

INVITATION TO COMMENT

The Superior Court of California, County of Solano, invites comments on proposed revisions to the court's local rules and forms, **effective January 1, 2015**.

CONTENTS

- Text of Proposed Changes to Local Rules (10 pages):
 - Rule 4 (Civil)
- Proposed Changes to Local Forms (3 pages)
- Response Form to Proposed Revisions (1 page)

ALL COMMENTS MUST BE RECEIVED BY

5:00 p.m. on MONDAY, NOVEMBER 10, 2014

Superior Court of California
County of Solano

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

APPENDICES: Standing Orders for the Civil Division

<u>Standing Order</u>	<u>Title</u>
<u>2015-001-CV</u>	<u>Electronic Service of Documents in Complex Litigation</u>

1 **IN THE SUPERIOR COURT OF CALIFORNIA**

2 **IN AND FOR THE COUNTY OF SOLANO**

3
4 In re Complex Litigation

Standing Order No. 2015-001-CV

5 **ELECTRONIC SERVICE OF**
6 **DOCUMENTS IN COMPLEX**
7 **LITIGATION**

8
9 **A. FINDINGS**

10 The court finds that entry of a standing order requiring mandatory electronic service
11 of all pleadings and documents in all cases that it identifies as “complex” per California
12 Rules of Court, rule 3.403 will benefit the court, attorneys, and litigants, and will further the
13 orderly conduct and management of complex litigation in this jurisdiction. The court further
14 finds that electronic service will not cause undue hardship or significant prejudice to any
15 party.

16 **B. ELECTRONIC SERVICE OF DOCUMENTS**

17 1. Effective January 1, 2015, the court orders that all documents shall be served
18 electronically as set forth in this order and in California Rules of Court, rule 2.251. This
19 standing order shall apply to all cases pending on January 1, 2015, and to all cases filed on
20 or after January 1, 2015.

21 2. Original documents must be filed with the court as required by the Code of
22 Civil Procedure, the California Rules of Court, or the local rules of the Superior Court of
23 California, County of Solano. Nothing in this standing order shall be construed to require or
24 permit electronic filing of documents with the court.

1 3. Per California Rules of Court, rule 2.253(b)(1)(F), this standing order shall
2 apply only to cases designated as complex per California Rules of Court, rules 3.400
3 through 3.403.

4 4. This standing order shall apply to all attorneys in a complex matter. This
5 standing order shall apply to self-represented litigants only if they elect to participate in
6 electronic service. Unrepresented litigants who do not elect to participate in electronic
7 service shall serve and shall be served documents in the manner required by the Code of
8 Civil Procedure, the California Rules of Court, and/or the local rules of the Superior Court
9 of California, County of Solano.

10 5. The following documents shall not be served electronically:

11 a. Documents filed under seal or subject to a pending motion to seal, unless
12 electronic service is permitted or required by specific court order.

13 b. Documents provided in response to formal discovery demands, unless all
14 parties otherwise agree in writing. Nothing in this standing order affects the propounding
15 party's rights to see responding party's original documents.

16 c. Documents directed to an unrepresented party who has not elected to
17 participate in electronic service.

18 d. A summons, complaint, or cross-complaint.

19 6. The documents enumerated in (B)(5), *supra*, shall be served pursuant to the
20 applicable provisions of the Code of Civil Procedure, California Rules of Court, and/or the
21 local rules of the Superior Court of California, County of Solano.

22 **C. DEFINITIONS**

23 The definitions in California Rules of Court, rule 2.250(b) shall apply to this standing
24 order.

1 **D. DESIGNATION OF ELECTRONIC SERVICE PROVIDER**

2 1. The court designates File & ServeXpress as the electronic service provider (“the
3 ESP”). File & ServeXpress shall serve as the ESP absent notice by the court that the ESP has
4 been changed or further court order. File & ServeXpress may be contacted by visiting
5 <http://www.fileandservexpress.com> or by calling 888-529-7587.

