

## **Construction Law Section Hourly Rate Survey Results**

In March 2008, the Oregon State Bar conducted a survey on behalf of the Construction Law Section on hourly rates for Oregon lawyers. The survey aimed to provide detailed information on hourly rates charged by attorneys in specific areas of practice. *To see more detailed results from the survey, please see the attached printouts. All results in this report pertain to members of the Construction Law Section and might not represent all Oregon lawyers.*

### **Methodology and Response Rate**

All members of the Construction Law Section with an email address on file with the bar were invited (via email) to participate. Of the 537 possible respondents, we received 118 responses, for a 22% response rate. Respondents were asked four questions: geographic area, firm size, years of experience, and hourly rates for specific practice areas.

### **Demographics**

Survey respondents came from all regions of the state with the majority coming from Downtown Portland (42% of respondents) and the Tri-County Area (24% of respondents).

The majority, 62%, work in law firms with ten or fewer attorneys.

In terms of experience, the group is very diverse with representatives of almost every experience range. The largest groups represented have practiced 29-31 and 14-16 years (15% and 10% of the total respectively).

### **Discussion of Survey Responses**

#### ***Percent of time devoted to an Area of Practice (AoP)***

Respondents were asked to specify how much of their work is devoted to a specific AoP. The majority indicated they practice in multiple fields of litigation, with only 3% (1 in 33) devoting their entire practice to a specific area and only 19% spending 60% or more of their time on a single area of practice.

#### ***Experience in a specific AoP***

When examining the amount of time spent in a specific AoP, the average number of years of experience is 11-15 years. The range of data goes from 0 years of experience up to 41+ years of experience, and a full 77% of respondents indicated 20 years of experience or less in Construction Law practice.

***Representation of AoPs***

Eleven different AoPs were listed. Respondents were asked which areas they practice in, and could choose more than one option. The most-represented groups were: Construction Defects (16% of responses) and Construction Lien Claims (14% of responses). The least-represented groups were: General Construction (2% of responses) and Administrative Law Claims (3% of responses).

***Hourly Rates Aggregate***

Because individual respondents sometimes provided rates for more than one AoP, the total number of responses for Construction Law hourly rates was 320.

Respondents in this section reported hourly rates in intervals of \$25. Intervals began at \$50 an hour and progressed up to \$450+ per hour.

No respondents claimed an hourly rate of less than \$100 per hour, and only 4% claimed less than \$150 per hour. A total of 24% of respondents reported rates between \$100 and \$199 per hour. More than half (55%) reported rates between \$200 and \$299. Approximately one in five (20%) reported rates between \$300 and \$399. And 1% claimed hourly rates of more than \$400.

The average and median rate for Construction Law attorneys is approximately \$225-\$249 per hour.

**What region (county) is your office in?**

| Answer Options  | Response Percent | Response Count |
|---|------------------|----------------|
| Downtown Portland   | 41.5%            | 49             |
| Tri-County area (Washington, Multnomah, Clackamas)                | 23.7%            | 28             |
| Oregon Coast (Columbia, Clatsop, Tillamook, Lincoln, Coos, Curry) | 2.5%             | 3              |
| Upper Willamette Valley (Yamhill, Polk, Marion)                   | 11.0%            | 13             |
| Lower Willamette Valley (Benton, Linn, Lane)                      | 8.5%             | 10             |
| Southern Oregon (Douglas, Josephine, Jackson, Klamath)            | 8.5%             | 10             |
| Central Oregon (Deschutes, Crook, Jefferson)                      | 2.5%             | 3              |
| Eastern Oregon (all other Oregon counties)                        | 1.7%             | 2              |
| <i>answered question</i>  |                  | <b>118</b>     |
| <i>skipped question</i>   |                  | <b>0</b>       |

**What size is your firm?**

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Sole practitioner        | 20.5%            | 24             |
| 2-5 Attorneys            | 26.5%            | 31             |
| 6-10 Attorneys           | 14.5%            | 17             |
| 11-15 Attorneys          | 9.4%             | 11             |
| 16-20 Attorneys          | 1.7%             | 2              |
| 21-25 Attorneys          | 8.5%             | 10             |
| 26-30 Attorneys          | 5.1%             | 6              |
| 31-35 Attorneys          | 0.0%             | 0              |
| 36-40 Attorneys          | 0.0%             | 0              |
| 41-45 Attorneys          | 0.0%             | 0              |
| 46-50 Attorneys          | 0.9%             | 1              |
| 51-75 Attorneys          | 1.7%             | 2              |
| 76-100 Attorneys         | 0.0%             | 0              |
| 101+ Attorneys           | 11.1%            | 13             |
| <i>answered question</i> |                  | <b>117</b>     |
| <i>skipped question</i>  |                  | <b>1</b>       |

