

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report Summary**

TO: Members of the Judicial Council

FROM: Governing Committee of the Center for Judicial Education and Research  
Hon. Fumiko H. Wasserman, Chair  
Hon. Ronald B. Robie, Vice-Chair  
Karen M. Thorson, Director, Education Division/CJER, 415-865-7795  
James M. Vesper, Assistant Director, Education Division/CJER,  
415-865-7797, jim.vesper@jud.ca.gov

DATE: August 15, 2007

SUBJECT: Judicial Branch Education: Minimum Education Requirements, Expectations, and Recommendations (repeal Standards of Judicial Administration 10.10–10.15; adopt Cal. Rules of Court, rules 10.469, 10.471, 10.472, 10.479, and 10.491; amend rules 10.452, 10.461, and 10.462; and amend and renumber rules 5.30, 10.463, 10.464, and 10.471 as rules 10.463, 10.473, 10.474, and 10.481, respectively) (Action Required)

Issue Statement

At its October 20, 2006, meeting, the Judicial Council adopted an alternative proposal to the CJER Governing Committee's recommendation regarding minimum education requirements for the judicial branch. California Rules of Court, rule 970 was repealed and rules 10.451–10.471 were adopted as a comprehensive system of minimum education requirements and expectations for trial court judges and subordinate judicial officers, court executive officers, and managers, supervisors, and other personnel. The alternative proposal retained most of the original proposal but changed continuing education for judges to an expectation rather than a requirement and added language regarding recording and reporting requirements for judges and presiding judges.

The Judicial Council, as part of its action, also directed the CJER Governing Committee to:

- (1) Make recommendations to the Judicial Council in the summer of 2007 regarding revisions to the rules on judicial branch education to incorporate relevant key provisions of the Standards of Judicial Administration in order to gather all

information on education into one source, ease access to relevant information, and avoid any unintended consequences created by having two sources of information on education; and

- (2) Assess educational needs and associated opportunities and make recommendations to the Judicial Council in the summer of 2007 regarding rules relevant to judicial branch education for appellate court justices and court personnel as well as personnel of the Administrative Office of the Courts.

(Judicial Council of Cal., mins. (Oct. 20, 2006), p. 36.)

### Recommendation

The Governing Committee of the Center for Judicial Education and Research, in its capacity as an advisory committee to the Judicial Council, recommends that the Judicial Council, effective January 1, 2008, repeal Standards of Judicial Administration 10.10–10.15; adopt Cal. Rules of Court, rules 10.469, 10.471, 10.472, 10.479, and 10.491; amend rules 10.452, 10.461, and 10.462; and amend and renumber rules 5.30, 10.463, 10.464, and 10.471 as rules 10.463, 10.473, 10.474, and 10.481, respectively, to:

- (1) Set forth a system of minimum education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managing attorneys, supervisors, and other personnel;
- (2) Set forth a system of minimum education requirements for Administrative Office of the Courts executives, managers, supervisors, and other employees; and
- (3) Incorporate key provisions, including education recommendations, from the Standards of Judicial Administration related to education.

The text of the repealed standards and proposed rules is attached at pages 25–70.

### Rationale for Recommendation

As with the committee’s proposal in 2006, the purpose of the proposed rules would be to help ensure the professional competency of justices, court personnel, and AOC personnel by establishing a system of minimum education requirements. The rules would represent a determination from within the judicial branch of the appropriate level of education requirements for justices, court personnel, and AOC personnel rather than as determined by others outside the branch, such as the Legislature. And the rules would strike a balance between providing for minimum education requirements on one hand, and allowing for discretion and options at the individual and local court levels on the other. Finally, the proposed rules would strike a balance between the benefits of education and the fiscal impact on the courts and the impact of time away from their duties for justices, court personnel, and AOC personnel.

### *Process in Developing Proposal*

Committee staff met with the clerk of the Supreme Court and the clerk/administrators of the Courts of Appeal, presented to meeting participants the requirements that were adopted for trial court personnel, and discussed with participants their thoughts regarding

requirements for personnel of the Supreme Court and the Courts of Appeal. Meeting participants felt that the requirements that were adopted for trial court personnel would be appropriate and manageable for personnel of the Supreme Court and the Courts of Appeal.

Committee staff met with several members of the Appellate Judicial Attorneys Education Committee and discussed the requirements in place for trial court personnel. Committee staff later received a memorandum from the members of the committee, which is included with the comments received in response to the Invitation to Comment at pages 71–117.

Justice Ronald Robie, Vice-Chair of the CJER Governing Committee, and committee staff met with the Administrative Presiding Justices Advisory Committee to discuss a proposal to apply the existing trial court education rules to the Supreme Court and the Courts of Appeal justices and court personnel. Proposed rules for appellate justices and appellate court staff would mirror the rules adopted for the trial courts, including providing for continuing education for the justices as an expectation rather than as a requirement. The Administrative Presiding Justices discussed supporting mandatory continuing education for appellate justices as an alternative to the continuing education expectation contained in the proposal, and later sent Judge Fumiko Wasserman, Chair of the Governing Committee, notice by memorandum that both the Administrative Presiding Justices Advisory Committee and the Supreme Court had decided unanimously to support mandatory continuing education for Supreme Court and Court of Appeal justices. The Governing Committee had decided to incorporate any recommendations received from the Administrative Presiding Justices Advisory Committee and the Supreme Court into its recommendation.

