

## STEP 1 - Calculate the Total Fees (The Lodestar)

1. Testify to (1) the qualifications and (2) the hourly rates of each professional involved in the case.
2. Testify to the total number of hours each professional billed throughout the case.
3. For each professional involved, multiply their hourly rate by the number of hours charged.

Professional:	Hourly Rate:	Hours Worked:	Total Charged:
Debra Smith (attorney)	\$475	122.7	\$58,282.50
John Jones (paralegal)	\$175	189.2	\$33,110.00
<b>TOTAL</b>			<b>\$91,392.50</b>

The total numbers charged by each professional is what the Texas Supreme Court calls the "lodestar".

## STEP 2 - JUSTIFY the rates and amount of time spent (Arthur Anderson)

Justify your "lodestar" by testifying how (1) the rates charged, and (2) the time spent is reasonable taking into account the Arthur Anderson factors:

- The time and labor required;
- The novelty of the question involved;
- The skill required to perform the legal service properly;
- The fee customarily charged in the locality for similar legal services;
- Whether the fee is fixed or contingent on results obtained;
- The uncertainty of collection before the legal services have been rendered; and
- The results obtained.

## STEP 3 - PROVE the amount of time spent and why it was reasonable (Rohrmoos)

Include with your testimony: (1) your redacted billing statements, and (2) an exhibit breaking down the hours worked in detail:

FEES THROUGH MEDIATION		FEES FOLLOWING MEDIATION	
Activity:	Hours:	Activity:	Hours:
Phone calls & meetings with client:		Phone calls & meetings with client:	
• Debra Smith:	22.9	• Debra Smith:	32.4
• John Jones:	34.6	• John Jones:	41.6
Propounding Discovery:		Hearing to Compel Discovery:	
• Debra Smith:	13.9	• Debra Smith:	11.9
• John Jones:	9.8	• John Jones:	3.2
Responding to Discovery:		Supplementing Discovery:	
• Debra Smith:	22.9	• Debra Smith:	14.3
• John Jones:	34.6	• John Jones:	23.2
Preparation for Mediation:		Preparation for Trial:	
• Debra Smith:	12.7	• Debra Smith:	34.7
• John Jones:	7.6	• John Jones:	45.6

\*The above is just an example of the type of specificity necessary per Rohrmoos. Include activities relevant to your case.

\*Although breaking hours down pre- and post- mediation is not necessary for holding fees up on appeal, but breaking it down in this manner might make it more likely that fees will be awarded!