

NO. [REDACTED]

IN THE INTEREST OF

[REDACTED]

CHILDREN

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§

IN THE DISTRICT COURT

[REDACTED] JUDICIAL DISTRICT

[REDACTED] COUNTY, TEXAS

SUMMARY OF TESTIMONY REGARDING ATTORNEY FEES

- OUR CV's
- OUR BILLING INVOICES
- OUR SEGREGATED BILLING
- OUR SUMMARY OF MODIFICATION FEES
- Settlement offer (Lawrence v Boles)
- Rejection of our offer

BUSINESS RECORDS:

- The invoices of O'Neil Wysocki P.C. were made and kept in the regular course of business.
- At or about the time that a task was performed, it was recorded by an employee or representative of O'Neil Wysocki P.C. with personal knowledge of the act, to make the record or to transmit information to be included in the record.
- The record was made at or near the time or reasonably soon thereafter.
- The records presented to the court are the original or exact duplicates of the original.

[INSERT CHALLENGE TO ENTITLEMENT FOR FEES HERE]

- "A trial court abuses its discretion by awarding relief to a person who has not requested such relief in a live pleading." *In re Russell*, 321 S.W.3d 846, 855 (Tex. App.—Ft. Worth 2010); *see also* Tex. R. Civ. P. 301.
- "A general prayer for relief will not support an award for attorney's fees because it is a request for affirmative relief that must be supported by the pleadings." *Alan Reuber Chevrolet Inc. V. Grady Chevrolet, Ltd.*, 287 S.W.3d 877 884 (Tex.App.—Dallas 2009) citing *Varner v. Howe*, 860 S.W.2d 458, 466 (Tex.App.—El Paso 1993, no writ).

**[INSERT ATTORNEY, PARALEGAL AND STAFF QUALIFICATIONS
AND HOURLY RATES HERE]**

Michelle May O’Neil

- licensed attorney in good standing with the State Bar of Texas.
- licensed to practice law in Texas in 1992
- Board Certified in Family Law since 1997 by the Texas Board of Legal Specialization.
- Exclusively in the area of family law concerning matters addressed and authorized pursuant to the Texas Family Code.
- Many occasions in the District Courts in Dallas County, Texas,
- Her hourly billing rate is **\$675.00** per hour and that hourly rate is reasonable given her experience and qualification.

Christina Cain-Hagist provided services in this case in association with her employment with the firm of O’Neil Wysocki P.C., as a paralegal.

- Board Certified in Family Law since 2018 by the Texas Board of Legal Specialization.
- She has worked as a paralegal since 2007.
- Ms. Cain-Hagist is **qualified by training and experience** to perform the services rendered in this matter.
- The work which **she performed was performed under the direction and supervision of the attorneys** identified above. The tasks that Ms. Cain-Hagist performed are tasks that an attorney would ordinarily have provided, if they were not provided by a paralegal at a cost savings to the client.
- **\$150.00** per hour

Kelsey Kearley provided services in this case in association with her employment with the firm of O’Neil Wysocki P.C., as a legal assistant. She has worked as a legal assistant since **2016**.

- **\$120.00** per hour

[INSERT TOTAL FEES INCURRED PER BILLER]

TOTAL ATTORNEY’S FEES through November 15th (BILLED): \$13,427.50

TOTAL PARALEGAL/Legal Assistant through 11/15/2020 (billed): \$1,938

Costs: \$23.80

UNBILLED AND ESTIMATED FEES

Date	Attorneys' Fees	Paralegals/ Legal Assistants	Total Fees Per Month	Costs
November 16, 2020	\$1,012.50	\$0.00	\$1,012.50	\$0.00
November 17, 2020	\$75.00	\$0.00	\$75.00	\$0.00
November 18, 2020	\$1,500.00	\$107.50	\$1,607.50	\$0.00
November 19, 2020	\$2,425.00	\$625.00	\$3,050.00	\$0.00
November 20, 2020	\$2,437.50	\$125.00	\$2,562.50	\$0.00
Sub-Totals:	\$7,450.00	\$857.50	\$8,307.50	\$0.00

