

**Superior Court of California
County of Solano**

Rule 8 – Claims of Minors, Insane or Incompetent Persons

**8.1 CONTENTS OF PETITION FOR COMPROMISE OF CLAIM OF MINOR,
INSANE OR INCOMPETENT PERSON**

A petition for court approval of a compromise or covenant not to sue regarding a minor, insane person, incompetent person, or conservatee shall comply in all respects with California Rules of Court, rule 3.1384. In addition, the petition shall include:

- (1) A full disclosure of all information concerning the reasonableness of the proposed compromise or covenant not to sue, including the amounts, if any, paid to other claimants.
- (2) The original or a photocopy of each bill which, if paid, shall disclose the date of payment, the amount paid, and the name of the payor.

(Rule 8.1 amended effective July 1, 2009; adopted effective July 1, 1988.)

**8.2 ATTORNEYS' FEES IN CASES INVOLVING MINORS, INSANE OR
INCOMPETENT PERSONS**

a. FEES

In actions involving the compromise of a minor's claim, insane person's claim, incompetent person's claim, or a conservatee's claim, the attorneys' fees awarded by the court shall not exceed the following amounts under normal circumstances, which are not otherwise provided by statute:

- (1) Twenty-five percent of the amount recovered if the matter is settled before trial.
- (2) Thirty-three and one-third percent of the amount recovered if the settlement is achieved during trial after a substantial part of plaintiff's case has been introduced or after judgment.
- (3) Forty percent of the amount recovered if the settlement is after the filing of respondent's brief on appeal.

(Subd (a) adopted effective July 1, 1988.)

b. COMPUTATION OF FEES

In computing fees, parents claiming reimbursement for medical expenses, etc., shall, except in cases of hardship, pay their proportionate share of the attorney's fees. Reasonable costs incurred or paid by an attorney that are itemized and

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accompanied by appropriate vouchers or other supporting evidence shall not be included in the "amount recovered" for the purpose of fixing fees.

All costs advanced by the attorney shall be deducted from the gross settlement and then attorneys fee percentage shall be computed.

(Subd (b) adopted effective July 1, 1988.)

c. COURT APPROVAL OF ATTORNEY-CLIENT CONTRACT

Except as otherwise directed by the court for good cause shown, no contract of employment providing for fees higher than those specified in sub-section (a) shall be approved without an appearance by the client(s) at the hearing on application for court approval.

(Subd (c) amended effective July 1, 2009; adopted effective July 1, 1988.)

(Rule 8.2 amended effective July 1, 2009; adopted effective July 1, 1988.)

8.3 ESTABLISHMENT OF SPECIAL NEEDS TRUSTS

If a compromise of claim or covenant not to sue includes the establishment of a special needs trust with the minor or incompetent person as beneficiary, the establishment of the trust shall comply with solano county local rules, rule 7.53.

(Rule 8.3 adopted effective July 1, 2009; previous Rule 8.3, concerning representation of specified parties by counsel at hearings, repealed effective July 1, 2009.)