

John B. Coffman

Public Counsel

State of Missouri

Governor

Office of the Public Counsel Governor Office Bldg. Suite 650 200 Madison Street P.O. Box 2230 Jefferson City, Missouri 65102 Telephone: 573-751-4857
Facsimile: 573-751-5562
Web: http://www.mo-opc.org
Relay Missouri
1-800-735-2966 TDD
1-800-735-2466 Voice

#### **MEMORANDUM**

TO: Kim Bolin, Public Utility Accountant FROM: Mike Dandino, Senior Public Counsel RE: Attorney Fees for the MGE Rate Case

DATE: July 19, 2004

This is in response to your request to review the rate charged for legal services in the MGE case by the law firm of Kasowitz, Benson, Torres & Friedman, New York, NY. Based upon my experience and information from the Missouri Bar regarding customary and usual rates charged for similar legal services in Missouri, it is my opinion that a rate of \$670 to \$690 per hour for office and trial work performed in the MGE Case No. 2004-0209 falls outside of a reasonable and prudent range. I considered the nature of the subject matter, the complexity of the issues litigated, the lack of any special or unique subject matter in the case and the absence of regulatory experience and regulatory expertise on behalf of the Partners of Kasowitz, Benson, Torres & Friedman that were billed to this case.

To give you some background on my experience, here is a short summary of my resume:

I am Senior Public Counsel for the Office of the Public Counsel and have held that position since January, 1995. I am a member in good standing of the Missouri Bar and have been an attorney since September, 1975. I am also a member of the bars of the Federal District Court for both the Eastern and Western District of Missouri, the U.S. Court of Appeals, Eighth Circuit, and the United States Supreme Court. I graduated from the University of Missouri-Kansas City School of Law in 1975 with a Juris Doctor degree.

I was employed as an attorney with the Jackson County Counselor's Office from 1975 to August of 1985. My duties included acting as counsel for a number of county administrative agencies. I also was responsible for the trial of cases on behalf of county officers and agencies before the Missouri State Tax Commission as well as in the circuit courts, the Missouri Courts of Appeal, and the Missouri Supreme Court.

From 1985 to 1990, I was General Counsel for Property Tax Research, a national property tax appeals firm. On behalf of PTR's clients, I retained local counsel in numerous states to provide legal advice as to property tax issues and procedure and to serve as local counsel for tax appeals. I reviewed charges for legal services billed by local counsel. PTR had extensive tax appeals in Missouri and so I regularly employed Missouri counsel with extensive trial and administrative experience and reviewed and approved the fees billed.

From 1990 to 1994, I was an associate attorney in the Wallach Law Firm located in St. Louis, Missouri. My duties included research and preparation of motions, briefs, pleadings, and trial preparation of condemnation, property tax appeals, business litigation, medical malpractice, and municipal law cases. Many of the cases I worked on were billed at an hourly rate.

As Senior Public Counsel, I have been responsible for the trial and conduct of telecommunications cases, and have assisted in the research and preparation of pleadings, motions, and briefs on a variety of regulatory issues before the Missouri Public Service Commission and the courts.

I am familiar with the expertise and experience of the members of the Brydon, Swearengen, & England law firm and know the members of that firm to be highly regarded counsel and trial attorneys in matters of public utility regulation before the Missouri Public Service Commission. Given the firm's reputation in the legal community and in particular in the Missouri regulatory bar that regularly practices before the Commission, I would consider the average hourly rate of \$190.00 charged by that firm in this case as a fair representation of customary, usual, and reasonable legal fees for regulatory office and trial work in the state of Missouri. That fee falls within the range of indicated fees for such legal services as indicated in the attached Missouri Bar Association study.

In conclusion, a \$670 to \$690 per hour fee for this case falls outside of the customary and usual range of hourly rates for regulatory legal work in Missouri. Please let me know if you need additional information.

Michall Com

## THE MISSOURI BAR ECONOMIC SURVEY 2003

Special acknowledgement is appropriate for Missouri Bar members who took their valuable time to respond to the survey.

Their prompt, candid responses allow this survey to be a credible resource for your use.

## INTRODUCTION

The Missouri Bar is pleased to report the results of *The Missouri Bar Economic Survey – 2003*. The survey is a guide for Missouri lawyers to use as they plan and manage their work within the legal profession and their professional lives.

Since 1958, The Missouri Bar has conducted a survey every other year to gain insight into the economics of the practice of law in the state of Missouri. This **non-scientific** survey is a snapshot of the economic performance of the legal profession in Missouri as of December 31, 2002. The information in this survey should be used as a guide rather than as an absolute standard. The survey results should be considered and used in its entirety only in order to avoid misconstruing the meaning of individual exhibits within the report. For lawyers in the private practice of law, the information may be useful to evaluate their firm's performance relative to comparable law firms. With this information, Missouri lawyers in private practice may compare their firm's performance with those of similar size, by geographic location, and other similarities. Some sections of the survey include data from previous surveys presented in such a manner as to decipher trends over the past decade.

A portion of the survey also depicts economic information about Missouri lawyers who work in law-related and non-legal professions as well as data about difficulties experienced by Missouri lawyers that affected their work or satisfaction levels while working in the legal profession.

The confidential survey questionnaire was mailed to a sampling of 3,250 Missouri Bar members in the spring of 2003. A total of 1,290 completed and returned the survey, which represents a 40% response rate. The respondents were asked to provide information as of the close of business on December 31, 2002. Nearly 15,000 lawyers listing a Missouri address were licensed to practice law in the state of Missouri at the time of the survey.

The survey respondents consisted of 69.6% male and 30% female; 0.3% of the respondents did not indicate their gender. Survey respondents were voluntarily asked to indicate their race. 93.8% of the respondents indicated they were Caucasian; 2.2% African-American; 0.3% Hispanic; 0.4% Asian; 0.7% Other; 2.3% did not indicate their race. Close to 40.0% of respondents in private practice indicate that their primary area of practice is civil trial and/or appellate practice. The demographics closely mirror those from the previous survey taken in 2001.

Some survey results are divided by geographic locations, specifically St. Louis City, St. Louis County, Jackson County, Greene County, Boone County, and Cole County. Other locations are grouped into a category entitled "Others".

The surveys were collected, tabulated, and analyzed by the University of Missouri College of Arts and Science Economic and Policy Analysis Research Center in Columbia, Missouri.

#### STATISTICAL TERMS USED IN THE SURVEY

The **mean (arithmetic average)** is calculated by adding the values of all responses, then dividing by the number of responses.

