

Attorney Fees for a Civil Lawsuit

In Illinois, each side is responsible for paying for their own attorney fees. Although there are some exceptions – ex. cases where attorney fees are allowed by statute, cases where both parties signed a contract stating that attorney’s fees would be paid by one party, anti-discrimination lawsuits. Courts can also order a plaintiff to pay for the defendants’ attorney’s fees if the lawsuit has no basis and is a waste of the court’s time.

So be careful when filing a lawsuit, because attorneys are not cheap!

The cost of a straightforward lawsuit can range from \$3,000 to \$150,000. But note that only one-third of cases cost less than \$10,000. Litigation is a complex process; the tables below illustrate main phases of a lawsuit and costs associated with each phase¹:

Table 1: Litigation Tasks

Case Initiation	Conduct client intake; initial fact investigation; legal research; draft complaint/answer, cross-claim, counterclaim or third-party claim; motion to dismiss on procedural grounds; defenses to procedural motions; meet and confer regarding case scheduling and discovery.
Discovery	Draft and file mandatory disclosures; draft/answer interrogatories; respond to requests for production of documents; identify and consult with experts; review expert reports; identify and interview non-expert witnesses; depose opponent’s witnesses; prepare for and attend opponent’s depositions; resolve electronically stored information issues; review discovery/ case assessment; resolve discovery disputes.
Settlement	Attend mandatory ADR; settlement negotiations; settlement conferences; draft settlement agreement; draft and file motion to dismiss.
Pretrial Motions	Legal research; draft motions <i>in limine</i> ; draft motions for summary judgment; answer opponent’s motions; prepare for motion hearings; argue motions.
Trial	Legal research; prepare witnesses and experts; meet with co-counsel (trial team); prepare for voir dire; motion to sequester; prepare opening and closing statements; prepare for direct (and cross) examination; prepare jury instructions; propose findings of fact and conclusions of law; propose orders; conduct trial.
Post-Disposition	Conduct post-disposition settlement negotiations; draft motions for rehearing, JNOV, additur, remittitur, enforce judgment; any appeal activity.

¹ The information contained in the tables is meant for illustrative purposes only, the cost of each case is determined strictly on the basis of its facts.

Table 3: Hours Expended by Attorneys, Paralegals and Expert Witnesses to Complete Litigation Tasks in Automobile Tort Cases*

Percentile	Senior Attorney			Junior Attorney			Paralegal		
	25 th	50 th	75 th	25 th	50 th	75 th	25 th	50 th	75 th
Case Initiation	2.0	4.5	10.0	2.0	5.0	10.0	1.0	3.0	10.0
Discovery	5.0	12.0	25.0	6.8	20.0	30.0	5.0	10.0	20.0
Settlement	5.0	8.0	10.0	2.0	5.0	10.0	0.5	2.0	5.0
Pre-trial	3.0	6.0	15.0	4.0	10.0	20.0	2.0	4.0	10.0
Trial	25.0	40.0	65.0	15.0	30.0	50.0	10.0	20.0	38.8
Post-disposition	2.8	5.0	10.0	3.5	8.0	15.5	1.0	3.5	6.5
Subtotal of Time	42.8	75.5	135.0	33.3	78.0	135.5	19.5	42.5	90.3
Prevailing Hourly Rates X	\$200	\$275	\$375	\$150	\$175	\$250	\$ 80	\$ 90	\$110
Billable Costs	\$ 8,550	\$20,763	\$50,625	\$ 4,988	\$13,650	\$33,875	\$ 1,560	\$ 3,825	\$ 9,928

Percentile	Expert Witnesses		
	25 th	50 th	75 th
Number	1	1	2
Prevailing Fees X	\$ 2,500	\$ 5,000	\$ 7,500
Billable Costs	\$ 2,500	\$ 5,000	\$15,000

*Based on: 255 experienced attorneys

Figure 1: Attorney and Expert Witness Fees by Litigation Stage for Automobile Tort Cases

