



# United States District Court Western District of New York

## Discovery-Related Billing Tips

Adequately articulating and explaining discovery-related billable time can be challenging, especially where page counts are difficult to ascertain (e.g., conducting a keyword search in a database). For this reason, billers should provide sufficient detail to enable voucher reviewers to understand the context of the work and its relevance to the case, without revealing privileged information. This tip sheet provides numerous examples of good discovery-related billing entries.

### Discovery Review:

- Note type and substance of discovery reviewed
- Note approximate number of pages or Bates ranges
- Note number or length of audio/video files
- Note if review is continuation of same materials on same day (and thus not a mistaken duplicate entry)
- Note any unique issues in reviewing discovery

Review SFPD reports, 302s, defendant's criminal histories (225 pp)	3.5
Continue reviewing SFPD reports, 302s, defendant's criminal histories. (130 pp)	2.0
Listen to client's jail calls, take notes (10 calls, approx. 75 mins)	1.5
Review reports of proffers with cooperating defendant (114 pp)	1.6
Review RICO allegations involving defendant and co-defendants, reviewed BPD intervention, CDC incidents (291 pp)	2.0
Memo to attorney re client involvement with intercepted kites, defense strategy; draft memo with attached discovery as provided	1.8
Review audio intercepts involving Co-D and CI/CW meeting from 2013 (23 phone calls)	2.7
Code date, description, type, and author in CaseMap for Bates ROI000250-ROI000404 (50 documents/154 pp)	2.4
Review crime scene surveillance video; mark time stamps with activity of white Honda per counsel's request (4-hour video)	2.5
Emails with investigator re new witness reports; add reports to master case index	0.2
Review recordings of meetings involving RR (ES-44, 77, 78, 79, 131) and make notes of potential issues, problems with transcripts, arguments re MJ	5.7
Read/index 7/2019 discovery materials re ES recordings	1.8
Review IRS spreadsheets, reports of work absences by client and co-defendants, patient's student files (337 pp)	2.6
Review reports of defendant and co-d daughter's post-arrest interviews and reports related to fraud scheme involving defendant (52 pp)	0.8
Run searches for client's name and monikers in 90,000 pages of discovery using dtSearch (approx. 100 hits/40 docs)	3.1
Meet with client at jail re 03/20/2020 discovery review	1.0
Review CaseMap reports for 10 witness searches (approx. 200 docs/500 pp)	6.5

## Discovery Processing:

- Time it takes to set up discovery files to download or upload is compensable, but wait time is not.
- Time spent loading, assessing, and organizing documents to OCR is compensable, but OCR run time is not.

Load, process, organize, OCR new discovery (3 discs)	1.2
Convert tiffs to pdf, OCR, and rename files (25 docs)	0.8
Convert surveillance videos from proprietary format to mp4s; open each video in provided player to convert (18 videos)	1.1
Load and organize discovery on SD card for client tablet pursuant to protective order	0.7
Update master discovery index with new government production	0.2
Set up OCR to run on pdfs received in government production (Bates TW000850-TW0004390)	0.5
Emails with government re new discovery; download discovery from Box; OCR, organize, and transfer to hard drive	0.6
Organize, convert to pdf, bates stamp, OCR defense-collected discovery (65 docs/1700 pp)	1.4
Convert client jail calls to mp3; conversion done individually on each call (125 calls)	1.1
Review contents of hard drive and load drive for investigator	0.5
Create dtSearch index of pdfs in discovery (approx. 90,000 pp/10 folders)	0.7

## Discovery Dissemination:

- Counsel and providers should work to ensure that discovery is disseminated in an efficient manner.
- Check with the Federal Public Defender's Office about the availability of tablets or other electronic devices for discovery review by clients or others.

Phone call with AUSA re issues with discovery production	0.2
Emails with co-counsel and investigator re discovery updates	0.1
Multiple emails with counsel re missing discovery; locate missing documents and respond	0.3
Email with government re 03/20/2020 discovery production	0.1
Update client tablet with new discovery	0.5
Meet with paralegal and investigator re discovery review and case strategy	1.5
Update hyperlinked discovery chart with discovery production 4 and upload to box.com for all counsel	0.6
Draft discovery letter to AUSA	0.5
Emails with jail re problems with client tablet	0.1
Update attorney hard drive with new processed discovery	0.4