The **median** is the middle value of a series (distribution) of values, which is initially, ranked (low to high, or vice versa). By definition, half of the numbers are greater and half are less than the median.

#### **HOW TO READ THIS SURVEY**

Charts and graphs are used whenever possible to present the information. Various correlations are made in order to assist the reader to further analyze the data.

#### Examples . . .

On page 42 of the Lawyers in Private Practice Section, you will see a chart concerning practice areas by hourly charge for trial work. In the Civil Trial Section, 61 respondents, representing 24.6% of those responding that they practice in this area, charge \$126-150 per hour for trial work.

On page 46 of the Lawyers in Private Practice Section, you will see a chart concerning median total income based on the number of years since being admitted to the practice of law. Those in the full-time practice of law in Missouri between the ages of 30 and 39 years reported a median income of \$160,000.

#### Notation:

Reference to Total Income in the survey indicates the total income reported by the respondents from <u>both</u> full-time and part-time income. Full-Time Practice Income does not include any additional part-time income considered in the respondents' total income.

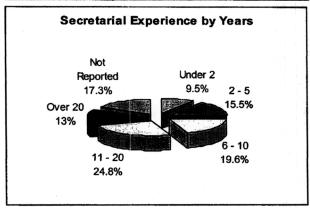
#### **HOW TO ACCESS A COPY OF THE SURVEY**

The Missouri Bar Economic Survey is also available to Missouri Bar members on the Bar's website at <a href="www.mobar.org">www.mobar.org</a>. It is required to log on to the Member's Only portion of the website, which requires a bar number and PIN. Missouri Bar members may request one printed copy at no charge.

### Salaries, Fees, Overhead and Related

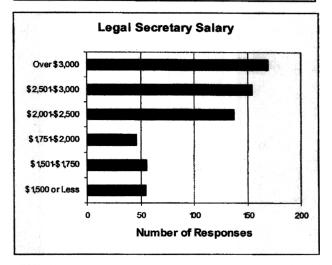
| Salary of Newly Admitted Lawyer |           |         |  |  |  |  |  |  |
|---------------------------------|-----------|---------|--|--|--|--|--|--|
|                                 | Responses | Percent |  |  |  |  |  |  |
| \$30,000 or Less                | 6         | 0.7     |  |  |  |  |  |  |
| \$30,001 -\$35,000              | 20        | 2.3     |  |  |  |  |  |  |
| \$35,001 -\$40,000              | 35        | 4.0     |  |  |  |  |  |  |
| \$40,001 -\$45,000              | 22        | 2.5     |  |  |  |  |  |  |
| \$45,001 - \$50,000             | 26        | 3.0     |  |  |  |  |  |  |
| \$50,001 - \$55,000             | 27        | 3.1     |  |  |  |  |  |  |
| \$55,001 -\$60,000              | 15        | 1.7     |  |  |  |  |  |  |
| \$60,001 - \$65,000             | 15        | 1.7     |  |  |  |  |  |  |
| \$65,001 - \$70,000             | 9         | 1.0     |  |  |  |  |  |  |
| \$70,001 -\$75,000              | 20        | 2.3     |  |  |  |  |  |  |
| \$75,001 -\$80,000              | 24        | 2.7     |  |  |  |  |  |  |
| \$80,001 - \$85,000             | 43        | 5.0     |  |  |  |  |  |  |
| \$85,001 -\$90,000              | 39        | 4.5     |  |  |  |  |  |  |
| Over \$90,000                   | 22        | 2.5     |  |  |  |  |  |  |
| Don't Know                      | 63        | 7.3     |  |  |  |  |  |  |
| Not Reported                    | 150       | 17.4    |  |  |  |  |  |  |
| Not Applicable                  | 324       | 37.6    |  |  |  |  |  |  |

| Over \$90,000<br>\$85,001-\$90,000 |  |     |     |  |
|------------------------------------|--|-----|-----|--|
| \$80,001-\$85,000                  |  |     |     |  |
| \$75,001\$80,000                   |  |     |     |  |
| \$70,001-\$75,000                  |  |     |     |  |
| \$65,001-\$70,000                  |  | . 1 |     |  |
| \$60,001-\$65,000                  |  |     |     |  |
| \$55,001-\$60,000                  |  |     | 100 |  |
| \$50,001-\$55,000                  |  |     |     |  |
| \$45,001-\$50,000                  |  |     |     |  |
| \$40,001-\$45,000                  |  |     |     |  |
| \$35,001\$40,000                   |  |     |     |  |
| \$30,001-\$35,000                  |  |     |     |  |
| \$30,000 or Less                   |  |     | 1   |  |



| Student Law Clerk Salary |           |         |  |  |  |  |  |
|--------------------------|-----------|---------|--|--|--|--|--|
|                          | Responses | Percent |  |  |  |  |  |
| \$1,000 or Less          | 28        | 3.2     |  |  |  |  |  |
| \$1,001 - \$1,500        | 35        | 4.0     |  |  |  |  |  |
| \$1,501 -\$2,000         | 42        | 4.8     |  |  |  |  |  |
| \$2,001 - \$2,500        | 19        | 2.2     |  |  |  |  |  |
| \$2,501 -\$3,000         | 16        | 1.8     |  |  |  |  |  |
| \$3,001 -\$3,500         | 14        | 1.6     |  |  |  |  |  |
| \$3,501 -\$4,000         | 14        | 1.6     |  |  |  |  |  |
| \$4,001 -\$4,500         | 16        | 1.8     |  |  |  |  |  |
| \$4,501 - \$5,000        | 15        | 1.7     |  |  |  |  |  |
| \$5,001 - \$5,500        | 17        | 1.9     |  |  |  |  |  |
| \$5,501 -\$6,000         | 33        | 3.8     |  |  |  |  |  |
| Over \$6,000             | 7         | 0.8     |  |  |  |  |  |
| Not Reported             | 243       | 28.2    |  |  |  |  |  |
| Not Applicable           | 361       | 41.9    |  |  |  |  |  |