Committee staff presented several options to the AOC Executive Team<sup>1</sup> regarding minimum education requirements for AOC personnel. The Executive Team agreed that the proposal to the Judicial Council should be structurally similar to the requirements established for the trial courts, with all personnel in a two-year continuing education period, and should require 50 percent more continuing education hours than is required in the trial courts. The AOC Executive Team supports proposed rule 10.491, as included in this proposal.

### ***General Description of Proposed Rules***

The proposed rules are intended to fulfill the directions from the Judicial Council but to go no further. The continuing education proposed for Supreme Court and Court of Appeal justices mirrors the continuing education established for trial court judges in the rules adopted in 2006; however, the continuing education for the former is set forth as a

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<sup>1</sup> The AOC Executive Team consists of the Administrative Director of the Courts, the Chief Deputy Director, the regional administrative directors, and the directors of all AOC divisions.

requirement, while the continuing education for the latter is set forth as an expectation. The minimum education requirements for appellate court clerk/administrators, managing attorneys, supervisors, and other personnel mirror those established for trial court executive officers, managers, supervisors, and other personnel. The minimum education requirements for AOC personnel mirror those for trial court executive officers, managers, supervisors, and other personnel, but at a level of 50 percent more hours. Relevant key provisions from the standards on education in the Standards of Judicial Administration have been incorporated in the rules without substantive change. The former standards related to specific responsibilities and assignments are incorporated as “recommendations” in the proposed rules, but without substantive change, and no new responsibilities or assignments have been added.

#### Comments From Interested Parties

The proposal was circulated for public comment during a special comment cycle, from March 21 to May 2, 2007. The invitation to comment on the proposal went to the standard circulation list of interested persons and organizations. In addition, information about the proposal, with a link to the invitation to comment and rules, was twice included in *Court News Update*, the Administrative Office of the Courts’ weekly e-mail briefing for California court leaders, judicial officers, and court professionals.

A total of 39 comments were received on the proposal, with 13 agreeing, 16 agreeing if modified, and 10 disagreeing. Individuals submitted 30 of the comments received, with 12 agreeing, 10 agreeing if modified, and 8 disagreeing. Groups submitted 9 comments, with one agreeing, 6 agreeing if modified, and 2 disagreeing. Focusing on those individuals most impacted by this proposal, 10 Court of Appeal justices agreed or agreed if modified, and one disagreed; 8 appellate court personnel agreed or agreed if modified, and 4 disagreed.

Two groups, the California Judges Association and the Superior Court of Los Angeles County, disagreed with the proposal, for the same reasons they disagreed with the CJER Governing Committee’s proposal for the trial courts in 2006, i.e., that education requirements are not needed. The eight individuals who disagreed with the proposal did so primarily for the same reason, that education requirements are not needed. This concern was extensively discussed in the committee’s proposal to the Judicial Council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and

collective—as an integral part of its responsibility to be accountable to the public, and self-generated requirements are a matter of pride and professionalism to the branch.

The comments in the “agree if modified” category raise the issues summarized below:

1. *Appellate Justices*—Two commentators, one appellate justice and one trial court judge, stated that continuing education for appellate justices should be an expectation, as it is for trial court judges, rather than a requirement. The Governing Committee originally intended to recommend that continuing education for appellate justices be an expectation. However, both the Administrative Presiding Justices Advisory Committee and the Supreme Court decided unanimously to support mandatory continuing education for Supreme Court and Court of Appeal justices, and the Governing Committee incorporated that recommendation into the proposal.
2. *Appellate Judicial Attorneys*—One commentator, the Appellate Judicial Attorneys Education Committee, stated that (a) the rules should specifically reference appellate judicial attorneys, rather than include them generally with appellate court personnel; (b) continuing education should be an expectation rather than a requirement for appellate judicial attorneys; (c) provision should be made to allow appellate judicial attorneys retroactive credit for completing the 2007 Appellate Judicial Attorneys Institute (the rules, if adopted, would be effective January 1, 2008); and (d) appellate judicial attorneys should be allowed to apply self-directed study toward the required hours. None of these suggestions is consistent with the model contained in the rules for court personnel, either the rules adopted for the trial courts or the rules proposed for the appellate courts.
3. *Credit for Serving as Faculty*—Six commentators raised issues with the provisions in the rules on credit for serving as faculty. The Governing Committee discussed faculty credit and limitations on faculty credit at length in formulating the model and then in the recommendation made to the council in 2006. The reasons the committee included limitations on faculty credit at that time apply equally to all these suggestions. As stated at that time, the committee wanted to especially encourage faculty service for California court-based audiences and wanted to require that individuals take a significant portion of their education as a participant rather than as a faculty member. For those reasons, the committee declined to modify the provisions on faculty credit.
4. *Approved Providers*—Six commentators suggested adding an organization to the list of approved providers. The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. The list in the current rule numbers 22, and the committee has already added 6 more providers to the list in this proposal, for a total of 28. Therefore, the committee declined to add additional providers.

The chart summarizing the comments and the committee's responses is attached at pages 71–117.

#### Alternative Actions Considered

At its May 8, 2007, meeting the CJER Governing Committee considered all the comments received and discussed whether the committee continued to generally support the proposal and whether to modify it based on the comments received and on each specific suggestion for modification. The committee considered whether the need for and benefits of the proposal significantly outweigh any burdens or concerns that the proposal might cause, and whether the proposal was the appropriate policy for the committee to recommend. After extensive discussion, the committee unanimously approved recommending to the Judicial Council its original proposal without modification.