TOTAL (OWL) \$15,389.30
 Unbilled and Estimated
 (OWL) \$8,307.50

Grand Total \$23,696.80

The attorneys of O’Neil Wysocki, P.C. are familiar with attorneys’ fees, costs and expenses incurred in family law cases in Dallas County, Texas. The attorneys’ fees, costs and expenses incurred in this case thus far were reasonable and necessary given the following factors:

1. Time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
2. The likelihood that the acceptance of the particular employment will preclude employment by the lawyer on other matters;
3. Fees customarily charged in the locality for similar legal services.
4. The amount involved and results obtained;
5. Time limitations imposed by the client or by the circumstances;
6. Nature and length of the professional relationship with the client;
7. The experience, reputation, and ability of the lawyer or lawyers performing the services; and
8. The uncertainty of collections before the legal services have been performed.

[INSERT FACTS REGARDING THIS CASE – DISCUSS BILLING ENTRIES, TIMELINE OF CASE, HEARINGS & COMPLEX ISSUES]

Rohrmoos Factors:

1. Particular services performed
2. Who performed those services
3. Approximately when the services were performed
4. The reasonable amount of time required to perform those services, and
5. The reasonable hourly rate for each performing such services.

[INSERT BREAKDOWN OF EACH BILLER'S ACTIVITIES]

Attorney 1 (services performed at \$550 an hour): **Billed – 3.8 hours, unbilled/estimated 3.5 hours**

BILLED through 11/15 = \$2,090.00

1. Conferences with JWS regarding case plan/strategy, hearing preparation, mediation preparation and trial preparation
2. Attended mediation (split with post-divorce case, 1.8 hours) - **JULY**
3. Trial preparation (estimated 1.0)
4. Estimated Attend trial (2.5)

Attorney 2 (services performed a \$650.00 an hour): **Billed – 3.4 hours** in October and November 2020

BILLED through 11/15 = \$2,210.00

1. Discuss trial status with opposing counsel
2. Conference with JWS regarding trial
3. Discuss evidence and risk assessment
4. Analyze brief for trial

Attorney 3 (services performed at \$350 an hour): **Billed – 17.0 hours**

BILLED through 11/15 = \$8,287.50

1. Review and Revised Petition to Modify in December 2019
2. Draft Motion for temporary orders in February 2020
3. Oversee and finalize hearing preparation for temporary orders
4. Attend temporary orders hearing, travel, conference with MDW (2.8 hours)
5. Draft Temporary Orders, revise – March and April of 2020
6. Review and sign Designation of Experts in April of 2020 (.2)
7. Draft Request for Production, Written Interrogatories, and Request for Disclosure in June of 2020
8. Prepare mediator's intake form, oversee mediation preparation in June and July 2020.
9. Analyze and review their production documents

10. Attended mediation (1.8 hours)
11. Trial preparation (November 2020)
12. MANY client conferences, meeting, and communications

Paralegal 1 (services performed at \$150 an hour): **Billed – 1.5 hours**

- **BILLED through 11/15 = \$225**

1. Coordinate and set up personal service of petition
2. Conference with attorneys regarding instructions, status, and case strategy
3. Communications with client.

Paralegal 2 (services performed at \$125 an hour): **Billed – 8.7 hours**

BILLED through 11/15 = \$1087.50

1. Prepared initial draft the Petition to Modify in December 2019
2. Prepare hearing notebook
3. **Create exhibits for temporary orders hearing in February 2020**
4. **Summarize documents**
5. **Conduct client interviews**
6. E-serve discovery requests in June 2020
7. Maintain and organize file, copy client with correspondence (throughout the case until October 2020).
8. Prepare mediation notebook

Legal Assistant (services performed at \$120 an hour): **Billed – 2.8 hours**

BILLED through 11/15 = \$432.00

1. File maintenance; organize file
2. Create pleading and discovery notebooks for trial in October of 2020.

Specifically, the fees and costs incurred on behalf of [INSERT CLIENT NAME] were unnecessarily increased due to the **litigation strategy** implemented by [INSERT OPPOSING PARTY'S NAME].

- **Not timely supplementing discovery**
- **Seeking to introduce into evidence witnesses that were not properly disclosed in discovery**
- **Seeking to introduce into evidence witness statements that were not properly disclosed in discovery**
- **Seeking to introduce into evidence documents that were not produced in discovery**
- **No affirmative relief on file but rejected settlement offer for max guideline child support**