| Legal Secretary Salary |           |         |  |  |  |  |  |  |
|------------------------|-----------|---------|--|--|--|--|--|--|
|                        | Responses | Percent |  |  |  |  |  |  |
| \$1,500 or Less        | 55        | 6.4     |  |  |  |  |  |  |
| \$1,501 - \$1,750      | 56        | 6.5     |  |  |  |  |  |  |
| \$1,751 - \$2,000      | 46        | 5.3     |  |  |  |  |  |  |
| \$2,001 - \$2,500      | 137       | 15.9    |  |  |  |  |  |  |
| \$2,501 - \$3,000      | 155       | 18.0    |  |  |  |  |  |  |
| Over \$3,000           | 170       | 19.7    |  |  |  |  |  |  |
| Not Reported           | 127       | 14.7    |  |  |  |  |  |  |
| Not Applicable         | 114       | 13.2    |  |  |  |  |  |  |



| Secretarial Experience by Years |           |         |  |  |  |  |  |
|---------------------------------|-----------|---------|--|--|--|--|--|
|                                 | Responses | Percent |  |  |  |  |  |
| Under 2                         | 82        | 9.5     |  |  |  |  |  |
| 2- 5                            | 134       | 15.5    |  |  |  |  |  |
| 6-10                            | 169       | 19.6    |  |  |  |  |  |
| 11-20                           | 214       | 24.8    |  |  |  |  |  |
| Over 20                         | 112       | 13.0    |  |  |  |  |  |
| Not Reported                    | 149       | 17.3    |  |  |  |  |  |

### Salaries, Fees, Overhead and Related

| Legal Assistants/Pa | Legal Assistants/Paralegals Monthly Salary |         |  |  |  |  |  |  |  |
|---------------------|--|---------|--|--|--|--|--|--|--|
|                     | Responses                                  | Percent |  |  |  |  |  |  |  |
| \$1,500 or Less     | 15   | 1.7     |  |  |  |  |  |  |  |
| \$1,501 -\$1,750    | 17   | 1.9     |  |  |  |  |  |  |  |
| \$1,751 - \$2,000   | 25   | 2.9     |  |  |  |  |  |  |  |
| \$2,001 -\$2,500    | 42   | 4.8     |  |  |  |  |  |  |  |
| \$2,501 -\$3,000    | 74   | 8.6     |  |  |  |  |  |  |  |
| \$3,001 -\$3,500    | 72   | 8.3     |  |  |  |  |  |  |  |
| \$3,501 -\$4,000    | 56   | 6.5     |  |  |  |  |  |  |  |
| \$4,001 -\$4,500    | 36   | 4.1     |  |  |  |  |  |  |  |
| \$4,501 -\$5,000    | 15   | 1.7     |  |  |  |  |  |  |  |
| Over \$5,000        | 6  | 0.7     |  |  |  |  |  |  |  |
| Not Reported        | 130  | 15.1    |  |  |  |  |  |  |  |
| Not Applicable      | 372  | 43.2    |  |  |  |  |  |  |  |

| Legal Assistants/Paralegals Hourly Charge |           |         |  |  |  |  |  |
|---|-----------|---------|--|--|--|--|--|
|   | Responses | Percent |  |  |  |  |  |
| \$20 or Less                              | 3         | 0.3     |  |  |  |  |  |
| \$21 - \$30                               | 12        | 1.4     |  |  |  |  |  |
| \$31 - \$40                               | 29        | 3.3     |  |  |  |  |  |
| \$41 - \$50                               | 59        | 6.8     |  |  |  |  |  |
| \$51 - \$60                               | 90        | 10.4    |  |  |  |  |  |
| Over \$60                                 | 264       | 30.7    |  |  |  |  |  |
| Not Reported                              | 77        | 8.9     |  |  |  |  |  |
| Not Applicable                            | 326       | 37.9    |  |  |  |  |  |

### Monthly Salary of Legal Assistants/Paralegals by Selected Location

|                 |     | one<br>unty |     | ole<br>unty | 1   | ene<br>unty |     | kson<br>unty |     | Louis<br>unty |     | Louis<br>City | _   | ther<br>reas | · ·      | lot<br>orted |     | All<br>pondents |
|-----------------|-----|-------------|-----|-------------|-----|-------------|-----|--------------|-----|---------------|-----|---------------|-----|--------------|----------|--------------|-----|-----------------|
|                 | No. | %           | No. | %           | No. | %           | No. | %            | No. | %             | No. | %             | No. | %            | No.      | %            | No. | %               |
| \$1,500 or Less | 2   | 0.6%        | 1   | 0.3%        | 1   | 0.3%        | 5   | 1.4%         | 1   | 0.3%          | 3   | 0.8%          | 1   | 0.3%         | 1        | 0.3%         | 15  | 4.2%            |
| \$1,501-\$1,750 | 1   | 0.3%        |     | •           | 3   | 0.8%        | 4   | 1.1%         | 3   | 0.8%          | 1   | 0.3%          | 3   | 0.8%         | 2        | 0.6%         | 17  | 4.7%            |
| \$1,751-\$2,000 | 1   | 0.3%        |     | •           | 4   | 1.1%        | 8   | 2.2%         | 2   | 0.6%          | 3   | 0.8%          | 6   | 1.7%         | 1        | 0.3%         | 25  | 7.0%            |
| \$2,001-\$2,500 |     | •           | 1   | 0.3%        | 6   | 1.7%        | 10  | 2.8%         | 8   | 2.2%          | 7   | 2.0%          | 8   | 2.2%         | 2        | 0.6%         | 42  | 11.7%           |
| \$2,501-\$3,000 |     |             | 3   | 0.8%        | 19  | 5.3%        | 16  | 4.5%         | 12  | 3.4%          | 10  | 2.8%          | 13  | 3.6%         | 1        | 0.3%         | 74  | 20.7%           |
| \$3,001-\$3,500 |     | •           | 2   | 0.6%        | 4   | 1.1%        | 27  | 7.5%         | 17  | 4.7%          | 11  | 3.1%          | 6   | 1.7%         | 5        | 1.4%         | 72  | 20.1%           |
| \$3,501-\$4,000 |     |             | 1   | 0.3%        | 2   | 0.6%        | 30  | 8.4%         | 9   | 2.5%          | 11  | 3.1%          | 2   | 0.6%         | 1        | 0.3%         | 56  | 15.6%           |
| \$4,001-\$4,500 |     | •           | 1   | 0.3%        | 1   | 0.3%        | 12  | 3.4%         | 7   | 2.0%          | 14  | 3.9%          | 1   | 0.3%         |          |              | 36  | 10.1%           |
| \$4,501-\$5,000 | 1   | 0.3%        |     |             |     |             | 4   | 1.1%         | 7   | 2.0%          | 3   | 0.8%          |     |              |          |              | 15  | 4.2%            |
| Over \$5,000    |     | •           |     |             |     |             | 4   | 1.1%         | 1   | 0.3%          | 1   | 0.3%          |     |              | <u>.</u> |              | 6   | 1.7%            |
| All Respondents | 5   | 1.4%        | 9   | 2.5%        | 40  | 11.2%       | 120 | 33.5%        | 67  | 18.7%         | 64  | 17.9%         | 40  | 11.2%        | 13       | 3.6%         | 358 | 100.0%          |