#### Implementation Requirements and Costs

The committee extensively analyzed implementation requirements and costs in connection with its 2006 proposal for the trial courts. The committee found that, while the proposed rules may have some fiscal impact at both the state and local court levels, they should not be significant. The same analysis would apply to this proposal for the appellate courts. The proposed rules are intended to strike a balance on the fiscal impact of continuing education on the courts and on the impact of justices' and court personnel's time away from court.

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Issue Statement

At its October 20, 2006, meeting, the Judicial Council adopted an alternative proposal to the CJER Governing Committee's recommendation regarding minimum education requirements for the judicial branch. California Rules of Court, rule 970 was repealed and rules 10.451–10.471 were adopted as a comprehensive system of minimum education requirements and expectations for trial court judges and subordinate judicial officers, court executive officers, and managers, supervisors, and other personnel. The alternative proposal retained most of the original proposal but changed continuing education for judges to an expectation rather than a requirement and added language regarding recording and reporting requirements for judges and presiding judges.

The Judicial Council, as part of its action, also directed the CJER Governing Committee to:

- (1) Make recommendations to the Judicial Council in the summer of 2007 regarding revisions to the rules on judicial branch education to incorporate relevant key provisions of the Standards of Judicial Administration in order to gather all

information on education into one source, ease access to relevant information, and avoid any unintended consequences created by having two sources of information on education; and

- (2) Assess educational needs and associated opportunities and make recommendations to the Judicial Council in the summer of 2007 regarding rules relevant to judicial branch education for appellate court justices and court personnel as well as personnel of the Administrative Office of the Courts.

(Judicial Council of Cal., mins. (Oct. 20, 2006), p. 36.)

The Governing Committee of the Center for Judicial Education and Research recommends that the Judicial Council adopt several new rules and amend rules 10.451–10.471 to meet these new directives. The proposed rules would meet both directives. They would set forth a system of minimum education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managing attorneys, supervisors, and other personnel and a system of minimum education requirements for Administrative Office of the Courts (AOC) executives, managers, supervisors, and other employees. The proposed rules would also incorporate relevant key provisions, including education recommendations, from the Standards of Judicial Administration related to education.

#### Rationale for Recommendation

As with the committee's proposal in 2006, the purpose of the proposed rules would be to help ensure the professional competency of justices, court personnel, and AOC personnel by establishing a system of minimum education requirements. The rules would represent a determination from within the judicial branch of the appropriate level of education requirements for justices, court personnel, and AOC personnel rather than as determined by others outside the branch, such as the Legislature. And the rules would strike a balance between providing for minimum education requirements on one hand, and allowing for discretion and options at the individual and local court levels on the other. Finally, the proposed rules would strike a balance between the benefits of education and the fiscal impact on the courts and the impact of time away from their duties for justices, court personnel, and AOC personnel.

#### *Background and History of Proposal*

The CJER Governing Committee, which has studied, formulated, and recommended these proposed rules, until 2006 consisted of eight judges, including one justice, and three court executive officers. The committee expanded its membership in 2006 by an additional six judges, with new members added from the Access and Fairness, Civil and Small Claims, Criminal Law, Family and Juvenile Law, and Probate and Mental Health Advisory Committees.

*Regarding the Supreme Court and the Courts of Appeal*

- In January 2007, committee staff met with the clerk of the Supreme Court and the clerk/administrators of the Courts of Appeal during a regular meeting of that group. Committee staff presented to meeting participants the requirements that were adopted for trial court personnel and discussed with participants their thoughts regarding requirements for personnel of the Supreme Court and the Courts of Appeal. Meeting participants felt that the requirements that were adopted for trial court personnel would be appropriate and manageable for personnel of the Supreme Court and the Courts of Appeal.
- In January 2007, at the request of the Appellate Judicial Attorneys Education Committee, committee staff met with several committee members and discussed the requirements in place for trial court personnel. No formal position was taken by those participating at that time. After the CJER Governing Committee met and approved its recommended proposal, committee staff received a memorandum from the members of the Appellate Judicial Attorneys Education Committee. The memorandum included several comments and suggestions on the proposed minimum education requirements as they apply to appellate judicial attorneys, such as changing the requirements to expectations and allowing the appellate judicial attorneys to receive retroactive credits. The memorandum is included with the comments received in response to the Invitation to Comment at pages 71–117.
- On February 8, 2007, Justice Ronald Robie, Vice-Chair of the CJER Governing Committee, and committee staff met with the Administrative Presiding Justices Advisory Committee to discuss a proposal to apply the existing trial court education rules to the Supreme Court and the Courts of Appeal justices and court personnel. Proposed rules for appellate justices and appellate court staff would mirror the rules adopted for the trial courts, including providing for continuing education for the justices as an expectation rather than as a requirement. During the meeting the Administrative Presiding Justices discussed supporting mandatory continuing education for appellate justices as an alternative to the continuing education expectation contained in the proposal. On March 5, 2007, Judge Fumiko Wasserman, Chair of the Governing Committee, received notice by memorandum that both the Administrative Presiding Justices Advisory Committee and the Supreme Court had decided unanimously to support mandatory continuing education for Supreme Court and Court of Appeal justices. A copy of this memorandum is attached at pages 17–18. The Governing Committee had decided at its meeting on February 13, 2007, to incorporate any recommendations received from the Administrative Presiding Justices Advisory Committee and the Supreme Court into its recommendation.