6 2. In the event the ESP changes while a case is in progress and the change requires
7 that documents served through the ESP be moved to the new ESP, the former ESP shall take all
8 reasonable steps to promptly and completely transfer all documents to the new ESP upon
9 notice by the court and/or the parties that such a transfer is necessary or appropriate.

10 **E. NOTICE OF STANDING ORDER**

11 1. If a plaintiff designates the case as complex on the initial complaint, a copy of
12 this standing order shall be served on all defendants concurrently with the summons and
13 complaint. If a plaintiff does not designate the case as complex on the initial complaint but
14 designates it as complex on an amended complaint, a copy of this standing order shall be
15 served on all defendants concurrently with the amended complaint.

16 2. If a defendant designates the case as complex on the initial answer, a copy of
17 this standing order shall be served on all plaintiffs concurrently with the answer. If a defendant
18 does not designate the case as complex on the initial answer but designates it as complex on an
19 amended answer, a copy of this standing order shall be served on all plaintiffs concurrently
20 with the amended answer.

21 3. If neither party designates the case as complex but the court determines the case
22 is complex per California Rules of Court, rule 3.403(b), the plaintiff shall serve a copy of this
23 standing order on all defendants within 5 calendar days of being notified by the court of the
24 complex designation.

1 4. Any party that joins a new party into this action shall serve a copy of this
2 standing order on the new party at the time of initial service.

3 **F. REGISTRATION WITH ELECTRONIC SERVICE PROVIDER**

4 Upon the court designating a civil action as complex per California Rules of Court,
5 rules 3.402 and 3.403, the following registration procedures shall apply:

6 1. Within 15 days of the court’s designation of the case as complex, the plaintiff,
7 the plaintiff’s attorney, or the liaison shall submit to the ESP and to the court a complete and
8 current list of the attorneys of record in the action. The list shall include the names of any
9 lead and other associated attorneys, together with addresses, telephone and facsimile
10 numbers, and e-mail addresses.

11 2. If an unrepresented party affirmatively consents to electronic service, the
12 plaintiff, the plaintiff’s attorney, or the liaison shall submit to the ESP and to the court the
13 unrepresented party’s address, telephone number, facsimile number, and e-mail address in
14 the same manner and within the same time limits as for attorneys.

15 3. All attorneys, and any unrepresented parties who consent to electronic
16 service, shall register with the ESP in the manner designated by the ESP.

17 4. Each attorney and unrepresented party registered with the ESP shall keep his or
18 her service information current and accurate with the ESP, all other attorneys and
19 unrepresented parties, and the court.

20 5. Each attorney and unrepresented party registered with the ESP shall be referred
21 to in this order as a “Registered User.”

22 **G. ESTABLISHMENT AND STRUCTURE OF COMPLEX LITIGATION**
23 **WEBSITE**

24 1. For each complex litigation case subject to this standing order, the ESP shall
25 establish and maintain an Internet website (“the Website”). The ESP shall post to the Website

1 all documents submitted to the ESP by any Registered User and shall serve each document
2 pursuant to the service list provided to the ESP in accordance with the procedures herein.

3 2. Access to the Website will be limited to Registered Users and authorized court
4 personnel. The ESP will provide each Registered User and authorized court personnel with a
5 user name and password to access the Website and the documents served in this action. The
6 ESP personnel will perform all administrative functions for the Website, but all initial data,
7 additions, deletions or changes to the service list must be approved by the attorneys and/or
8 parties.

9 3. All documents posted on the Website will be identified by: (1) the name of the
10 serving party or attorney; (2) the caption(s) of the case(s) to which the document belongs; (3)
11 the title of the document set forth on its caption; and (4) the identity of the party on whose
12 behalf the document is being served.

13 4. The Website shall contain an index of all served documents for the litigation
14 that will be searchable and sortable according to methods that provide useful access to the
15 documents.

16 **H. CONTENT AND FORMAT OF DOCUMENTS SERVED THROUGH THE ESP**

17 1. The document shall be served to the ESP either as a word-processing file or as a
18 scanned image of the document. Each document shall be titled so as to identify the type and
19 purpose of such document and the identity of the attorney or party who is serving such
20 document.