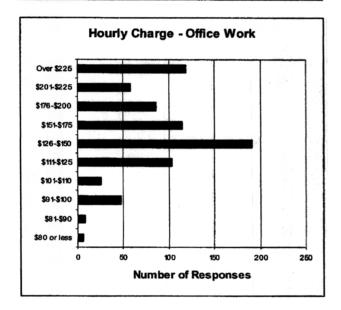
#### Monthly Salary of Legal Assistants/Paralegals by Size of Firm

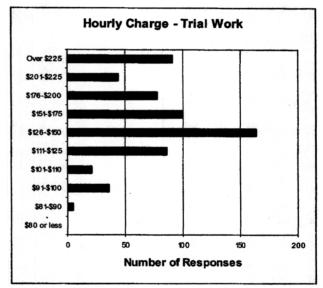
|                 | •   | 1     | 2   | - 4   | 5   | - 9   | 10  | - 19  | 20  | - 29 | 30 - | - 99 | 100 & | Over  | All | Resp.  |
|-----------------|-----|-------|-----|-------|-----|-------|-----|-------|-----|------|------|------|-------|-------|-----|--------|
|                 | No. | %     | No. | %     | No. | %     | No. | %     | No. | %    | No.  | %    | No.   | %     | No. | %      |
| \$1,500 or Less | 8   | 2.2%  | 6   | 1.7%  |     | •     | 1   | 0.3%  |     |      |      | •    |       | •     | 15  | 4.2%   |
| \$1,501-\$1,750 | 6   | 1.7%  | 6   | 1.7%  | 1   | 0.3%  | 2   | 0.6%  | 1   | 0.3% |      |      | 1     | 0.3%  | 17  | 4.7%   |
| \$1,751-\$2,000 | 4   | 1.1%  | 15  | 4.2%  | 4   | 1.1%  | 1   | 0.3%  | 1   | 0.3% |      | ·    |       | •     | 25  | 7.0%   |
| \$2,001-\$2,500 | 10  | 2.8%  | 15  | 4.2%  | 8   | 2.2%  | 4   | 1.1%  | 1   | 0.3% | 1    | 0.3% | 3     | 0.8%  | 42  | 11.7%  |
| \$2,501-\$3,000 | 7   | 2.0%  | 13  | 3.6%  | 21  | 5.9%  | 20  | 5.6%  | 3   | 0.8% | 3    | 0.8% | 7     | 2.0%  | 74  | 20.7%  |
| \$3,001-\$3,500 | 3   | 0.8%  | 8   | 2.2%  | 11  | 3.1%  | 20  | 5.6%  | 10  | 2.8% | 7    | 2.0% | 13    | 3.6%  | 72  | 20.1%  |
| \$3,501-\$4,000 | 1   | 0.3%  | 4   | 1.1%  | 3   | 0.8%  | 7   | 2.0%  | 6   | 1.7% | 9    | 2.5% | 26    | 7.3%  | 56  | 15.6%  |
| \$4,001-\$4,500 |     | •     | 1   | 0.3%  |     | •     | 7   | 2.0%  | 1   | 0.3% | 5    | 1.4% | 22    | 6.1%  | 36  | 10.1%  |
| \$4,501-\$5,000 | 2   | 0.6%  |     |       | 2   | 0.6%  | 1   | 0.3%  | 2   | 0.6% | 4    | 1.1% | 4     | 1.1%  | 15  | 4.2%   |
| Over \$5,000    | 1   | 0.3%  |     |       |     | •     |     |       |     |      |      |      | 5     | 1.4%  | 6   | 1.7%   |
| All Respondents | 42  | 11.7% | 68  | 19.0% | 50  | 14.0% | 63  | 17.6% | 25  | 7.0% | 29   | 8.1% | 81    | 22.6% | 358 | 100.0% |

## Lawyers in Private Practice Salaries, Fees, Overhead and Related

| Hourly Char      | ge - Office Work |         |
|------------------|------------------|---------|
|                  | Responses        | Percent |
| Not Hourly Basis | 67               | 7.7     |
| \$80 or Less     | 6                | 0.7     |
| \$81 - \$90      | 8                | 0.9     |
| \$91 -\$100      | 48               | 5.5     |
| \$101 - \$110    | 26               | 3.0     |
| \$111 - \$125    | 103              | 11.9    |
| \$126 - \$150    | 191              | 22.2    |
| \$151 - \$175    | 115              | 13.3    |
| \$176-\$200      | 86               | 10.0    |
| \$201 - \$225    | 58               | 6.7     |
| Over \$225       | 119              | 13.8    |
| Not Reported     | 33               | 3.8     |

| Hourly Charge - Trial Work |           |         |  |  |  |  |  |
|----------------------------|-----------|---------|--|--|--|--|--|
|                            | Responses | Percent |  |  |  |  |  |
| Not Hourly Basis           | 62        | 7.2     |  |  |  |  |  |
| \$80 or Less               | 1         | 0.1     |  |  |  |  |  |
| \$81-\$ 90                 | 5         | 0.5     |  |  |  |  |  |
| \$91-\$100                 | 36        | 4.1     |  |  |  |  |  |
| \$101-\$110                | 21        | 2.4     |  |  |  |  |  |
| \$111 - \$125              | 86        | 10.0    |  |  |  |  |  |
| \$126-\$150                | 164       | 19.0    |  |  |  |  |  |
| \$151-\$175                | 100       | 11.6    |  |  |  |  |  |
| \$176-\$200                | 78        | 9.0     |  |  |  |  |  |
| \$201 - \$225              | 44        | 5.1     |  |  |  |  |  |
| Over \$225                 | 91        | 10.5    |  |  |  |  |  |
| Not Reported               | 172       | 20.0    |  |  |  |  |  |