### *Regarding Administrative Office of the Courts (AOC) Personnel*

In January 2007, committee staff presented several options to the AOC Executive Team<sup>1</sup> regarding minimum education requirements for AOC personnel. The options ranged from adopting current AOC requirements for AOC personnel, which include orientation and compliance courses for new personnel and at least 12 hours per year plus compliance courses for experienced personnel, to adopting the same requirements that exist for the trial courts. The Executive Team agreed that the proposal to the Judicial Council should be structurally similar to the requirements established for the trial courts, with all personnel in a two-year continuing education period. The Executive Team also agreed that the proposal should require 50 percent more continuing education hours than is required in the trial courts, which is less than is currently required for AOC personnel. The AOC Executive Team supports proposed rule 10.491, as included in this proposal.

### *General Description of Proposed Rules*

The proposed rules are intended to fulfill the directions from the Judicial Council but to go no further. The continuing education proposed for Supreme Court and Court of Appeal justices mirrors the continuing education established for trial court judges in the rules adopted in 2006; however, the continuing education for the former is set forth as a requirement, while the continuing education for the latter is set forth as an expectation. The minimum education requirements for appellate court clerk/administrators, managing attorneys, supervisors, and other personnel mirror those established for trial court executive officers, managers, supervisors, and other personnel. Summaries of the components of minimum education requirements and expectations for appellate justices, appellate court personnel, trial court judges and subordinate judicial officers, and other trial court personnel are attached at pages 19–23, as are examples of achieving the minimum education requirements for appellate justices and other personnel. The minimum education requirements for AOC personnel mirror those for trial court executive officers, managers, supervisors, and other personnel, but at a level of 50 percent more hours. Relevant key provisions from the standards on education in the Standards of Judicial Administration have been incorporated in the rules without substantive change. The former standards related to specific responsibilities and assignments are incorporated as “recommendations” in the proposed rules, but without substantive change, and no new responsibilities or assignments have been added. A correlation table that shows where the key provisions in the Standards have been incorporated into the rules is attached at page 24.

Chapter 8 of title 10, division II of the rules of court would be retitled “Minimum education requirements, expectations, and recommendations,” and would include rules 10.451–10.491. The rules would be reorganized so that the rules for justices, judges, and subordinate judicial officers would be grouped together, as would the rules for appellate

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<sup>1</sup> The AOC Executive Team consists of the Administrative Director of the Courts, the Chief Deputy Director, the regional administrative directors, and the directors of all AOC divisions.

court and trial court personnel. The text of the proposed new rules, revised rules, and repealed standards is attached at pages 25–70.

Comments From Interested Parties

The proposal was circulated for public comment during a special comment cycle, from March 21 to May 2, 2007. The invitation to comment on the proposal went to the standard circulation list of interested persons and organizations. In addition, information about the proposal, with a link to the invitation to comment and rules, was twice included in *Court News Update*, the Administrative Office of the Courts’ weekly e-mail briefing for California court leaders, judicial officers, and court professionals.

A total of 39 comments were received on the proposal, with 13 agreeing, 16 agreeing if modified, and 10 disagreeing. Individuals submitted 30 of the comments received, with 12 agreeing, 10 agreeing if modified, and 8 disagreeing. Groups submitted 9 comments, with one agreeing, 6 agreeing if modified, and 2 disagreeing. Focusing on those individuals most impacted by this proposal, 10 Court of Appeal justices agreed or agreed if modified, and one disagreed; 8 appellate court personnel agreed or agreed if modified, and 4 disagreed.

The following tables present a simple numerical analysis of the comments received in the categories of “agree,” “agree if modified,” and “do not agree.” The first table presents group responses and the second table presents individual responses grouped by court.

**Comments on Behalf of Groups**

<b>Group</b>	<b>Agree</b>	<b>Agree if Modified</b>	<b>Do Not Agree</b>
Appellate Judicial Attorneys Education Committee		1	
California Academy of Appellate Lawyers		1	
California Court Reporters Association		1	
California Judges Association			1
Superior Court of Imperial County		1	
Superior Court of Los Angeles County			1
Superior Court of Riverside County		1	
Superior Court of San Diego County	1		
Superior Court of San Mateo County		1	
<b>TOTAL:</b>	<b>1</b>	<b>6</b>	<b>2</b>

Total number of group comments received: 9

### Comments From Individuals, Grouped by Court

Court	Agree	Agree if Modified	Do Not Agree	Total
Supreme Court Personnel		3		3
Court of Appeal Justices	6	4	1	11
Court of Appeal Personnel	3	2	4	9
Superior Court of Alameda County	1			1
Superior Court of Los Angeles County	1		1	2
Superior Court of Orange County			1	1
Superior Court of Sacramento County		1	1	2
Superior Court of San Joaquin County	1			1
<b>TOTAL:</b>	<b>12</b>	<b>10</b>	<b>8</b>	<b>30</b>

Two groups, the California Judges Association and the Superior Court of Los Angeles County, disagreed with the proposal, for the same reasons they disagreed with the CJER Governing Committee’s proposal for the trial courts in 2006, i.e., that education requirements are not needed. The eight individuals who disagreed with the proposal did so primarily for the same reason, that education requirements are not needed. This concern was extensively discussed in the committee’s proposal to the Judicial Council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective—as an integral part of its responsibility to be accountable to the public, and self-generated requirements are a matter of pride and professionalism to the branch.