21 2. Every pleading, document and instrument served electronically shall bear a
22 facsimile or typographical signature of at least one of the serving attorneys and/or parties,
23 along with the typed name, address, telephone number and State Bar of California number,
24 where applicable, of such attorney or party. Typographical signatures shall be treated exactly
25 as personal signatures for purposes of electronically served documents under the Code of Civil

1 Procedure. The attorney and/or party serving any document requiring multiple signatures (e.g.,
2 stipulations, joint status reports) must list thereon all the names of other signatories by means
3 of a “__s/___” block for each. By submitting such a document, the serving party certifies that
4 each of the other signatories has expressly agreed to the form and substance of the document
5 and that the serving attorney or party has the actual authority to submit the document
6 electronically. The serving attorney or party must maintain any records evidencing this
7 occurrence for subsequent production to the court if so ordered or for inspection upon request
8 by any party.

9 3. A Registered User’s service of any document through the ESP shall be deemed
10 to include an implied warranty that to the best of the Registered User’s knowledge, the
11 transmitted document does not contain malware.

12 **I. PROCEDURE FOR SERVICE THROUGH THE ESP**

13 1. A document shall be served through electronic transmission to the ESP over the
14 Internet.

15 2. After the ESP receives a document, the ESP shall convert such document into
16 Adobe Portable Document Format (“PDF”) and post it to the Website within one (1) hour of
17 receipt.

18 3. Within one (1) hour of the time a document is posted to the Website, the ESP
19 shall send an email to all Registered Users notifying them that the document has been posted to
20 the Website. The email shall contain hypertext link(s) to the document location(s) on the
21 Website (or, if so designated by the recipient, the email shall have the served document
22 attached thereto).

23 5. Each Registered User shall retain an original dated hard copy with hand written
24 signature of all documents served electronically by that Registered User. All such hard copies
25

1 shall be made available for inspection in the manner set forth in California Rules of Court,
2 rules 2.251(i) and 2.257(a).

3 **J. PROOFS OF SERVICE**

4 1. Written proofs of electronic service shall conform to Code of Civil Procedure
5 section 1013a and California Rules of Court, rule 2.251(i). The ESP's transaction receipt may
6 operate as the proof of service so long as it complies with California Rules of Court, rule
7 2.251(i), and California Code of Civil Procedure section 1013a.

8 3. A proof of service page may be attached to the last page of any electronically
9 served document. Neither a separate caption page nor a separate filing of the proof of service is
10 required so long as the proof of service page contains a caption referencing the case name and
11 action number, is attached as the last page of the electronically served document to which it
12 refers, and references the ESP's transaction receipt.

13 **K. EFFECT OF ELECTRONIC SERVICE**

14 1. Each document electronically served pursuant to this standing order shall be
15 presumed to have been served in compliance with the Code of Civil Procedure.

16 2. The effective date of service shall be governed by California Rules of Court,
17 rule 2.251(h).

18 **L. TECHNICAL PROBLEMS AND ERRORS**

19 1. If electronic service does not occur or is delayed because of (1) an error in
20 the transmission of the document to the ESP or served party which was unknown to the
21 sending party, (2) a failure to process the electronic document when received by the ESP,
22 (3) an erroneous exclusion from the service list, or (4) other technical problems experienced by
23 the ESP, the party or parties affected shall, absent extraordinary circumstances, be entitled to
24 an extension for any response or the period within which any right, duty, or other act must be
25

1 performed, provided the Registered User demonstrates that he or she attempted to file or
2 complete service on a particular day and time.

3 2. In the event the technical difficulties described above result in a Registered User
4 being unable to comply with a statutory, court-ordered, or mutually-agreed deadline, the
5 Registered User may obtain an ex parte court order granting an extension of time by following
6 the standard ex parte procedure in the California Rules of Court and the court’s local rules.
7 Provided the technical problem has been resolved and the Website is operating normally,
8 notice of the ex parte application may be given through the ESP. In addition to the ex parte
9 application, the Registered User shall file and serve a declaration which describes the
10 attempt(s) made, provides the reason service did not occur or was delayed, states how and
11 when the non-service or delay in service was discovered, details the person’s efforts made to
12 rectify the situation, and states with specificity the extension of time sought.

