

Appendix B

Guideline for Attorney Fees

The following attorney fees will, under normal circumstances, be considered reasonable in civil actions providing for payment of attorney fees where the fees are not otherwise set by law.

1. Civil actions

In any uncontested civil action where the obligation sued upon is a note, contract, or book account, the following fees:

- (a) For any principal amount awarded up to \$5000.00, the fees are 25% of the principal amount awarded or \$300.00, whichever is greater;
- (b) For any principal amount awarded between \$5000.01 and \$15,000.00, the fees are \$1250.00 plus 20% of the principal amount awarded in excess of \$5000.00;
- (c) For any principal amount awarded between \$15,000.01 and \$25,000.00, the fees are \$3250.00 plus 15% of the principal amount awarded in excess of \$15,000.00;
- (d) For any principal amount awarded between \$25,000.01 and \$50,000.00, the fees are \$4750.00 plus 10% of the principal amount awarded in excess of \$25,000.00; and,
- (e) For any principal amount awarded over \$50,000.00, the fees are \$7250.00 plus 5% of the principal amount awarded in excess of \$50,000.00.

For any action on a contract based on a book account, the above fees are subject to the fees specifically allowed by Civil Code Section 1717.5.

For any civil action also involving the foreclosure of a mortgage or deed of trust, the above fees are increased by 10%.

2. Claims of minors or incompetent persons

In any action involving the claim of a minor or incompetent person, the following fees:

- (a) For any amount recovered prior to the introduction of a substantial part of plaintiff's case at trial, 25% of the net amount recovered after deducting allowable costs paid or incurred by claimant's attorney.

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- (b) For any amount recovered after the introduction of a substantial part of plaintiff's case at trial, 33 1/3% of the net amount recovered after deducting allowable costs paid or incurred by claimant's attorney.

3. Unlawful detainers

In any civil action for unlawful detainer when judgment is obtained by default or uncontested trial, the minimum fee is \$375.00.

4. Extraordinary fees

An attorney seeking fees in excess of the fees stated above must submit a written declaration with an itemized statement of services rendered to substantiate any claim for extraordinary fees.

5. Judicial discretion

A judge retains complete discretion in awarding attorney fees based on the circumstances of the action. A judge may require an attorney to submit a declaration, itemized statement of services, and other supporting documentation to substantiate any claim for attorney fees.

6. Clerk's judgment fees

When the clerk is authorized by statute to enter judgment that includes attorney fees pursuant to an approved fee schedule, the clerk must use the above-approved fees when determining and entering the clerk's judgment. The amount of attorney fees awarded must not exceed the amount of fees prayed for in the complaint.

Appendix B reenacted and renumbered effective July 1, 2008; adopted as Item D in Appendix to Chapters 4 and 5 of the Local Rules effective August 1, 2000.