing standards and avoid the unethical billing practices attorneys most often get flagged for.

1. Use Legal-Specific Time Tracking Tools

The correct technology turns the billing and time-tracking process from a laborious and error-prone process into an efficient and transparent

process. Modern legal time-tracking software allows lawyers to document their work as they do it, thus generating an open and real-time record of all billable work. The openness not only makes the billing process easy, but also reduces the chance of errors that may lead to double billing.

A good time tracking tool ensures real-time tracking, which allows attorneys to record activities as they happen rather than relying on memory, a main cause of mistakes and double entries. In addition, comprehensive time reports provide transparency so that it is easier to audit and verify billing entries before invoices are sent, ensuring every billed hour is accurate and warranted.

Tools like TimeSolv are geared specifically toward legal professionals and feature capabilities that directly counter double-billing threats. TimeSolv permits you to have several timers active at a time, and it will stop one automatically if you start another, so you will not overlap inadvertently. Customized abbreviations mean that your billing descriptions will be readable and consistent, and there are powerful time entry analytics to pick up on any discrepancies before they become problems.

2. Train Your Team on Ethical Billing Practices

Even the best technology cannot prevent double billing if your team does not understand ethical billing standards. When learning what double billing is, regular training is essential.

- **Implement Clear Billing Policies:** Have written policies that clearly outline double billing and other ethical issues. Cite the ABA's Formal Opinion 93-379 and professional conduct rules.
- **Conduct Regular Training Sessions:** Conduct regular training for all the staff handling billing, from lawyers to accounting personnel. Discuss the most likely scenarios under which double billing may occur and how they can be handled ethically.
- **Cultivate a Transparency Culture:** Encourage open discussion about billing issues and questions. If employees feel at ease asking questions, they will be less likely to make errors that lead to double billing.
- **Use Peer Review Systems:** Get lawyers to review others' time entries periodically to catch potential mistakes before they reach the client.

3. Review and Approve Invoices Carefully

Before you present an invoice to a client, review all the time entries thoroughly for consistency and accuracy. This way, you can detect any duplicate or overlapping charges that might creep in.

A multi-level review process really does work well. First, the lead attorney goes over their own time entries, and then a billing admin or finance department member goes over it a second time. This two-step process is much more likely to catch any mistakes, such as double postings on the same task or client.

Utilizing legal billing solutions that offer automated checks and reporting functionality can also reduce the risk of error. A good option is to use a tool like TimeSolv. It allows firms to create multi-level approval workflows, so time entries must be reviewed and approved by authorized professionals before they can be added to invoices. Features such as draft invoice status indicators make it easy to determine which invoices have been fully reviewed, eliminating guesswork and making the approval process easier.

4. Implement Client Access to Billing Information via a Secure Portal

Granting clients access to their billing information in a secure portal provides numerous significant advantages to law firms. The transparency allows clients to quickly view full invoices, payment history, and outstanding balances. This prevents miscommunication and billing disputes, as clients can clearly view what work they are being billed for and why.

Client portals increase productivity by streamlining communication and document sharing and eliminating the administrative time for staff who would otherwise need to deal with routine billing questions or manually route documents. Providing clients with real-time access to billing information also increases trust and client relationships.

TimeSolv makes this possible through its secure client portal, where clients can access and print invoices, check trust account balances, and pay their attorney fees online at their convenience. This self-service aspect not only

speeds up the payment process, but also demonstrates concern for transparency and client service.

5. Conduct Internal Billing Audits Regularly

Regular audits can help identify problems in your firm's billing processes.

- **Plan for Periodic Audits:** Regularly audit the quarterly or half-yearly billing records to identify potential problems.
- **Compare Time Records Between Attorneys:** You need to detect differences in billing similar work by different attorneys in your firm.
- **Verify the High-Volume Billing Days:** Be sure to verify days when attorneys record unusually high billable hours, since they could be indicators of double billing issues.
- **Take advantage of TimeSolv's reporting capabilities:** Use TimeSolv's solid reporting capabilities to analyze billing habits and spot problems.

By implementing these preventive measures, law firms can uphold ethical billing practices while simultaneously enhancing efficiency and fostering client trust.

Avoid Billing Inefficiencies with TimeSolv

When answering "what is double billing", some people think it is just a question of simple compliance with professional standards. Not true. It is more about maintaining the trust at the very core of client relationships. By implementing sound practices and procedures, law firms can ensure that they will never find themselves in a situation facing ethical questions and improper billing sanctions.

TimeSolv's time-tracking and billing program gives law firms the tools to prevent double billing and maintain moral integrity. It lets you:

- Run multiple timers at the same time, with automatic pausing to prevent overlap
- Maintain real-time recording of billable activities
- Use clear task descriptions and uniform abbreviations to avoid vague or unclear time entries

- Utilize flexible billing templates to maintain client invoicing transparency
- Create reports needed to identify and resolve potential billing issues

Integrating TimeSolv into the daily workings of your firm streamlines the billing process without compromising ethical standards. Clients will appreciate and notice the openness, while the firm reaps the rewards of increased efficiency and reduced risk of ethical violations.