The comments in the “agree if modified” category raise the issues summarized below. Most of the issues can be categorized as either regarding a specific group of individuals or application of the rules.

#### Issues Regarding a Specific Group of Individuals

1. *Appellate Justices*—Two commentators, one appellate justice and one trial court judge, stated that continuing education for appellate justices should be an expectation, as it is for trial court judges, rather than a requirement. The Governing Committee originally intended to recommend that continuing education for appellate justices be

an expectation. However, both the Administrative Presiding Justices Advisory Committee and the Supreme Court decided unanimously to support mandatory continuing education for Supreme Court and Court of Appeal justices, and the Governing Committee incorporated that recommendation into the proposal. Two other commentators, one appellate justice and one trial court judge, stated that continuing education for trial court judges should be changed from an expectation to a requirement.

2. *Appellate Judicial Attorneys*—One commentator, the Appellate Judicial Attorneys Education Committee, stated that (a) the rules should specifically reference appellate judicial attorneys, rather than include them generally with appellate court personnel; (b) continuing education should be an expectation rather than a requirement for appellate judicial attorneys; (c) provision should be made to allow appellate judicial attorneys retroactive credit for completing the 2007 Appellate Judicial Attorneys Institute (the rules, if adopted, would be effective January 1, 2008); and (d) appellate judicial attorneys should be allowed to apply self-directed study toward the required hours. None of these suggestions is consistent with the model contained in the rules, either the rules adopted for the trial courts or the rules proposed for the appellate courts: (a) all court personnel have the same requirements, except for executives, managers, and supervisors; (b) continuing education is a requirement for all court personnel; (c) the rules do not allow retroactive credit for anyone; and (d) the rules do not allow self-directed study for any court personnel, including managers and supervisors.
3. *Trial Court Research Attorneys*—One commentator stated that trial court research attorneys should be exempt from the rules because they are subject to State Bar Minimum Continuing Legal Education requirements. Trial court research attorneys are covered by the rules that were adopted effective January 1, 2007; their requirements are not changed in the new proposal. In addition, this suggestion is not consistent with the model in the rules, which is that the rules provide that education taken to satisfy a statutory or other education requirement may apply toward the expected or required continuing education. Other groups of individuals are also subject to education requirements outside the rules. However, the hours-based requirements in the rules are not on top of other requirements.
4. *Court Reporters*—One commentator, on behalf of the California Court Reporters Association, stated that official court reporters should have an additional requirement that at least two hours of continuing education each year must be specific to California rules and laws. Court reporters are covered by the rules that were adopted effective January 1, 2007; their requirements are not changed in the new proposal. In addition, this suggestion is not consistent with the model in the rules for court personnel: each staff person and his or her supervisor have complete discretion as to

subject matter content for continuing education courses so that the education chosen may be what is most needed by each individual.

### Issues Regarding Application of the Rules

1. *Credit for Serving as Faculty*—Six commentators raised issues with the provisions in the rules on credit for serving as faculty. Four commentators stated that faculty credit should be extended to apply to teaching at law schools. One stated that it should also be extended to apply to teaching law-related classes for non-court-based audiences and to teaching federal court-based audiences. Another stated that it should also be extended to apply to writing legal articles and judging moot court. One commentator stated that faculty credit should be extended to speaking to bar associations and other legal groups and to speaking to judges or court staff in other states. Another commentator stated that faculty credit should be extended to apply to teaching a program sponsored by a court-based organization or by an approved provider when the audience includes both court-based and non-court-based individuals. This commentator also stated that the limitation on faculty credit should be raised from 15 hours every three years to 20 hours every three years. One of the commentators noted above also suggested including in the rule an explanation that it is anticipated that more than 3 hours is typically spent in preparation for teaching a 1-hour class. The Governing Committee discussed faculty credit and limitations on faculty credit at length in formulating the model and then in the recommendation made to the council in 2006. The reasons the committee included limitations on faculty credit at that time apply equally to all these suggestions. As stated at that time, the committee wanted to especially encourage faculty service for California court-based audiences and wanted to require that individuals take a significant portion of their education as a participant rather than as a faculty member. For those reasons, the committee declined to modify the provisions on faculty credit.
2. *Approved Providers*—Six commentators suggested adding an organization to the list of approved providers. The following organizations were suggested:
  - California Court Reporters Association;
  - National Institute for Trial Advocacy;
  - California Academy of Appellate Lawyers;
  - Law schools accredited by the California State Bar (the approved provider list currently includes “Law schools accredited by the American Bar Association”); and
  - Inns of Court.

The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. The list in the current rule numbers 22, and the committee has already added 6 more providers to the list in this proposal, for a total of 28. Therefore, the committee declined to add additional providers.

The chart summarizing the comments and the committee's responses is attached at pages 71–117.

#### Alternative Actions Considered

At its May 8, 2007, meeting the CJER Governing Committee considered all the comments received and discussed whether the committee continued to generally support the proposal and whether to modify it based on the comments received and on each specific suggestion for modification. The committee considered whether the need for and benefits of the proposal significantly outweigh any burdens or concerns that the proposal might cause, and whether the proposal was the appropriate policy for the committee to recommend. After extensive discussion, the committee unanimously approved recommending to the Judicial Council its original proposal without modification.

