

Summary of Proposed Revisions to Local Rules and Forms Effective January 1, 2020

Rule Changes

<u>RULE NUMBER</u>	<u>PROPOSED CHANGE</u>	<u>BRIEF DESCRIPTION</u>
<i>Rule 1 – General Provisions</i>		
1.5	Adopt	Adopts new rule regarding digital signatures
<i>Rule 17 – Miscellaneous</i>		
17.1	Amend	Amends rule regarding recording of court proceedings
17.7	Adopt	Adopts new rule regarding the appointment of an elisor

Form Changes

<u>FORM NUMBER</u>	<u>FORM NAME</u>	<u>PROPOSED CHANGE</u>	<u>BRIEF DESCRIPTION</u>
		No changes proposed	

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County of Solano
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**Superior Court of California
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Rule 1 – General Provisions

1.5 DIGITAL SIGNATURES

The use of digital signatures on documents filed with the Court is allowed, and shall have the same force and effect as the use of a manual signature, if it complies with all of the requirements of Government Code section 16.5(a)(1)-(5). No other form of electronic signatures will be accepted. A party who files a document containing a digital signature under this rule represents that the signer's certificate or similar verification document is maintained in the party's possession or control, and is subject to production upon request from the Court.

(Rule 1.5 adopted effective January 1, 2020)

**Superior Court of California
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Rule 17 – Miscellaneous

17.1 PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS

a. PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS IN THE COURTHOUSE

- (1) There is no constitutional right to photograph or otherwise electronically record open judicial proceedings. (*Marin Independent Journal v. Municipal Court* (1993) 12 Cal.App.4th 1712, 1718 ["Electronic recording of judicial proceedings is subject to the discretion of the court"], citing *Nixon v. Warner Communications, Inc.* (1978) 435 U.S. 589, 610.) A courthouse facility qualifies as a nonpublic forum. (*United States v. Grace* (1983) 461 U.S. 171, 178)
- (2) Consistent with case law and California Rules of Court, rule 1.150, photography, filming, videotaping, or electronic recording by the media and general public is not permitted in any part of any courthouse, including but not limited to, entrances, exits, stairways, hallways, elevators, offices, or any other public area within the courthouse, unless by written order of the Presiding Judge.
- (3) Videotaping, photographing, or electronic recording devices may be brought into the courthouse by the media or members of the public, but must be turned off while being transported in any area of the courthouse. Devices that include videotaping, photographing, digital image capture, or electronic recording capabilities—such as cell phones, personal digital assistants (PDAs), or watches—may be brought into the courthouse, provided that the image capturing and recording features are not used.
- (4) Any photography, videotaping, or electronic recording of a courtroom or courtroom proceeding through the courtroom's windows or doors is prohibited.

(Subd. (a) adopted effective January 1, 2020.)

17.7 APPOINTMENT OF ELISOR

- A. Where one of the parties 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.
- B. When applying for an appointment of an elisor, the application and proposed order must designate "The Clerk of the Court or Designee" as the elisor and indicate for whom the elisor is being appointed and in what capacity they are to sign the document.

- C. An application for appointment of an elisor may be made ex parte or by emergency request in family law. The application must not set forth a specific court employee. The order must expressly identify the document(s) being signed and a copy of the document(s) must be attached to the proposed order. The original document, presented for signature by the elisor must match the copy of the document attached to the proposed order.
- D. The order shall clearly identify the documents: A deed must state the type of deed (i.e. grant deed, interspousal transfer deed, et cetera). Escrow documents must be listed separately (i.e. Escrow Instruction Dated, Disclosure Regarding Real Estate Agency Relationship, Hazard Report, et cetera). The sample copy shall be highlighted in the location(s) where the elisor is to sign his/her name. SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF SOLANO.
- E. Beneath the signature line(s) on the sample copy the moving party shall print the language being requested to identify the elisor's signature.
- F. The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.
- G. If the Court grants the application of an elisor, the moving party shall contact Court Administration to arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three day period shall be addressed on a case-by-case basis by the Court.
- H. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary public to be present when the elisor signs the documents.

(Rule 17.7 adopted effective January 1, 2020.)