

**CHAPTER 7
MISCELLANEOUS RULES**

RULE 7.1**7.1 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS**

(A) In actions on promissory notes and contracts providing for the payment of attorney fees, whenever a prevailing party is entitled to the recovery of reasonable attorney fees, the following schedule shall be considered by the court, in its discretion, in awarding attorneys fees:

- (1) *Default Action.* Exclusive of costs and interest,
 - (a) Twenty-five percent (25%) of the first two thousand dollars (\$2,000) awarded as damages;
 - (b) Twenty percent (20%) of the next four thousand dollars (\$4,000);
 - (c) Fifteen percent (15%) of the next four thousand dollars (\$4,000);
 - (d) Ten percent (10%) of the next ten thousand dollars (\$10,000);
 - (e) Five percent (5%) of the next thirty thousand dollars (\$30,000); and
 - (f) Two percent (2%) of amounts in excess of the first fifty thousand dollars (\$50,000).

(2) *Contested Action.* The same amount as computed under paragraph (A)(1), increased by such compensation computed on an hourly or per-day basis for any additional research, general preparation, trial or other services as may be allowed by the court.

(B) Where a defendant is the prevailing party, the fees will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(C) Where a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the Clerk shall include attorney fees computed pursuant to the fee schedule contained in this Rule.

(D) In any case where a party claims fees in excess of those allowed by this Rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fees thereupon be fixed by the court.

Eff. July 1, 2005

7.2 ATTORNEY FEES IN RESIDENTIAL UNLAWFUL DETAINER ACTIONS

In actions for residential unlawful detainer, the attorney fees awarded by the Court will not, under normal circumstances, exceed three hundred dollars (\$300) in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure Section 1170, or four hundred dollars (\$400) in cases uncontested at trial where the defendant has filed an answer.

Eff. July 1, 2005