#### Implementation Requirements and Costs

The committee extensively analyzed implementation requirements and costs in connection with its 2006 proposal for the trial courts. The committee found that, while the proposed rules may have some fiscal impact at both the state and local court levels, they should not be significant. The same analysis would apply to this proposal for the appellate courts. The proposed rules are intended to strike a balance on the fiscal impact of continuing education on the courts and on the impact of justices' and court personnel's time away from court.

#### Recommendation

The Governing Committee of the Center for Judicial Education and Research, in its capacity as an advisory committee to the Judicial Council, recommends that the Judicial Council, effective January 1, 2008, repeal Standards of Judicial Administration 10.10–10.15; adopt Cal. Rules of Court, rules 10.469, 10.471, 10.472, 10.479, and 10.491; amend rules 10.452, 10.461, and 10.462; and amend and renumber rules 5.30, 10.463, 10.464, and 10.471 as rules 10.463, 10.473, 10.474, and 10.481, respectively, to:

- (1) Set forth a system of minimum education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managing attorneys, supervisors, and other personnel;
- (2) Set forth a system of minimum education requirements for Administrative Office of the Courts executives, managers, supervisors, and other employees; and
- (3) Incorporate key provisions, including education recommendations, from the Standards of Judicial Administration related to education.

The text of the rules is attached at pages 25–70.

Attachments





**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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MEMORANDUM

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**Date**

March 5, 2007

**Action Requested**

Please review

**To**

Hon. Fumiko Hachiya Wasserman, Chair  
Governing Committee for the Center for  
Judicial Education and Research

**Deadline**

N/A

**From**

Marcia M. Taylor, Director  
Appellate and Trial Court Judicial Services  
Division

**Contact**

Marcia M. Taylor  
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**Subject**

Education requirements for appellate court  
justices

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On February 8, 2007 the Administrative Presiding Justices (APJ) Advisory Committee, chaired by Chief Justice Ronald M. George, met and discussed the CJER Governing Committee's proposal regarding minimum education requirements and expectations for appellate justices. During this meeting, an alternative proposal was made that would make continuing education, mandatory for all appellate justices rather than an expectation as was described in the proposal. Subsequent to the meeting, each justice provided the alternative proposal to his or her associate justices and solicited input. While not all associate justices were in agreement, the APJ Committee voted unanimously on February 22nd to support the alternative proposal making the education set forth in the original proposal mandatory for all court of appeal justices.

The Supreme Court met on February 28th and, after discussion, also voted unanimously to support the alternative proposal set forth by the APJ Advisory Committee, that is, to make the education proposed mandatory for all Supreme Court justices.

Hon. Fumiko Hachiya Wasserman

March 5, 2007

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Thank you for the opportunity to comment. If you have any questions or would like to discuss, please contact me.

cc: Chief Justice Ronald M. George

APJ Advisory Committee

William C. Vickrey

Ronald M. Overholt

Karen Thorson

## Proposed Components of Minimum Education Requirements

### Minimum Education Requirements for Justices

#### **A. New Court of Appeal justices are required to complete:**

- New Justice Orientation within two years of assuming their role

*Provider: CJER*

#### **B. Experienced Supreme Court and Court of Appeal justices are required to complete:**

- 30 hours of continuing education in a three-year period.

*Provider: Multiple providers*

### Minimum Education Requirements for Appellate Judicial Attorneys

These requirements are the same as those for other court personnel, but are included here to highlight the unique organizational placement of judicial attorneys in appellate courts.

#### **C. New Managing Attorneys are required to complete within six months the following, as appropriate, based on the discretion of the managing attorney's supervisor:**

- Orientation to the Judicial Branch (if new to the judicial branch)

*Provider: Local court or CJER*

- Orientation to the Local Court (if new to the court)

*Provider: Local court*

- Orientation to Management/Supervision (if new to management/supervision)

*Provider: Local court or CJER or other provider*

#### **D. Experienced Managing Attorneys are required to complete 12 hours of continuing education in a two-year period.**

*Provider: Multiple providers*

#### **E. New appellate judicial attorneys are required to complete within six months the following, as appropriate, based on the discretion of the attorney's supervisor:**

- Orientation to the Judicial Branch

*Provider: Local court or CJER*

- Orientation to Basic Employee Issues (Sexual Harassment, Safety, etc.)

*Provider: Local court or CJER*

- Orientation to the Local Court and the Specific Job

*Provider: Local court*

#### **F. Experienced appellate judicial attorneys are required to complete:**

- 8 hours of continuing education in a two-year period.

*Provider: Multiple providers*

### Minimum Education Requirements for Clerk/Administrators

**G. Supreme Court and Court of Appeal clerk/administrators are required to complete 30 hours of continuing education in a three-year period:**

*Provider: Multiple providers*

### Minimum Education Requirements for Appellate Managers and Supervisors

**H. New court managers and supervisors are required to complete the following content-based courses, as determined applicable by the clerk/administrator or the individual's supervisor, within 6 months of assuming the role:**

- Orientation to the Judicial Branch (if new to the judicial branch)

*Provider: Local court or CJER*

- Orientation to the Local Court (if new to the court)

*Provider: Local court*

- Orientation to Management/Supervision (if new to management/supervision)

*Provider: Local court or CJER or other provider*

**I. Experienced managers and supervisors are required to complete 12 hours of continuing education in a two-year period.**

*Provider: Multiple providers*

### Minimum Education Requirements for Appellate Court Personnel

**J. New court personnel are required to complete the following content-based courses, as determined applicable by the individual's supervisor, within 6 months of assuming their role:**

- Orientation to the Judicial Branch

*Provider: Local court or CJER*

- Orientation to Basic Employee Issues (Sexual Harassment, Safety, etc.)