13 3. If the technical difficulties described above do not prevent a Registered User
14 from meeting a statutory, court-ordered, or mutually-agreed deadline, the Registered User may
15 file and serve a declaration which describes the attempt(s) made to serve the documents,
16 provides the reason(s) service did not occur or was delayed, states how and when the non-
17 service or delay in service was discovered, details the person’s efforts made to rectify the
18 situation, and states with specificity the extension of time the party believes appropriate.

19 **M. ELECTRONIC SERVICE OF ORDERS AND OTHER PAPERS BY COURT**

20 The court may serve notices, orders, and other documents electronically subject to the
21 provisions of this order.

22 /

23 /

24 /

25 /

1 **N. MODIFICATIONS TO STANDING ORDER**

2 The court may, on a party's motion or on its own motion, order modifications to this
3 standing order in a specific case.

4 **It is so ordered.**

5 **Date:** _____

_____ **Scott L. Kays**
Supervising Judge, Civil Division

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Attorney or Party without Attorney (<i>Name and Address</i>) Telephone Number	For Court Use Only
Superior Court of California, County of Solano 600 Union Avenue Fairfield, CA 94533	
In the Matter of (<i>Name of Child</i>): _____	
A Minor -- Date of Birth: _____	
REQUEST AND ORDER FOR APPOINTMENT OF COURT APPOINTED SPECIAL ADVOCATE (CASA)	Case Number:

The above-named child is alleged to come within the provisions of Section 300 of the Welfare and Institutions Code.

Next Court Date: _____ Type of Hearing: _____

<u>Reason for Requesting a CASA for this Case / Issues to be Addressed:</u>	
Ethnicity of Child:	Language(s) Spoken:
<u>Other Areas of Immediate Concern</u>	
<input type="checkbox"/> Placement <input type="checkbox"/> Educational <input type="checkbox"/> Medical <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Criminal Case/Minor to Testify	<input type="checkbox"/> Emancipation <input type="checkbox"/> Psychological <input type="checkbox"/> Interstate Compact <input type="checkbox"/> Other:
Request Submitted by (Name/Agency):	Telephone Number & Email Address:
Minor's Attorney:	Telephone Number & Email Address:
Minor's Social Worker:	Telephone Number & Email Address:

Submit this form to: **Juvenile Division, Solano County Superior Court,**
600 Union Avenue, Suite 269, Fairfield, CA 94533
Copy to: **CASA of Solano County,** 600 Union Ave., Suite 204, Fairfield, CA 94533

COURT ORDER	
<input type="checkbox"/> The request is approved. The Solano County CASA Director or designee is authorized to review and obtain copies of the petitions, social workers reports and court orders from the Juvenile Court file. <input type="checkbox"/> The request is denied.	
It is so ordered.	
Date: _____	_____
	Juvenile Court Judge



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO
TRAFFIC DIVISION**

Hall of Justice
600 Union Avenue
P.O. Box 2463
Fairfield, CA 94533

Solano Justice Center
321 Tuolumne Street
Vallejo, CA 94590
(707) 561-7860

The People of the State of California,
vs.

Case No. _____

ELECTION FOR TRAFFIC SCHOOL

Defendant

I hereby elect to attend traffic school in lieu of appearing on the above case. I qualify for attendance because I have no outstanding Failures to Appear (§40508(a) VC), I have **not** attended traffic school in the past eighteen (18) months (from citation date to citation date), and my citation does not involve any drug/alcohol violations or speeding more than 25 mph over the posted limit.