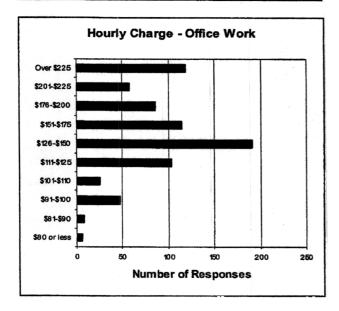


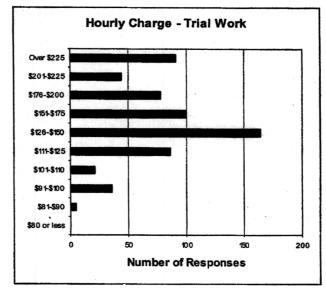


Salaries, Fees, Overhead and Related

| Hourly Charge - Office Work |           |         |  |  |  |  |  |  |
|-----------------------------|-----------|---------|--|--|--|--|--|--|
|                             | Responses | Percent |  |  |  |  |  |  |
| Not Hourly Basis            | 67        | 7.7     |  |  |  |  |  |  |
| \$80 or Less                | 6         | 0.7     |  |  |  |  |  |  |
| \$81-\$ 90                  | 8         | 0.9     |  |  |  |  |  |  |
| \$91 -\$100                 | 48        | 5.5     |  |  |  |  |  |  |
| \$101-\$110                 | 26        | 3.0     |  |  |  |  |  |  |
| \$111-\$125                 | 103       | 11.9    |  |  |  |  |  |  |
| \$126 - \$150               | 191       | 22.2    |  |  |  |  |  |  |
| \$151-\$175                 | 115       | 13.3    |  |  |  |  |  |  |
| \$176 - \$200               | 86        | 10.0    |  |  |  |  |  |  |
| \$201 - \$225               | 58        | 6.7     |  |  |  |  |  |  |
| Over \$225                  | 119       | 13.8    |  |  |  |  |  |  |
| Not Reported                | 33        | 3.8     |  |  |  |  |  |  |

| Hourly Cha       | rge - Trial Work |         |
|------------------|------------------|---------|
|                  | Responses        | Percent |
| Not Hourly Basis | 62               | 7.2     |
| \$80 or Less     | 1                | 0.1     |
| \$81-\$ 90       | 5                | 0.5     |
| \$91 - \$100     | 36               | 4.1     |
| \$101-\$110      | 21               | 2.4     |
| \$111 - \$125    | 86               | 10.0    |
| \$126 - \$150    | 164              | 19.0    |
| \$151-\$175      | 100              | 11.6    |
| \$176 - \$200    | 78               | 9.0     |
| \$201 - \$225    | 44               | 5.1     |
| Over \$225       | . 91             | 10.5    |
| Not Reported     | 172              | 20.0    |





### Salaries, Fees, Overhead and Related

#### Hourly Charge for Office Work by County of Practice (Grouped)

|              | Boone<br>County |      |     | ole<br>unty |     | ene<br>unty |     | kson<br>unty |     | Louis<br>unty |     | Louis<br>City |     | ther<br>reas |     | lot<br>orted |     | Ali<br>pondents |
|--------------|-----------------|------|-----|-------------|-----|-------------|-----|--------------|-----|---------------|-----|---------------|-----|--------------|-----|--------------|-----|-----------------|
|              | No.             | %    | No. | %           | No. | %           | No. | %            | No. | %             | No. | %             | No. | %            | No. | %            | No. | %               |
| \$80 or Less | 2               | 0.3% |     | •           |     |             | 1   | 0.1%         | 2   | 0.3%          |     | •             | 1   | 0.1%         |     |              | 6   | 0.8%            |
| \$81-\$90    |                 |      |     |             |     |             | 2   | 0.3%         | 2   | 0.3%          | 1   | 0.1%          | 2   | 0.3%         | 1   | 0.1%         | 8   | 1.1%            |
| \$91-\$100   | 2               | 0.3% | 1   | 0.1%        | 3   | 0.4%        | 5   | 0.7%         | 13  | 1.7%          | 3   | 0.4%          | 18  | 2.4%         | 3   | 0.4%         | 48  | 6.3%            |
| \$101-\$110  | 2               | 0.3% | 1   | 0.1%        | 2   | 0.3%        | 3   | 0.4%         | 3   | 0.4%          | 4   | 0.5%          | 11  | 1.4%         |     |              | 26  | 3.4%            |
| \$111-\$125  | 6               | 0.8% | 3   | 0.4%        | 12  | 1.6%        | 18  | 2.4%         | 14  | 1.8%          | 15  | 2.0%          | 30  | 3.9%         | 5   | 0.7%         | 103 | 13.6%           |
| \$126-\$150  | 8               | 1.1% | 8   | 1.1%        | 16  | 2.1%        | 45  | 5.9%         | 33  | 4.3%          | 30  | 3.9%          | 44  | 5.8%         | 7   | 0.9%         | 191 | 25.1%           |
| \$151-\$175  | 4               | 0.5% | 4   | 0.5%        | 10  | 1.3%        | 28  | 3.7%         | 29  | 3.8%          | 21  | 2.8%          | 14  | 1.8%         | 5   | 0.7%         | 115 | 15.1%           |
| \$176-\$200  |                 | •    | 2   | 0.3%        | 6   | 0.8%        | 31  | 4.1%         | 23  | 3.0%          | 9   | 1.2%          | 13  | 1.7%         | 2   | 0.3%         | 86  | 11.3%           |
| \$201-\$225  | 1               | 0.1% | 1   | 0.1%        | 1   | 0.1%        | 27  | 3.6%         | 16  | 2.1%          | 6   | 0.8%          | 4   | 0.5%         | 2   | 0.3%         | 58  | 7.6%            |
| Over \$225   |                 |      | 2   | 0.3%        | 1   | 0.1%        | 53  | 7.0%         | 31  | 4.1%          | 28  | 3.7%          | 2   | 0.3%         | 2   | 0.3%         | 119 | 15.7%           |
| All Resp.    | 25              | 3.3% | 22  | 2.9%        | 51  | 6.7%        | 213 | 28.0%        | 166 | 21.8%         | 117 | 15.4%         | 139 | 18.3%        | 27  | 3.6%         | 760 | 100.0%          |

