



5 Things Immigration Attys Shouldn't Bill Clients For

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In the complicated world of immigration law, it can be tricky to figure out what you should bill for and what should simply be chalked up to business development or common courtesy.

Fixed or "flat" fees are common in immigration, according to attorneys, but there's room for debate on what should be included in those fees, or when it's appropriate to send additional bills to clients. Although it may be tempting to always want to be compensated for one's time, here are five times that immigration attorneys should consider not sending a bill.

Consulting a Client on a New Matter

As a general rule, Glenn Cooper of GrayRobinson PA said he won't send a bill when a client rings him up about a new matter.

"They might call me with a trademark matter, or a litigation matter, or a real estate matter, or another immigration matter," he said. "And typically, I won't bill to discuss that, take the information ... or get another attorney involved."

Cooper noted that this way, clients are able to feel comfortable contacting him with new matters without feeling as though they're going to be hit with bills simply for making calls to chat about possible new cases.

Answering Simple Questions

With its complex regulations and frequent legal updates, immigration in the U.S. can be a confusing topic. But although clients might have plenty of questions, Sujata Ajmera of Strasburger & Price LLP said that she doesn't bill for every answer she provides.

"If they have a very quick one-off question or a follow-up question to something that's already been filed, I have more of a tendency to give them two minutes of my time, which I think they appreciate," she said. "Versus sending a second bill for 10 minutes and them thinking, 'Wow, I can't even call her for ... a quick question.'"

It may also be helpful in the long run to have clients feel comfortable tossing out questions. As Noah Klug of Berry Appleman & Leiden LLP noted, sometimes when clients float questions, what they're really doing is providing information.

"To give you an example ... they could ask, 'Does it matter that I had a DUI 10 years ago?' And that's their way of disclosing that to you, and getting it across to you," he said. "And obviously, that type of information is really important."

Something That Was Your Mistake

Just like everyone else, attorneys make mistakes on occasion, but they shouldn't charge clients for those missteps, according to Michael Nowlan of Clark Hill PLC.

"Attorneys in general make mistakes. We're human. We're going to make mistakes. I feel that we should not bill clients for our mistakes," he said.

For instance, if his team were to start late on an H-1B visa extension, it might be appropriate for the firm to absorb the premium processing fee at some point, according to Nowlan.

"If we get to a point where if we would've filed on time, immigration was likely to approve the case on time, then we should probably eat the premium processing fee, right? I shouldn't be billing you for my mistakes," he said.

Activities That Help Client Development

Attorneys shouldn't be charging for activities that could be considered client development, like casual meals with clients, according to Nowlan.

"You should eat the cost of the lunch, eat the time for the lunch. That is client development," he said.

And lawyers may also want to avoid charging clients for introductions, according to Nowlan.

"They say, 'Look, I'm looking for ... someone to help me do a business plan.' Or, 'Can you introduce me to foreign counsel to help me with something?'" he said. "You know what, I suppose I could bill for some of that, but on the whole, if I'm really just trying to be a problem solver, a lot of times, I feel that's stuff that is appropriately in the client development bucket."

Various Administrative Costs

Attorneys may want to think twice about charging for administrative functions. For instance, Gina Polo of Weiss Alden & Polo PA noted that her firm doesn't charge for things such as file storage.

"When we finish representing a client and we store that file electronically, we just kind of work that into the miscellaneous cost that we charge at the beginning. That includes setting up the file and keeping it for the requisite period time that the bar requires," she said. "So we don't charge for that."

"I don't want the clients to feel like we're nickel-and-diming them," she added. "And charging them five dollars here and 10 dollars there."