

Summary of Proposed Revisions to Local Rules and Forms Effective January 1, 2024

Rule Changes

<u>RULE NUMBER</u>	<u>PROPOSED CHANGE</u>	<u>BRIEF DESCRIPTION</u>
<i><u>Rule 4 - Administration of Civil Litigation</u></i>		
4.12	Amend	Amend language regarding Requests for Extension of Time.
<i><u>Rule 17 - Miscellaneous</u></i>		
17.6	Amend	Amend language regarding requests for Elisor.

Form Changes

<u>FORM NUMBER</u>	<u>FORM NAME</u>	<u>PROPOSED CHANGE</u>	<u>BRIEF DESCRIPTION</u>
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**Superior Court of California
County of Solano**



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**Rule 4 – Administration of Civil Litigation
(Trial Court Delay Reduction Act)**

4.11 DISMISSAL OF ACTION FOLLOWING SETTLEMENT

If an entire action is settled, Plaintiffs or other parties seeking affirmative relief must immediately file and serve a Notice of Settlement pursuant to Rule 3.1385 of the California Rules of Court. Failure to do so may cause unnecessary calendar appearances and/or the unnecessary allocation of judicial and court resources. Consequently, such failures may result in the imposition of monetary sanctions pursuant to Local Rule 4.13.a (1).

(Rule 4.11 amended effective July 1, 2023; adopted as Rule 4.13 effective January 1, 1998; renumbered effective January 1, 2010.)

4.12 MISCELLANEOUS

a. REQUEST FOR EXTENSION OF TIME

Any request for extension of time under these rules shall be filed with due diligence. ~~and, in addition to being signed by counsel shall be endorsed by the party acknowledging that the extension of time being requested by counsel is concurred in by the party.~~ The request shall be made on the form provided by the court.

(Subd (a) amended effective January 1, 2024 2009; adopted effective January 1, 1998; previously amended effective January 1, 2009.)

b. KNOWLEDGE OF CASE

Counsel and parties attending any hearing or conference set pursuant to these rules shall have sufficient knowledge of the case to inform the court as to all matters that are pertinent and relevant to the issues to be heard and have authority to enter into binding stipulations regarding any matters before the court. This rule shall apply equally to attorneys of record and specially appearing counsel.

(Subd (b) amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective January 1, 2009.)

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Rule 17 – Miscellaneous

order is not signed and filed within 30 days of the date the judicial officer files a ruling or decision on the submitted matter.

If a litigant or attorney submits a proposed order that is clearly intended to replace an existing lodged proposed order, the existing lodged proposed order may be immediately removed and destroyed.

(Subd. (a) adopted eff. July 1, 2019.)

(Rule 17.4 adopted effective July 1, 2019.)

17.4 LODGING, STORAGE, AND RETURN OF TRIAL EXHIBITS [RESERVED]

17.5 PAYMENT WITH COIN

The court is not required to accept coins as payment for fees or costs. (Gov. Code, § 68083.) However, the court may in its discretion elect to accept payment in coin in an amount up to \$10.00 (ten dollars). Coin equal to or in excess of the following amounts shall be wrapped in standard coin wrappers:

- (1) Fifty cents (\$0.50) in pennies.
- (2) Two dollars (\$2.00) in nickels.
- (3) Five dollars (\$5.00) in dimes.
- (4) Ten dollars (\$10.00) in quarters.

The person presenting wrapped coins for payment shall have their name and case number written on the wrapped coins. In the event the actual wrapped amount of coin is less than the amount stated on the wrapper, the person who tendered the coins for payment shall be liable to the court for the difference.

(Rule 17.6 adopted effective July 1, 2019.)

17.6 APPOINTMENT OF ELISOR

Where one party fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court, or the Clerk's authorized representative or designee, may be appointed as elisor to sign the document.

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Rule 17 – Miscellaneous

a. REQUEST FOR APPOINTMENT OF ELISOR

The motion or Request for Order must expressly identify the document(s) to be signed by the elisor. It must also include all the following information:

- (1) The title, filing date, form number if applicable, and page(s) and line(s) of the court order upon which the request to appoint an elisor is based.
- (2) A description of the good faith efforts to meet and confer to resolve the issue informally prior to filing the motion or request for order.
- (3) Specific facts establishing the necessity of the appointment of an elisor, including the reason, by a person with personal knowledge, why each document requires the elisor’s signature.

b. PROPOSED ORDER REQUIREMENTS

- (1) The order shall designate “The Clerk of the Court or Clerk’s Designee” as the elisor. The order shall not state a name or title of a specific court employee.
- (2) The order shall state the party’s name for whom the elisor is being appointed.
- (3) The order shall state the capacity of the elisor who will be signing each document.
- (4) The order shall clearly identify each document to be signed. In the case of deeds, the type of deed shall be identified (e.g. grant deed, interspousal deed, et cetera.) In the case of escrow documents, each escrow document must be listed separately (e.g. Escrow Instruction Dated, Disclosure Regarding Real Estate Agency Relationship, Hazard report, et cetera).
- (5) Copies of all documents to be signed shall be attached to the proposed order. The original documents presented to the elisor for signing must be identical to the copies of the documents attached to the proposed order.

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c. PROCEDURE UPON APPOINTMENT OF ELISOR

- (1) If the Court grants the order, the party who sought the elisor's appointment must lodge the documents to be signed with the clerk's office, along with any applicable fees. The clerk's office will review the documents to be signed and will then route the documents to the Court Executive Office for signature and notarization, if appropriate. The appointed elisor has five (5) court days from the date they receive the documents from the clerk's office to complete the actual signing of the documents. Any exceptions to the five-day period shall be addressed on a case-by-case basis by the Court.
- (2) If a Court notary is not available to notarize the documents, the party must arrange for a notary public to be present when the elisor signs the documents, and must coordinate the notarization with executive office staff. The cost for the notary public furnished by the party shall be paid by the party.

(Rule 17.6 repealed and replaced in its entirety effective January 1, 2024; adopted effective January 1, 2020.)

17.7 ELIMINATION OF BIAS COMMITTEE

Pursuant to California Rules of Court, rule 10.20, a committee shall be established for the purpose of addressing and remedying actual or perceived bias in connection with judicial proceedings or court operations to ensure access to justice in a manner that is fair and impartial to all participants. Bias includes, but is not limited to: discrimination or harassment based upon race, gender, disability, national origin, religion, sexual orientation and any other protected class identified by state or federal law.

The purpose of the committee is to advance Standard of Judicial Administration 10.20 and to promote inclusion and equity in the justice system through education and activities designed to address explicit and implicit bias.

The Presiding Judge shall appoint the members of the Committee who shall serve for a 2 year term coterminous with the term of the Presiding Judge. Membership of the Committee should include a minimum of two (2) judicial officers, two (2) court employees, two (2) members of a local bar association and two (2) community representatives.