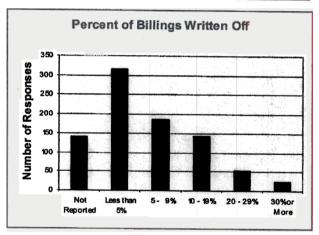
#### Hourly Charge for Trial Work by County of Practice (Grouped)

|                           |     | one  | 1   |      |     |      | Greene<br>County |       | Jackson<br>County |       | St. Louis<br>County |       | St. Louis<br>City |       | Other<br>Areas |      | Not<br>Reported |        | All<br>Responden |  |
|---------------------------|-----|------|-----|------|-----|------|------------------|-------|-------------------|-------|---------------------|-------|-------------------|-------|----------------|------|-----------------|--------|------------------|--|
|                           | No. | %    | No. | %    | No. | %    | No.              | %     | No.               | %     | No.                 | %     | No.               | %     | No.            | %    | No.             | %      |                  |  |
| \$80 or Less              |     |      | •   |      |     | •    | •                |       |                   |       |                     | •     | 1                 | 0.2%  |                | •    | 1               | 0.2%   |                  |  |
| \$81-\$90                 |     |      | •   |      | -   |      |                  |       | 1                 | 0.2%  | 1                   | 0.2%  | 2                 | 0.3%  | 1              | 0.2% | 5               | 0.8%   |                  |  |
| \$91-\$100                | 2   | 0.3% | 1   | 0.2% | 3   | 0.5% | 4                | 0.6%  | 9                 | 1.4%  | 3                   | 0.5%  | 12                | 1.9%  | 2              | 0.3% | 36              | 5.8%   |                  |  |
| \$101-\$110               | 1   | 0.2% | 1   | 0.2% | 2   | 0.3% | 3                | 0.5%  | 2                 | 0.3%  | 4                   | 0.6%  | 8                 | 1.3%  |                |      | 21              | 3.4%   |                  |  |
| \$111-\$125               | 3   | 0.5% | 3   | 0.5% | 8   | 1.3% | 14               | 2.2%  | 15                | 2.4%  | 8                   | 1.3%  | 29                | 4.6%  | 6              | 1.0% | 86              | 13.7%  |                  |  |
| <b>\$126-\$150</b>        | 7   | 1.1% | 7   | 1.1% | 18  | 2.9% | 34               | 5.4%  | 23                | 3.7%  | 29                  | 4.6%  | 43                | 6.9%  | 3              | 0.5% | 164             | 26.2%  |                  |  |
| \$151-\$175               | 6   | 1.0% | 4   | 0.6% | 8   | 1.3% | 25               | 4.0%  | 26                | 4.2%  | 12                  | 1.9%  | 13                | 2.1%  | 6              | 1.0% | 100             | 16.0%  |                  |  |
| \$176-\$200               |     |      | 2   | 0.3% | 4   | 0.6% | 25               | 4.0%  | 18                | 2.9%  | 9                   | 1.4%  | 16                | 2.6%  | 4              | 0.6% | 78              | 12.5%  |                  |  |
| <b>\$201-<b>\$22</b>5</b> | 1   | 0.2% |     | •    | 1   | 0.2% | 16               | 2.6%  | 14                | 2.2%  | 6                   | 1.0%  | 3                 | 0.5%  | 3              | 0.5% | 44              | 7.0%   |                  |  |
| Over \$225                | 1   | 0.2% | 3   | 0.5% |     |      | 44               | 7.0%  | 24                | 3.8%  | 15                  | 2.4%  | 2                 | 0.3%  | 2              | 0.3% | 91              | 14.5%  |                  |  |
| All Resp.                 | 21  | 3.4% | 21  | 3.4% | 44  | 7.0% | 165              | 26.4% | 132               | 21.1% | 87                  | 13.9% | 129               | 20.6% | 27             | 4.3% | 626             | 100.0% |                  |  |

## Lawyers in Private Practice Salaries, Fees, Overhead and Related

| Charge Interes | st on Past-Due Billir | ngs     |
|----------------|-----------------------|---------|
|                | Responses             | Percent |
| Yes            | 162                   | 18.8    |
| No             | 594                   | 69.0    |
| Not Reported   | 104                   | 12.0    |

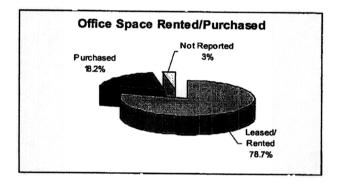
| Percent      | Billings Written |         |
|--------------|------------------|---------|
| Of           | f as a Loss      |         |
|              | Responses        | Percent |
| Less than 5% | 316              | 36.7    |
| 5- 9%        | 185              | 21.5    |
| 10-19%       | 143              | 16.6    |
| 20-29%       | 53               | 6.1     |
| 30% or More  | 23               | 2.6     |
| Not Reported | 140              | 16.2    |



| Handle Undisput   | ted Past Due Billin | gs      |
|-------------------|---------------------|---------|
|                   | Responses           | Percent |
| Lawsuit           | 60                  | 6.9     |
| Write Off         | 411                 | 47.7    |
| Collection Agency | 49                  | 5.7     |
| Other             | 198                 | 23.0    |
| Lawsuit/Write Off | 2                   | 0.2     |
| Write Off/Other   | 3                   | 0.3     |
| Write Off/Agency  | 0                   | 0.0     |
| Agency/Other      | 0                   | 0.0     |
| Lawsuit/Other     | 0                   | 0.0     |
| Not Reported      | 135                 | 15.9    |

| Overhe       | ead Percentage |         |
|--------------|----------------|---------|
|              | Responses      | Percent |
| 20% or Less  | 68             | 7.9     |
| 21-30%       | 86             | 10.0    |
| 31-40%       | 145            | 16.8    |
| 41-50%       | 181            | 21.0    |
| Over 50%     | 100            | 11.6    |
| Don't Know   | 253            | 29.4    |
| Not Reported | 27             | 3.1     |

| Office Space  | Rented/Purchased | 3       |
|---------------|------------------|---------|
|               | Responses        | Percent |
| Leased/Rented | 677              | 78.7    |
| Purchased     | 157              | 18.2    |
| Not Reported  | 26               | 3.0     |



| Credit Card Payme      | ent for Legal Fe | es      |
|------------------------|------------------|---------|
|                        | Responses        | Percent |
| Yes                    | 189              | 23.9    |
| No                     | 487              | 61.6    |
| Don't Know             | 114              | 14.4    |
| Responses Missing = 70 |                  |         |

