Superior Court of California
County of Solano

Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures

9.1 ATTORNEY FEES - UNLIMITED CIVIL MATTERS

a. **RECOVERY OF "REASONABLE" ATTORNEY FEES IN DEFAULT CASES**
Except in open book accounts, whenever the obligation sued upon provides for the recovery of "reasonable" attorney fees and the matter is heard as an unlimited civil matter, the fees in each default case shall be fixed, based on the principal amount only, pursuant to the schedule set forth in subsection (d).
(Subd (a) amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009.)

b. **ATTORNEY FEES IN JUDGMENTS ISSUED BY THE CLERK OF THE COURT**
Except in open book accounts, in unlimited civil matters where the Clerk of the Court may issue a Judgment, attorney fees shall be calculated using the schedule set forth in subsection (d).
(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)

c. **REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES**
Any attorney seeking fees in excess of those provided for in subsection (d) shall be required to apply for a hearing on the Default Calendar and supply an affidavit in accordance with Code of Civil Procedure section 585.
(Subd (c) amended effective January 1, 2009; adopted effective May 13, 1988.)

d. **SCHEDULE OF ATTORNEY FEES**
Attorney fees shall be calculated using the following formula:

25% of the first $1,000 (with a minimum of $150)
20% of the next $4,000
15% of the next $5,000
10% of the next $10,000
5% of the next $30,000
2% over $50,000

An example of this calculation appears in Appendix A to Rule 9.
(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)

e. **ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS**
The fee schedule set forth in Rule 9.1 shall not apply to unlawful detainer actions, which are governed by Rule 14.2.
(Subd (e) adopted effective January 1, 2010.)

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(Rule 9.1 amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009, and January 1, 2010.)

9.2 ATTORNEY FEES - LIMITED CIVIL MATTERS

a. **ATTORNEY FEES FOR DEFAULT LIMITED CIVIL MATTERS (CCP §585(a))**
Except for open book accounts, attorney fees in default limited civil matters shall be calculated on the principal obligation only per the schedule set forth in subsection (c), subject to any limitations set forth elsewhere in Rule 9.
(Subd (a) amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009.)

b. **REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES**
Any attorney seeking fees in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).
(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)

c. **SCHEDULE OF ATTORNEY FEES**

Amount	Fees
$1.00 to $600.00	$150.00
$600.00 to $1,000.00	$150.00 plus 25% of amount over $600.00
$1,000.00 to $10,000.00	$250.00 plus 15% of amount over $1,000.00
$10,000.00 to $25,000.00	$1,600.00 plus 10% of amount over $10,000.00

(Subd (c) amended effective January 1, 2009; adopted effective May 13, 1988.)

d. **ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS**
The fee schedule set forth in Rule 9.2 shall not apply to unlawful detainer actions, which are governed by Rule 14.3.
(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)

(Rule 9.2 amended effective January 1, 2012; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; adopted as Rule 9.2 effective January 1, 2009; amended effective January 1, 2010.)

9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

a. **ATTORNEY FEES IN OPEN BOOK ACCOUNTS**
Subject to subsection (b), attorney fees in all open book accounts shall be calculated on the principal obligation only pursuant to the following schedule:

Amount	**Fees**
$1.00 to $600.00	$150.00
$600.00 to $1,000.00	$150.00 plus 25% of amount over $600.00
$1,000.00 to $10,000.00	$250.00 plus 15% of amount over $1,000.00
$10,000.00 to $25,000.00	$1,600.00 plus 10% of amount over $10,000.00

(Subd. (a) amended effective January 1, 2012.)

b. **MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK ACCOUNTS**
Per Civil Code section 1717.5, the maximum fee allowable in open book accounts shall be the lesser of the following:

(1) 25% (Twenty-five percent) of the principal obligation owing under the contract; or,

(2) The following amount:

(a) $800.00 based upon an obligation owing by a natural person for goods, moneys, or services which were primarily for personal, family, or household purposes.

(b) $1,000.00 for all other book accounts.

(Subd. (b) amended effective January 1, 2012.)

(Rule 9.3 adopted effective January 1, 2009.)

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APPENDIX 9-A

Example of Attorney Fee Calculation per Rule 9.1:

Demand of Complaint - $54,000.00

1. 25% of the first $1,000 = $250.00 (the minimum fee of $150 would apply if the amount of the demand was under $1,000)
   Subtract $1,000 from the total demand of the complaint - $54,000 - $1,000 = $53,000

2. 20% of the next $4,000 = $800
   Subtract $4,000 from the remaining balance - $53,000 = $4,000 = $49,000

3. 15% of the next $5,000 = $750
   Subtract $5,000 from the remaining balance - $49,000 - $5,000 = $44,000

4. 10% of the next $10,000 = $1,000
   Subtract $10,000 from the remaining balance - $44,000 = $10,000 = $34,000

5. 5% of the next $30,000 = $1,500
   Subtract $30,000 from the remaining balance - $34,000 = $30,000 = $4,000

6. 2% over $50,000 (this percent should be calculated on any remaining amount, in this instance $4,000) – 2% of $4,000 = $80

Total attorney's fees: $4,380