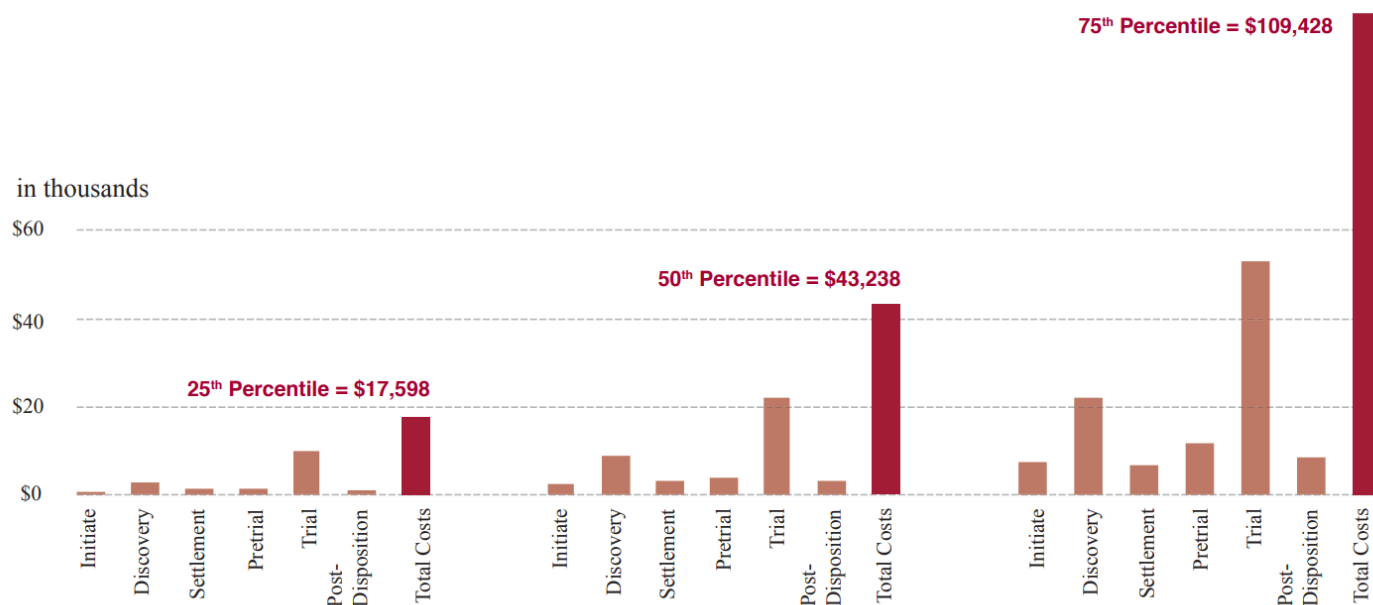


Figure 2: Median Costs of Litigation by Case Type



Sample costs:

- An attorney may charge a flat fee for a specific service or an hourly rate of **\$100-\$500** or more. A retainer is an up-front fee paid to hire an attorney, usually a percentage of the total fee or the equivalent of several hours work. A lawyer working on an hourly basis deducts that hourly rate from the retainer as the work is done; when the retainer is gone, the client is billed for additional payment. In some liability lawsuits, a lawyer may take the case on a contingency basis, meaning the lawyer earns a percentage of any money received once the case is settled or the trial is complete.
- Fees for drafting legal documents or filing paperwork vary depending on the type of documents; drawing up a basic will can cost **\$150-\$600** or more.
- Legal fees for a personal bankruptcy case can cost **\$1,000-\$3,500** or more depending on whether it's a straight Chapter 7 bankruptcy or a Chapter 13 personal reorganization. Legal fees for a business bankruptcy can cost **\$1,000-\$500,000** or more depending on the size of the company and whether it's a straightforward Chapter 7 business liquidation bankruptcy or a more complex Chapter 11 business reorganization.
- For businesses, legal guidance for the process of setting up a limited liability company (LLC) typically costs **\$1,000-\$3,000** (not including state filing fees), and in complicated situations legal fees can be **\$3,000-\$5,000** or more.
- Legal fees to handle an eviction for a landlord can cost **\$500-\$5,000** depending on whether the tenant fights the process.
- Flat fees for handling a divorce vary from **\$200** for filing a motion to **\$10,000-\$25,000** for handling all aspects of the process. In complicated, highly emotional cases with legal fees charged on an hourly basis, it can cost **\$20,000-\$50,000** or more to represent one spouse.
- A criminal defense attorney will almost always want to meet and discuss the specific circumstances of the case before quoting a fee, and actual costs will depend on the nature and severity of the charges. For a traffic ticket a lawyer may charge **\$900-\$2,000** to contest a speeding ticket and **\$2,000-\$5,000** or more for a complex traffic case that goes to trial.