*Provider: Local court or CJER*

- Orientation to the Local Court and the Specific Job

*Provider: Local court*

**K. Experienced court personnel are required to complete 8 hours of continuing education in a two-year period.**

*Provider: Multiple providers*

## Examples of Achieving Proposed Minimum Education Requirements

### Appellate Justices – 30 hours in a three-year period

Appellate Justices Institute (two days)	12 hours
A California Judges Association Mid-Year	12 hours
Qualifying Ethics	5 hours
Sexual Harassment Prevention	<u>3 hours</u>
TOTAL	32 hours (2 more than needed)
<b>or</b>	
Annual Conference of NAWJ (1.5 days of participation)	9 hours
ABA Appellate Seminar Series (one day)	6 hours
Qualifying Ethics	5 hours
Sexual Harassment Prevention	3 hours
New Faculty, 3 hour course (3 hours for each hour taught)	<u>9 hours</u>
TOTAL	32 hours (2 more than needed)

### Appellate Clerk/Administrators – 30 hours in a three-year period

National Conference of Appellate Court Clerks Meeting	25 hours
Sexual Harassment Prevention	3 hours
Conflict of Interest Online Training	<u>3 hours</u>
TOTAL	31 hours (1 more than needed)

### Appellate Managers/Supervisors – 12 hours in a two-year period

Two regional trainings (6 hours each)	12 hours
<b>or</b>	
2 Broadcasts per year (4 total)	6 hours
Sexual Harassment Prevention	3 hours
An online course	<u>3 hours</u>
TOTAL	12 hours

### Appellate Judicial Attorneys – 8 hours in a two-year period

Appellate Judicial Attorney Institute (participant one day)	6 hours
Returning faculty, 3 hour course (2 hours for each hour taught)	<u>6 hours</u>
TOTAL	12 hours (4 more than needed)
<b>or</b>	
State Bar Annual Meeting (two days)	12 hours (4 more than needed)

### Appellate Court Personnel – 8 hours in a two-year period

Two broadcasts per year (4 at 1.5 hours)	6 hours
Online course	<u>2 hours</u>
TOTAL	8 hours
<b>or</b>	
California Courts Association Conference (2 days)	12 hours (4 more than needed)

## Components of Minimum Education Requirements

### Minimum Education Requirements and Expectations for Trial Court Judges and Subordinate Judicial Officers

**A. New judges and subordinate judicial officers are required to complete the following content-based courses in the timeframes noted:**

- New Judge Orientation [within 6 months]
- Primary Assignment Overview [within 1 year] [Assignments are defined as civil, criminal, family, juvenile dependency, juvenile delinquency, probate, and traffic]
- Judicial College [within 2 years]

*Provider: CJER*

**B. If changing primary assignment, experienced judges are expected to and subordinate judicial officers are required to complete the following content-based course within 6 months of taking the new assignment:**

- Overview or Refresher Course in New Assignment [Assignments are defined as civil, criminal, family, juvenile dependency, juvenile delinquency, probate, and traffic](if new to the assignment or returning to that assignment after 2 years or more)

*Provider: Local court, the CJA, or CJER*

**C. If becoming a new supervising judge, judges are expected to complete the following content-based courses within 1 year of assuming the role:**

- Orientation to Administrative Role

*Provider: CJER*

- Orientation to Calendar Management [if determined appropriate by local court]

*Provider: Local Court or CJER*

**D. If becoming a new presiding judge, judges are expected to complete the following content-based course within 1 year of assuming the role:**

- Presiding Judges Orientation and Court Management Program

*Provider: CJER*

**E. Experienced judges are expected to and subordinate judicial officers are required to participate in 30 hours of continuing education in a three-year cycle.** [Including any hours earned in overview or refresher courses regarding a new assignment, supervising judge orientation, and presiding judge orientation]

*Provider: Multiple providers*

### Minimum Education Requirements for Trial Court Executive Officers

**F. New Court Executive Officers are required to complete the following content-based course within 1 year of assuming role:**

- Presiding Judges Orientation and Court Management Program

*Provider: CJER*

**G. Experienced Court Executive Officers are required to complete 30 hours of continuing education in a three-year cycle.**

*Provider: Multiple providers*

### Minimum Education Requirements for Trial Court Managers/Supervisors

**H. New court managers and supervisors are required to complete the following content-based courses, as determined applicable by the local court, within 6 months of assuming role:**

- Orientation to the Judicial Branch (if new to the judicial branch)

*Provider: Local Court or CJER*

- Orientation to the Local Court (if new to the court)

*Provider: Local Court*

- Orientation to Management/Supervision (if new to management/supervision)

*Provider: Local Court or CJER or other provider*

**I. Experienced managers and supervisors are required to complete 12 hours of continuing education in a two-year cycle.**

*Provider: Multiple providers*

### Minimum Education Requirements for Trial Court Personnel

**J. New court personnel are required to complete the following content-based courses, as determined applicable by the local court, within 6 months:**

- Orientation to the Judicial Branch

*Provider: Local Court or CJER*

- Orientation to Basic Employee Issues (Sexual Harassment, Safety, etc.)