# Law Practice Areas by Selected Demograpic Factors

Law Practice Areas by Hourly Charge - Office Work

| , j                                  | or<br>No. | \$90<br>Less |    | 1-\$100 | 1007.1 | I- <b>\$</b> 110                             |     | 1-\$125  |     | 6-\$150 |              | 1-\$175 |     | 6-\$200         | \$20 | 1-\$225 | Ove | r \$225 | _   | Ali<br>esp.¹ |
|--------------------------------------|-----------|--------------|----|---------|--------|--|-----|----------|-----|---------|--------------|---------|-----|-----------------|------|---------|-----|---------|-----|--------------|
|                                      |           |              | No | . %     | No.    | %  | No. | <u>%</u> | No. | %       | No.          | %       | No. | <u>%</u>        | No.  | %       | No. | %       | No. | %            |
| Family Law                           | 6         | 5.1%         | 8  | 6.8%    | 4      | 3.4%   | 20  | 17.1%    | 36  | 30.8%   | 14           | 12.0%   | 14  | 12.0%           | 7    | 6.0%    | 8   | 6.8%    | 117 | 100.0%       |
| Civil Trial                          | 3         | 1.2%         | 13 | 5.0%    | 8      | 3.1%   | 46  | 17.8%    | 68  | 26.3%   | 36           | 13.9%   | 37  | 14.3%           | 16   | 6.2%    | 32  | 12.4%   | 259 | 100.0%       |
| Estate                               |           |              |    |         |        |  |     |          |     |         |              |         |     |                 |      |         |     |         |     |              |
| Planning                             |           | •            | 4  | 4.4%    |        | •  | 5   | 5.5%     | 35  | 38.5%   | 15           | 16.5%   | 5   | 5.5%            | 10   | 11.0%   | 17  | 18.7%   | 91  | 100.0%       |
| Criminal                             | 4         | 6.6%         | 8  | 13.1%   | 4      | 6.6%   | 11  | 18.0%    | 22  | 36.1%   | 4            | 6.6%    | 2   | 3.3%            | 4    | 6.6%    | 2   | 3.3%    | 61  | 100.0%       |
| Bankruptcy                           |           | •            | 3  | 5.8%    | 2      | 3.8%   | 8   | 15.4%    | 12  | 23.1%   | 10           | 19.2%   | 6   | 11.5%           | 3    | 5.8%    | 8   | 15.4%   | 52  | 100.0%       |
| Business                             |           | •            | 3  | 2.9%    |        |  | 6   | 5.7%     | 19  | 18.1%   | 16           | 15.2%   | 15  | 14.3%           | 14   | 13.3%   | 32  | 30.5%   | 105 | 100.0%       |
| Tax                                  |           | •            | 2  | 5.7%    | •      | •  | 3   | 8.6%     | 5   | 14.3%   | 7            | 20.0%   | 6   | 17.1%           | 4    | 11.4%   | 8   | 22.9%   | 35  | 100.0%       |
| Real Estate                          |           | •            | 2  | 3.0%    |        | •  | 5   | 7.6%     | 15  | 22.7%   | 9            | 13.6%   | 8   | 12.1%           | 10   | 15.2%   | 17  | 25.8%   | 66  | 100.0%       |
| Labor                                | •         | •            | •  | •       | 1      | 2.8%   | 3   | 8.3%     | 11  | 30.6%   | 8            | 22.2%   | 5   | 13.9%           | 5    | 13.9%   | 3   | 8.3%    | 36  | 100.0%       |
| Workers'<br>Comp.                    | 2         | 5.0%         | 4  | 10.0%   | 5      | 12.5%  | 9   | 22.5%    | 12  | 30.0%   | 3            | 7.5%    | 3   | 7.5%            | 1    | 2.5%    | 1   | 2.5%    | 40  | 100.0%       |
| Patent,<br>Trademark,                |           | ,            |    | :       |        |  |     |          |     |         |              |         |     |                 |      |         |     |         |     |              |
| Copyright                            | •         | •            | ·  | •       | 1      | 6.7%   | 1   | 6.7%     | 2   | 13.3%   | 2            | 13.3%   | 2   | 13.3%           | 1    | 6.7%    | 6   | 40.0%   | 15  | 100.0%       |
| Health                               |           |              |    | •       | 1      | 5.9%   |     |          | 5   | 29.4%   | 6            | 35.3%   |     |                 | 1    | 5.9%    | 4   | 23.5%   | 17  | 100.0%       |
| Environ-<br>ment                     |           | •            | •  | •       | •      | .  •   |     | •        | 1   | 8.3%    | 1            | 8.3%    | 2   | 16.7%           | 2    | 16.7%   | 6   | 50.0%   | 12  | 100.0%       |
| Elder Law/<br>Soc. Sec.              |           | •            | •  | •       |        |  | 1   | 33.3%    | 1   | 33.3%   |              |         |     | j <b>.</b> % ≤0 |      |         | 1   | 33.3%   | 3   | 100.0%       |
| Alternative<br>Dispute<br>Resolution |           |              |    | :       |        |  |     |          | 3   | 37.5%   | 2            | 25.00/  |     |                 |      |         |     |         |     |              |
| Insurance                            |           |              |    | •       | •      | <u>:                                    </u> |     | -        | 3   | 37.376  |              | 25.0%   | 1   | 12.5%           | 1    | 12.5%   | 7   | 12.5%   | 8   | 100.0%       |
| Practice                             | 1         | 2.3%         | 7  | 16.3%   | 2      | 4.7%   | 11  | 25.6%    | 11  | 25.6%   | 4            | 9.3%    | 2   | 4.7%            | 1    | 2.3%    | 4   | 9.3%    | 43  | 100.0%       |
| Admin./<br>Reg. Law                  |           |              | 1  | 5.3%    |        |  | .1  | 5.3%     | 2   | 10.5%   | 5            | 26.3%   | 3   | 15.8%           | 3    | 15.8%   | 4   | 21.1%   | 19  | 100.0%       |
| Other                                | 1         | 1.9%         | 2  | 3.8%    | 1      | 1.9%   | 7   | 13.5%    | -   | 15.4%   | <del> </del> | 25.0%   |     | 15.4%           | 3    | 5.8%    |     | 17.3%   |     | 100.0%       |
| All Resp. <sup>2</sup>               | 12        | 1.8%         | 39 | 5.7%    | 21     | 3.1%   | 90  | 13.3%    | 168 | 24.7%   | 104          | 15.3%   | 78  | 11.5%           | 55   | 8.1%    | 112 | 16.5%   | 679 | 100.0%       |

Respondents may have answered in more than one law practice area.

<sup>&</sup>lt;sup>1</sup>This number is the total number of respondents within a specific category (ex. Family Law). <sup>2</sup>This number is the total number of respondents within a specific range (ex. \$126-\$150).