I UNDERSTAND:

- If any proof of corrections on any other violations are necessary, they must be submitted BEFORE requesting traffic school;
- The clerk is authorized to continue this case for ninety (90) days to: _____;
- If I complete traffic school before the above date and pay traffic school bail as ordered, the Court will report my violation to DMV as a confidential conviction.
- Failure to timely complete traffic school and/or pay traffic school bail as ordered will result in the Court converting the fee to bail and declaring it forfeited and reporting the forfeiture as a conviction to DMV. Further, I may be charged with Failure to Pay Fine (§40508(b) VC), imposed a civil assessment of up to \$300.00, referred to a collection agency, and/or a notice forwarded to DMV to place a hold on my driver's license.
- If I complete traffic school and DMV determines I am legally ineligible for a confidential conviction, DMV will remove confidentiality of the conviction from the driver's license records and the conviction and violation point will appear on my driver's license record at the DMV.
- If I am a commercial driver who was operating a vehicle requiring only a class C license or a class M license at the time of the violation, I may elect to attend traffic school. I also understand the Court may not order that the record of conviction be kept confidential. Further, the record of conviction will be disclosed for insurance underwriting and rating purposes. However, the conviction shall not be added to a violation point for purposes of determining whether a driver is presumed to be a negligent operator under Vehicle Code section 12810.5, unless a specified condition applies to the offense.
- I can attend any DMV-approved traffic school. (To locate a DMV-approved traffic school, use the on-line locator service operated by DMV at: <http://www.dmv.ca.gov/olinq2/welcome.do>. If you wish to attend an online school or you do not have access to the Internet, you may call the Department of Motor Vehicles, Business Licensing Unit at **(916)229-3126** and request a list of traffic violator schools be sent to you via mail or FAX.)
- In order for the traffic school to report my completion electronically to the Court, I must provide the traffic school with the above case number and appropriate Court Code: **Fairfield Court Code = 48430; Vallejo Court Code = 48480.**
- I must sign this form and return a copy to the Court immediately, but not later than the above date.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Date: _____

Defendant's Signature

Address

By: _____
Deputy Clerk

ELECTION FOR TRAFFIC SCHOOL



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO
Traffic Division**

NOTICE OF RIGHTS (INFRACTIONS)

Case No. _____

YOU HAVE THE FOLLOWING RIGHTS AS A DEFENDANT IN THIS COURT:

1. To have the citation or complaint against you read in open court.
2. To be represented by an attorney at your own expense.
3. To enter a plea to the charges against you.
4. To have a court trial where you can confront and cross-examine witnesses.
5. To refuse to testify. This is your constitutional privilege against self-incrimination.
6. To subpoena witnesses to testify on your behalf.
7. To have your case tried within 45 days of arraignment.
8. To postpone sentencing for up to five days at your request.
9. To appeal the court's decision.

There are three pleas available to you:

- **Guilty:** A guilty plea is an admission to the charged violation. There will not be a trial and no witnesses will testify. You may give an explanation to the court after pleading guilty.
- **No contest:** A plea of no contest will be treated the same as a guilty plea.
- **Not guilty:** If you plead not guilty, your case will be set for trial on another day when the officer who issued the citation will be present to testify.

If you are convicted of an infraction you may be fined, and any later convictions may result in increased fines.

DO NOT SIGN UNLESS YOU FULLY UNDERSTAND THE ABOVE RIGHTS.

Date: _____

Signed: _____

Address: _____

Telephone: _____

Response Form

I am commenting on the proposed revisions to the local rules or forms as follows:

- Agree with proposed changes
- Agree with proposed changes with modifications (*please explain below*)
- Do not agree with proposed changes (*please explain below*)

Comments: _____

Name: _____

Address: _____

City, State, ZIP code: _____

To SUBMIT COMMENTS:

Comments may be written on this form, prepared in a letter format, or e-mailed. If you are not commenting directly on this form, please include the information requested above. Questions may be directed to the Executive Office at (707) 207-7475.

E-mail: CourtOutreach@solano.courts.ca.gov

Mail: Superior Court of California, County of Solano
Executive Office
600 Union Avenue
Fairfield, CA 94533

FAX: (707) 426-1631

ALL COMMENTS MUST BE RECEIVED BY

5:00 p.m. on MONDAY, NOVEMBER 10, 2014