**How long have you been practicing law?**

| Answer Options           | Response | Response   |
|--------------------------|----------|------------|
| 0-2 Years                | 7.8%     | 9          |
| 3-5 Years                | 6.9%     | 8          |
| 5-7 Years                | 6.9%     | 8          |
| 8-10 Years               | 7.8%     | 9          |
| 11-13 Years              | 8.6%     | 10         |
| 14-16 Years              | 10.3%    | 12         |
| 17-19 Years              | 6.0%     | 7          |
| 20-22 Years              | 4.3%     | 5          |
| 23-25 Years              | 8.6%     | 10         |
| 26-28 Years              | 6.9%     | 8          |
| 29-31 Years              | 14.7%    | 17         |
| 32-34 Years              | 3.4%     | 4          |
| 35-37 Years              | 5.2%     | 6          |
| 38-40 Years              | 0.9%     | 1          |
| 41-44 Years              | 0.0%     | 0          |
| 45+ Years                | 1.7%     | 2          |
| <i>answered question</i> |          | <b>116</b> |
| <i>skipped question</i>  |          | <b>2</b>   |

| Percent of practice devoted to this type of case |               |               |              |              |              |            |
|--|---------------|---------------|--------------|--------------|--------------|------------|
| Answer Options                                   | 20%           | 40%           | 60%          | 80%          | 100%         | Totals     |
| Construction Defects                             | 27            | 9             | 5            | 8            | 1            | 50         |
| Construction Lien Claims                         | 39            | 1             | 2            | 1            | 1            | 44         |
| Commercial Projects                              | 23            | 5             | 5            | 4            | 3            | 40         |
| Residential Projects                             | 24            | 5             | 2            | 1            |              | 32         |
| Private Projects                                 | 10            | 3             | 3            | 7            | 3            | 26         |
| Public Works Projects                            | 11            | 3             |              | 1            | 2            | 17         |
| General Contractors                              | 33            | 5             | 4            |              |              | 42         |
| Subcontractors                                   | 24            | 8             | 4            |              |              | 36         |
| Material Suppliers                               | 13            | 3             | 1            |              |              | 17         |
| Administrative Law Claims                        | 8             |               | 1            |              |              | 9          |
| General Construction                             |               | 6             |              |              | 1            | 7          |
| <b>TOTALS:</b>                                   | <b>212</b>    | <b>48</b>     | <b>27</b>    | <b>22</b>    | <b>11</b>    | <b>320</b> |
| <b>% of Total:</b>                               | <b>66.25%</b> | <b>15.00%</b> | <b>8.44%</b> | <b>6.88%</b> | <b>3.44%</b> |            |

| Number of years handling this type of case |               |               |               |               |              |               |              |              |              |            |
|--|---------------|---------------|---------------|---------------|--------------|---------------|--------------|--------------|--------------|------------|
| Answer Options                             | <5            | 5-10          | 11-15         | 16-20         | 21-25        | 26-30         | 31-35        | 36-40        | 41+          | Totals     |
| Construction Defects                       | 8             | 15            | 14            | 7             | 1            | 3             | 2            |              |              | 50         |
| Construction Lien Claims                   | 10            | 7             | 11            | 6             | 3            | 6             | 2            |              |              | 45         |
| Commercial Projects                        | 8             | 5             | 10            | 7             | 2            | 6             |              |              |              | 38         |
| Residential Projects                       | 3             | 7             | 11            | 4             | 2            | 6             | 1            |              |              | 34         |
| Private Projects                           | 3             | 4             | 8             | 5             | 3            | 2             | 1            |              |              | 26         |
| Public Works Projects                      | 4             | 3             | 5             | 3             | 2            | 3             |              |              |              | 20         |
| General Contractors                        | 10            | 7             | 8             | 6             | 2            | 6             | 3            |              | 1            | 43         |
| Subcontractors                             | 5             | 6             | 11            | 6             | 2            | 4             | 2            |              |              | 36         |
| Material Suppliers                         | 3             | 4             | 6             | 2             | 1            | 2             |              |              |              | 18         |
| Administrative Law Claims                  | 1             | 3             | 2             | 1             | 1            | 1             | 3            |              |              | 12         |
| General Construction                       |               | 3             |               | 1             | 2            | 1             |              |              |              | 7          |
| <b>TOTALS:</b>                             | <b>55</b>     | <b>64</b>     | <b>86</b>     | <b>48</b>     | <b>21</b>    | <b>40</b>     | <b>14</b>    | <b>0</b>     | <b>1</b>     | <b>329</b> |
| <b>% of Total:</b>                         | <b>16.72%</b> | <b>19.45%</b> | <b>26.14%</b> | <b>14.59%</b> | <b>6.38%</b> | <b>12.16%</b> | <b>4.26%</b> | <b>0.00%</b> | <b>0.30%</b> |            |

