



INSIGHTS REPORT

2026

The State of Modern Trusts & Estates Practice

An aggregated read on more than 1,100 trusts and estates law firms, more than 12,000 active matters, and more than 50,000 work items running on the Trustate platform — covering estate planning, trust funding, post-death administration, trust management, and powers of attorney and guardianship as one continuous practice.

Trust funding has become one of the biggest growth trends in modern T&E.

Ask most trusts and estates attorneys to describe the revenue model of an estate planning practice and the answer comes back in document form: either a flat fee that covers the will, the trust, and the ancillary documents as a package, or an hourly rate that runs across the whole engagement. Either way, what's being measured and sold is what comes off the printer. And somewhere in the back of the engagement — if it appears at all — sits the funding work that most agree is essential yet few price it as its own line of value.

That model is changing fast. Trust funding is the single most active workflow Trustate users return to month after month, and the data shows it everywhere: more than 10,000 trust-funding work items generated across the cohort, including over thousands of deeds to trust and beneficiary designation and retitling actions across banks, brokerage accounts, retirement plans, and life insurance policies. Funding is no longer the chore that gets folded into the trust fee.

It has become the work that defines a successful T&E practice.

Why trust funding has emerged as a service line of its own

Two forces are driving the shift. The first is operational. The platform's drafting engine and institution-specific form library now make trust-funding work repeatable — a deed for a property in any of the fifty states, a Fidelity-specific IRA beneficiary change form pre-filled with the client's information, a clean set of professional instructions for a Chase or Wells Fargo retitling. Work that used to be a paralegal's ad-hoc checklist is now a structured workflow with assigned ownership and deadlines.

The second is strategic. The risk exposure on an unfunded trust is well understood; the platform's data simply confirms what the bar already knows — that funding is the work most likely to slip when it is folded into a flat planning fee. Pricing it separately surfaces the work, assigns ownership, and creates the discipline to actually finish it. Done well, **trust funding is a growth lever for the firm and a quality-of-service signal to the client.** Done poorly, it is a malpractice problem waiting to surface.

How attorneys are actually charging for the work

Trusts and estates attorneys do not price work the way most service businesses do. They do not charge by the document — they charge by the set of documents, scaled to the complexity of the matter. A planning engagement is sold as one engagement, covering the will, the trust, the powers of attorney, and the healthcare document — not as a la carte line items. What varies firm to firm is whether that engagement is priced hourly or as a flat fee, and how the firm draws the line between an engagement and a separately priced add-on. Three patterns dominate the field today, often combined within a single firm depending on the matter.

1. Flat fee for the engagement, scaled by complexity.

By far the most common model in modern practice. The firm quotes a single price that covers the full set of work — drafting the full estate plan — with the price stepped up for additional complexity. A straightforward married-couple plan with a revocable trust, and ancillary documents commonly sits around \$3,500 to \$5,500 in U.S. markets. A comprehensive plan with funding and more advanced drafting steps up to around \$5,000 to \$8,000. Tax-planned engagements involving ILITs, SLATs, GRATs, Medicaid Asset Protection Trusts, or other sophisticated instruments commonly run \$7,500 to \$15,000 and up — reflecting the additional design complexity, not a different unit of pricing. Recent surveys put more than four in five estate planning engagements on flat-fee pricing in some form.

2. Tiered packages: basic / comprehensive / tax-planned.

A more structured form of model 1. Firms publish two or three defined tiers, each one covering a defined set of documents and funding scope. Basic tiers — typically a will-centered plan with outright distributions to beneficiaries — are the simplest offering and tend to represent fifty to sixty percent of firm estate planning revenue. Comprehensive tiers cover a fully funded revocable trust plan. Tax-planned tiers add the high-net-worth toolkit. Tiered packages give prospective clients a clear way to choose into the right level of work and give the firm a clear way to scale price with the breadth of the engagement.

3. Hourly for the engagement, especially for unusually complex matters.

Some firms — particularly those serving sophisticated, high-net-worth clients with unusual asset complexity (closely-held business interests, multiple out-of-state properties, international assets, contested beneficiary designations, blended-family structures) or for blended families — bill hourly for the entire engagement rather than committing to a flat fee. Hourly is also common as a blend: a flat fee for the predictable work, hourly for the long-tail complications a flat fee cannot reasonably absorb.

Where trust funding sits inside the fee model

Whichever overall fee model the firm uses, there is still a distinct choice to make about trust funding: bundle it into the engagement fee, or price it as a separate engagement.

Bundling is the simpler approach. The flat fee or hourly engagement covers a defined funding scope — typically a fixed number of deeds, beneficiary changes, and retitling instructions — and the firm absorbs work beyond that scope. The risk is that funding becomes invisible to the client and easy to drop on the firm's side.

Separate pricing makes the funding work explicit. A standalone funding engagement — commonly \$500 to \$1,500 in addition to the planning fee, and routinely \$750 or more — covers the funding scope as its own line item. The client knows the work is happening, the firm gets credit for it, and matters with unusually heavy funding (multiple properties, large numbers of accounts) can be priced into a higher tier of the funding engagement specifically rather than the planning engagement as a whole.

The leading firms are increasingly moving toward the separately-priced model, for the reasons covered earlier in this section: it surfaces work that otherwise gets dropped, captures revenue the bar has historically left on the table, and creates the operational discipline to actually finish the funding the client paid for.

Where firms get this wrong

Trust-funding-as-a-service is a real opportunity, but it is also a place where well-intentioned firms can hurt themselves. A few patterns to avoid:

- **Pricing the funding work without scoping it.** A bare "\$750 funding fee" with no defined scope often becomes either a money-loser (when a complex matter produces ten times the expected work) or a credibility hit (when a simple matter produces almost no work for a fee the client paid up front). Tie the fee to a specific list of deliverables — number of deeds, number of beneficiary changes, specific institutions covered.
- **Selling funding as a service the firm is not actually staffed to deliver.** The discipline of funding is in the follow-up: the two-week check-in to make sure the client signed and mailed the IRA form, the call to the bank when the title transfer stalls, the verification that the deed was recorded. Charge for the service, then build the operations to actually do it.
- **Treating funding as a one-time transaction.** Funding is not finished at signing; clients acquire new accounts, change financial institutions, sell and buy property, and update beneficiaries throughout their lives. The most durable firms keep an open "funding refresh" line item in the client relationship — either as a paid service or as part of an annual review.

TAKEAWAYS FOR YOUR PRACTICE

- Audit your engagement letter this week. If it does not explicitly disclose what funding work is included, change that before your next intake. Decide whether you bundle funding into the planning fee or price it as a separate engagement, and standardize that choice across the practice. The leading firms are moving toward separately priced funding engagements (\$500 to \$1,500 in addition to the planning fee, often \$750 or more) for work the firm has historically been doing for free.
- Scope the funding engagement to a narrowly defined set of work. Number of deeds, number of beneficiary changes, specific institutions covered. Price the scope. Vague pricing creates either money-losing matters or credibility problems with clients.
- Treat funding completion as a matter close-out gate, not an aspiration. Set a 30 to 60 day deadline at intake, assign ownership for each discrete piece, and run a structured two-week check-in cadence with the client.
- Build a “funding refresh” offering for your existing client base. Clients buy and sell property, change financial institutions, and update beneficiaries throughout their lives. An annual or every-three-year refresh is a natural service line and a real reason for clients to stay in touch.
- Position funding as a quality-of-service signal in your marketing. Most consumer-facing online trust services explicitly leave funding to the client. A firm that handles the funding well is meaningfully differentiated — make sure prospects know that.



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