# Law Practice Areas by Selected Demograpic Factors

Law Practice Areas by Hourly Charge - Trial Work

|                                      | 01 | \$90<br>Less | _   | 1-\$100 |     | 1-\$110 |     | 1-\$125 | \$12 | 26-\$150 | \$15 | 1-\$175 | \$17 | 6-\$200 | \$20 | 1-\$225                          | Ove | r \$225 |     | Ail<br>esp.¹ |
|--------------------------------------|----|--------------|-----|---------|-----|---------|-----|---------|------|----------|------|---------|------|---------|------|----------------------------------|-----|---------|-----|--------------|
|                                      | No | <u>%</u>     | No. | . %     | No. | %       | No. | %       | No   | . %      | No.  | %       | No.  | %       | No.  | minimum in the department of the | No. | %       | No. | <del>%</del> |
| Family Law                           | 3  | 2.6%         | 9   | 7.9%    | 4   | 3.5%    | 18  | 15.8%   | 34   | 29.8%    | 15   | 13.2%   | 15   | 13.2%   | 8    | 7.0%                             | 8   | 7.0%    |     | 100.0%       |
| Civil Trial                          |    |              | 9   | 3.6%    | 8   | 3.2%    | 40  | 16.1%   | 61   | 24.6%    | 40   | 16.1%   | 39   | 15.7%   | 17   | 6.9%                             | 34  | 13.7%   | 248 | 100.0%       |
| Estate<br>Planning                   | •  | •            | 1   | 2.1%    | •   | •       | 3   | 6.3%    | 19   | 39.6%    | 9    | 18.8%   | 4    | 8.3%    | 3    | 6.3%                             | 9   | 18.8%   | 48  | 100.0%       |
| Criminal                             | 2  | 3.3%         | 9   | 15.0%   | 4   | 6.7%    | 9   | 15.0%   | 19   | 31.7%    | 7    | 11.7%   | 3    | 5.0%    | 2    | 3.3%                             | 5   | 8.3%    | 60  | 100.0%       |
| Bankruptcy                           | •  |              |     | •       | 2   | 4.3%    | 9   | 19.1%   | 11   | 23.4%    | 6    | 12.8%   | 7    | 14.9%   | 2    | 4.3%                             | 10  | 21.3%   | 47  | 100.0%       |
| Business                             | •  | •            | 3   | 6.4%    | •   | •       | 5   | 10.6%   | 11   | 23.4%    | 6    | 12.8%   | 4    | 8.5%    | 5    | 10.6%                            | 13  | 27.7%   | 47  | 100.0%       |
| Tax                                  | •  | •            | 2   | 12.5%   | •   | •       |     | •       | 1    | 6.3%     | 4    | 25.0%   | 4    | 25.0%   | 1    | 6.3%                             | 4   | 25.0%   | 16  | 100.0%       |
| Real Estate                          | •  |              | 1   | 3.0%    | •   | •       | 2   | 6.1%    | 10   | 30.3%    | 3    | 9.1%    | 4    | 12.1%   | 7    | 21.2%                            | 6   | 18.2%   | 33  | 100.0%       |
| Labor                                | •  |              |     |         | •   | •       | 1   | 2.9%    | 12   | 34.3%    | 8    | 22.9%   | 6    | 17.1%   | 4    | 11.4%                            | 4   | 11.4%   | 35  | 100.0%       |
| Workers'<br>Comp.                    | 2  | 5.3%         | 3   | 7.9%    | 5   | 13.2%   | 7   | 18.4%   | 9    | 23.7%    | 7    | 18.4%   | 3    | 7.9%    | 1    | 2.6%                             | 1   | 2.6%    | 38  | 100.0%       |
| Patent,<br>Trademark                 |    |              |     | !       |     |         |     |         |      |          |      |         |      |         |      |                                  |     |         |     |              |
| Copyright                            | •  | •            |     | •       | 1   | 7.1%    | 1   | 7.1%    | 2    | 14.3%    | 1    | 7.1%    | 2    | 14.3%   | 1    | 7.1%                             | 6   | 42.9%   | 14  | 100.0%       |
| Health                               | •  | •            |     | •       | 1   | 9.1%    | •   | •       | 4    | 36.4%    | 3    | 27.3%   |      | •       | 1    | 9.1%                             | 2   | 18.2%   | 11  | 100.0%       |
| Environ-<br>ment                     | •  |              |     | •       | •   | •       | 1   | 8.3%    | 1    | 8.3%     | 1    | 8.3%    | 2    | 16.7%   | 1    | 8.3%                             | 6   | 50.0%   | 12  | 100.0%       |
| Elder Law/<br>Soc. Sec.              |    |              |     | •       |     | •       | 1   | 50.0%   |      | •        |      |         | •    |         |      |                                  | 1   | 50.0%   | 2   | 100.0%       |
| Alternative<br>Dispute<br>Resolution |    |              |     |         |     |         |     |         | 3    | 37.5%    | 2    | 25.0%   | 1    | 12 5%   | 1    | 12 5%                            |     | 12 50/  |     | 100.0%       |
| Insurance<br>Practice                |    |              | 6   | 14.3%   |     | 7.1%    | 10  | 23.8%   |      | 23.8%    |      | 14.3%   | 1    | 2.4%    |      | 12.5%<br>4.8%                    | 4   | 9.5%    |     | 100.0%       |
| Admin./<br>Reg. Law                  |    |              |     |         | •   |         | 1   | 6.7%    | 1    |          |      | 33.3%   |      | 20.0%   |      | 4.0 /6                           |     | 33.3%   |     | 100.0%       |
| Other                                |    |              | 2   | 4.7%    | •   | •       | -   | 14.0%   |      | 18.6%    |      | 30.2%   |      | 7.0%    | 5    | 11.6%                            |     | 14.0%   |     | 100.0%       |
| All Resp. <sup>2</sup>               | 6  | 1.1%         | 29  | 5.3%    | 19  | 3.4%    | 75  | 13.6%   | 140  | 25.4%    | 88   | 15.9%   | 70   | 12.7%   | 41   | 7.4%                             | 84  | 15.2%   | 552 | 100.0%       |

Respondents may have answered in more than one law practice area.

<sup>&</sup>lt;sup>1</sup>This number is the total number of respondents within a specific category (ex. Family Law).

<sup>&</sup>lt;sup>2</sup>This number is the total number of respondents within a specific range (ex. \$126-\$150).