How lawyers charge, by type of case

26 practice areas: usual fee type and whether the first meeting is free.

CASE TYPE	HOW THEY USUALLY CHARGE	FREE CONSULT?
Car accident	Usually contingency, often 33⅓% of the recovery, rising to about 40% if the case goes to trial	Almost always
Truck accident	Usually contingency, often 33⅓% of the recovery, rising to about 40% if the case goes to trial	Almost always
Motorcycle accident	Usually contingency, often 33⅓% of the recovery, rising to about 40% if the case goes to trial	Almost always
Slip and fall	Usually contingency, often 33⅓% of the recovery, rising to about 40% if the case goes to trial	Usually
Medical malpractice	Contingency; several states limit malpractice fee percentages	Usually
Wrongful death	Usually contingency, often 33⅓% of the recovery, rising to about 40% if the case goes to trial	Almost always
Workers' compensation	A percentage of benefits, typically capped and approved by the state	Usually
Employment law	Often contingency for discrimination, retaliation and wage cases; hourly or flat fee for contract review	Often
Divorce	Hourly (often $200-$500+ an hour) against a retainer; flat fees are common for simple uncontested divorces	Sometimes; many charge a modest consult fee
Child custody & support	Hourly against a retainer; some offer limited-scope help	Sometimes
DUI / DWI	Often a flat fee for the case, with a higher fee if it goes to trial	Often
Criminal defense	Flat fee for many cases or hourly; court-appointed counsel is available if you can't afford a lawyer	Often
Bankruptcy	Usually a flat fee; Chapter 13 fees are often largely paid through the repayment plan	Very often
Social Security disability	Up to 25% of past-due benefits, capped at $9,200 (Social Security rule since November 30, 2024), paid only if you win	Almost always
Wills, trusts & estate planning	Usually a flat fee: simple wills cost much less than trust-based plans	Often
Probate	Hourly or flat fee; a few states set fees as a percentage of the estate	Often
Landlord & tenant	Hourly or flat fee; free legal aid is often available to tenants facing eviction	Sometimes
Real estate	Flat fee for closings and contract review; hourly for disputes	Sometimes
Small business	Flat fees for formation and standard contracts; hourly for advice and disputes	Often
Immigration	Usually a flat fee per application or case stage, plus government filing fees	Sometimes
Dog bite	Usually contingency: commonly about 33⅓% of the recovery, more if the case goes to trial	Almost always
Uber & Lyft accident	Usually contingency: commonly about 33⅓% of the recovery, more if the case goes to trial	Almost always
Pedestrian accident	Usually contingency: commonly about 33⅓% of the recovery, more if the case goes to trial	Almost always
Nursing home abuse & neglect	Usually contingency: commonly about 33⅓% of the recovery, more if the case goes to trial	Almost always
Wrongful termination	Often contingency for strong cases; some hourly or hybrid	Often
Traumatic brain injury	Usually contingency: commonly about 33⅓% of the recovery, more if the case goes to trial	Almost always

Sources: Compiled by American Attorneys editors from common US fee practice; Social Security fee cap from ssa.gov. Checked October 2026.
Typical arrangements only. Fees vary by state and lawyer. Not legal advice.