AVERAGE

| Hourly rate charged for this type of case |              |              |              |              |              |               |               |               |              |               |              |              |              |              |              |              |              |            |
|---|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|--------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|
| Answer Options                            | \$50-\$74    | \$75-\$99    | \$100-\$124  | \$125-\$149  | \$150-\$174  | \$175-\$199   | \$200-\$224   | \$225-\$249   | \$250-\$274  | \$275-\$299   | \$300-\$324  | \$325-\$349  | \$350-\$374  | \$375-\$399  | \$400-\$424  | \$425-\$449  | \$450+       | Totals     |
| Construction Defects                      |              |              |              | 2            | 6            | 11            | 10            | 6             | 3            | 5             | 4            | 2            | 2            | 1            |              | 1            |              | 53         |
| Construction Lien Claims                  |              |              |              | 1            | 3            | 5             | 11            | 7             | 6            | 5             | 4            | 1            | 2            |              |              |              |              | 45         |
| Commercial Projects                       |              |              |              | 3            | 1            | 5             | 8             | 5             | 4            | 5             | 2            | 2            | 1            | 1            |              | 1            |              | 38         |
| Residential Projects                      |              |              |              | 1            | 2            | 5             | 8             | 4             | 4            | 3             | 3            | 1            | 2            |              |              |              |              | 33         |
| Private Projects                          |              |              |              |              | 1            | 4             | 5             | 4             | 2            | 2             | 3            | 2            | 3            |              |              | 1            |              | 27         |
| Public Works Projects                     |              |              |              | 3            |              | 2             | 3             | 3             | 3            | 3             | 1            | 1            | 1            | 1            |              |              |              | 21         |
| General Contractors                       |              |              |              | 2            | 3            | 5             | 10            | 6             | 5            | 5             | 5            | 1            | 2            | 2            |              |              |              | 46         |
| Subcontractors                            |              |              |              | 2            | 3            | 4             | 8             | 5             | 4            | 6             | 4            |              | 2            | 1            |              |              |              | 39         |
| Material Suppliers                        |              |              |              |              | 2            | 1             | 5             | 4             | 1            | 3             | 1            | 1            | 2            |              |              |              |              | 20         |
| Administrative Law Claims                 |              |              |              | 1            | 1            | 1             |               | 4             | 1            | 1             | 2            |              | 1            | 1            |              |              |              | 13         |
| General Construction                      |              |              |              |              |              | 1             |               | 1             | 1            |               | 2            |              | 1            | 1            |              |              |              | 7          |
| <b>TOTALS:</b>                            | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>15</b>    | <b>22</b>    | <b>44</b>     | <b>68</b>     | <b>49</b>     | <b>34</b>    | <b>38</b>     | <b>31</b>    | <b>11</b>    | <b>19</b>    | <b>8</b>     | <b>0</b>     | <b>3</b>     | <b>0</b>     | <b>342</b> |
| <b>% of Total:</b>                        | <b>0.00%</b> | <b>0.00%</b> | <b>0.00%</b> | <b>4.39%</b> | <b>6.43%</b> | <b>12.87%</b> | <b>19.88%</b> | <b>14.33%</b> | <b>9.94%</b> | <b>11.11%</b> | <b>9.06%</b> | <b>3.22%</b> | <b>5.56%</b> | <b>2.34%</b> | <b>0.00%</b> | <b>0.88%</b> | <b>0.00%</b> |            |

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