

LIFE, LIBERTY, AND THE PURSUIT OF EQUITY— HOW TO MANAGE YOUR MIND TO CAPTURE AND BILL ALL OF YOUR TIME



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"Our job is to taste free air. Your so-called boss may own the clock that taunts you from the wall, but, my friends, the hour is yours."

— Mark S., *Severance*

The hit television show *Severance* asks the question: what if you could sever your work self from your "non-work" self? As the series unfolds, it becomes apparent that even the most carefully cultivated work environment, one that rewards workers with waffles and dance parties, is not perfect. An overarching theme of the show is that the integration of the good and the bad in life is a necessary evil. Every job has some aspects that are unpleasant but simply ignoring those things is a losing game. In *Severance*, problematic employees are banished to the "Break Room" where they are forced to repeat the same affirmation hundreds or even thousands of times until their minds are reset. While the company's

brutal approach to improving morale may not be ethical or advisable, the logic behind it makes sense. The right mindset makes all the difference.

What is the most tedious, soul-crushing chore that most attorneys would happily sever from their work lives? Billing. That good ol' billable hour has prompted many a private practice attorney to flee in-house, to the government, or to any other job that doesn't require lawyers to account for every minute of their working lives. Do you, like countless others, struggle to capture and account for all of the time spent on your cases? Not sure? Then ask yourself the following questions:

- Do you leave the office (or shut down your remote office) before you enter all of your billable time for the day?
- Do you stay late at the office trying to remember all that you worked on that day/week/month?

- Do you catch up on billing on the weekends or at the end of the month?
- At the end of the day, do you feel deflated when you look at much time you *actually billed* versus how much time you *actually spent* performing legal work on your cases?
- Do you feel like everyone else has this figured out but you?
- Do you worry about meeting your firm’s daily, weekly, monthly, or yearly billing requirements?
- Are you afraid to ask for a promotion or a raise based on lower-than-required billed hours?

If you answered yes to any of these questions, at least some part of you is struggling with billing your time. But why? Billing is not an objectively difficult task. Even if you’re not great at math (which may have been one reason we went to law school), there are only 24 hours in a day and we can all count that high.

Our collective hatred of billing all boils down to Biology 101. One important job of our nervous system is to keep us safe—it is primed to keep us physically aware of and attuned to predators. But, on a more basic level, it wants to protect us from anything that could threaten our livelihood. When our nervous system gets triggered, it sends our brains and bodies into one of three modes: fight, flight, or freeze.¹ This can happen when we encounter predators or when we encounter predatory thoughts like the following:

- “I feel anxious thinking about all the billable hours I *didn’t* capture this week ... this month!”
- “What happens if I get my time in and it’s not enough? I’m going to get fired.”
- “I had a really hard time focusing on my work yesterday and ended up on Amazon for a chunk of time. I’m going to get fired for not working enough ... and then I’m not going to have adequate funds to pay for my Amazon habit.”
- “I’m not sure if I did that assignment right, so I probably won’t bill for all of it. But I don’t know what’s fair so I’ll just wait until I figure that out

later. I might get fired for not understanding the project.”

- “The client complained about my time entries, so I have to be really careful to explain everything in detail and I don’t have time to do that before the end of the day, so I’ll just do it tomorrow morning. If I do it wrong again, the client might fire me.”
- “I haven’t entered my billable time in days ...WAIT ... WEEKS? Noooooooo!!! There is no way I can make the 8:30 p.m. deadline tonight. I’m totally getting fired.”
- “I feel like everyone else is billing their time as they go and has this figured out but me. Ugh what’s wrong with me?!”

The billable hour requirement itself (what I like to call our “neutral circumstance”) is not the cause of our shame, fear, frustration, or panic. Rather, it is the way we look at, think about, or perceive the neutral circumstance that causes us to feel an emotion. This is great news because we can always change how we look, think, or perceive an external, neutral circumstance. It is within our power to change our thoughts and train our brain so that we can feel something different.

In a well-intentioned, yet misguided, attempt to keep us safe (and far away from a shame spiral), our clever brains will tell us that we need to avoid billing our time because our brains *think* that is what is causing our negative feelings. In so doing, our brains effectively block us from understanding the true cause of our unhappiness, thus preventing meaningful change.

But let’s not be so mad at our sweet brains. They are just a little confused and it’s our job to keep reassuring them that it’s never anything external causing us to feel any certain way. Just like training for a 5K, it will take a lot of time, effort, and likely a few stumbles before your brain—and your nervous system—can be effectively rewired.

In order to rewire your brain, you must first be aware of the warning signs (i.e., excuses). When an excuse

pops into your head telling you that it's perfectly fine to forego time entry because [insert any litany of excuses here], remind yourself that the excuse is a mirage, merely an outgrowth of being afraid and ashamed. Then reframe your self-talk with a "Yes, but..." response to the excuse. For example, when you think, "I should just finish this brief instead of entering my time," supplement that thought with, "Yes, but I'll feel much better in the morning if I can spend 10 minutes doing my time tonight. That 10 minutes is not going to derail my brief." In so doing, after days, weeks, and months of training, we can rewire our brains to feel determination and perseverance instead of anxiety and fear when entering our time.

To help develop a positive outlook and ensure that the new billing practices stick, consider adopting one or more of the following healthy habits:²

SCHEDULING

Try scheduling in time each day to enter your time. Literally block off time on your daily calendar to get it done. Making dedicated time for your billing protects that time from interference and will help you get into the habit of doing it at the same time every day.

ACCOUNTABILITY

If you are the type of person who thrives on external motivation, build in accountability. Perhaps you can coordinate with your office neighbor to bill at the same time each day, check in with each other at the end of each week to make sure it's done, or

schedule a homework/billing session with your kids at the end of each day.

CONVENIENCE

Make billing as easy and convenient as possible. Find what works for you, whether that is an online timer, notes in a hard copy planner or a Word document, or even dictation. A colleague recently shared that she makes and takes all of her work calls on her cell phone, which automatically tracks the time spent on each call. At the end of the day, she has an accurate record of how long she spent on each of her calls.

PAIRING

Try pairing billing with a preferred activity and always do them together. Maybe you love watching television, listening to a podcast, or drinking a cup of tea (or something stronger) at the end of the day. The key to pairing is that you must only engage in the preferred activity while you're billing. No cheating!

All of that time you spend creating and providing value for your clients and your firm can be captured and billed effortlessly each and every work day. When we train our nervous system to understand that billing is not an inherently terrifying task, we are able to escape the victim mentality and embrace full control over our own (billable) lives. Just like you have a legal practice that you enjoy, you can also devise a "billing practice" that you enjoy ... or at least one that doesn't make you want to pull your hair out. 🖊️

Notes

- 1 Rebecca C. Morrison, *The Happiness Recipe: A Powerful Guide to Living What Matters* (2021).
- 2 The four habit formation tips come from Gretchen Rubin's book, *Better than Before* (2015).