*Provider: Local Court or CJER*

- Orientation to the Local Court and the Specific Job

*Provider: Local Court*

**K. Experienced court personnel are required to complete 8 hours of continuing education in a two-year cycle.**

*Provider: Multiple provider*

Table: Disposition of Key Provisions from Standards of Judicial Administration  
Incorporated into the Rules

<b>Current provisions in Standards 10.10–10.15</b>	<b>Carried over to proposed rules</b>
10.10(a)	10.451(a)
10.10(b)	10.451(a)
10.10(c)	10.451(b)
10.10(d)	---
10.11(a)	10.451(a)
10.11(b)	10.452(d)(3), (e)(3)–(4)
10.11(c)	10.451(b)
10.11(d)	10.452(d); 10.469(a)
10.11(e)	Advisory committee comment to 10.462
10.11(f)	10.469(e)
10.11(g)	10.452(d)(3), (e)(3)
10.11(h)	10.452(d)(5), (e)(6)
10.11(i)	10.462(b)
10.12 Introduction	10.469(a)
10.12(a)	10.469(b)
10.12(b)	---
10.12(c)	10.469(c)
10.13	---
10.14(a)	---
10.14(b)	10.469(d)
10.15(a)	10.451(a)
10.15(b)	10.452(f)(4), (g)(4)
10.15(c)	10.451(b)
10.15(d)	10.479(a), (c)
10.15(e)	10.479(a), (c)
10.15(f)	10.479(a), (c)–(d)
10.15(g)	10.479(c)
10.15(h)	10.479(b)
10.15(i)	10.452(f)(3), (g)(3)
10.15(j)	10.452(f)(5), (g)(5)

1 Standards of Judicial Administration 10.10–10.15 would be repealed; California  
2 Rules of Court, rules 10.469, 10.471, 10.472, 10.479, and 10.491 would be  
3 adopted; rules 10.452, 10.461, and 10.462 would be amended; and rules 5.30,  
4 10.463, 10.464, and 10.471 would be amended and renumbered as rules 10.463,  
5 10.473, 10.474, and 10.481, respectively, effective January 1, 2008, to read:

6  
7 **Standard 10.10. Judicial branch education**

8  
9 **(a) Purpose**

10  
11 ~~Judicial branch education for all trial and appellate judicial officers and court~~  
12 ~~employees is essential to improving the fair, effective, and efficient~~  
13 ~~administration of justice. Judicial branch education is acknowledged as a~~  
14 ~~vital component in achieving the goals of the Judicial Council’s Long Range~~  
15 ~~Strategic Plan, including access and fairness, branch independence,~~  
16 ~~modernization, and quality of justice. The Judicial Council has charged the~~  
17 ~~Governing Committee of the Center for Judicial Education and Research~~  
18 ~~(CJER), an advisory committee to the council, with developing and~~  
19 ~~maintaining a comprehensive and quality education program on behalf of the~~  
20 ~~Judicial Council for the California judicial branch.~~

21  
22 *(Subd (a) amended effective January 1, 2007.)*

23  
24 **(b) Education activities part of official duties**

25  
26 ~~Judicial officers and court employees should consider participation in~~  
27 ~~education activities to be part of their official duties. The responsibility for~~  
28 ~~planning, conducting, and overseeing judicial branch education properly~~  
29 ~~resides in the judicial branch. Standards for judicial branch education are~~  
30 ~~stated in standards 10.11 and 10.15.~~

31  
32 *(Subd (b) adopted effective January 1, 2007.)*

33  
34 **(c) Education objectives**

35  
36 ~~Judicial officers, court employees, educational committees, and others who~~  
37 ~~plan judicial branch educational programs should work to achieve the~~  
38 ~~following objectives:~~

- 39  
40 ~~(1) Provide judicial officers and court employees with the knowledge,~~  
41 ~~skills, and techniques required to competently perform their~~  
42 ~~responsibilities fairly and efficiently;~~

- 1           (2) ~~Assist judicial officers and court employees to prevent bias in order to~~  
2           ~~preserve the integrity and impartiality of the judicial system;~~  
3  
4           (3) ~~Promote adherence by judicial officers and court employees to the~~  
5           ~~highest ideals of personal and official conduct specified in the~~  
6           ~~California Code of Judicial Ethics and the Code of Ethics for the Court~~  
7           ~~Employees of California;~~  
8  
9           (4) ~~Improve the administration of justice, reduce court delay, and promote~~  
10           ~~fair and efficient management of court proceedings;~~  
11  
12           (5) ~~Promote standardized court practices and procedures; and~~  
13  
14           (6) ~~Implement the Standards of Judicial Administration recommended by~~  
15           ~~the Judicial Council.~~

16  
17           ~~*(Subd (c) amended and relettered effective January 1, 2007; adopted as subd (b) effective*~~  
18           ~~*January 1, 1999.*~~

19  
20       **~~(d) Elements of comprehensive education program~~**

21  
22       ~~The Governing Committee of CJER is responsible for developing and~~  
23       ~~maintaining a comprehensive and quality education program for the judicial~~  
24       ~~branch. This program is to be implemented by CJER as the Education~~  
25       ~~Division of the Administrative Office of the Courts. The program should be~~  
26       ~~designed to meet the educational needs and requirements of judicial officers~~  
27       ~~and court employees as stated in standards 10.11 and 10.15 and should~~  
28       ~~include the following elements:~~

- 29  
30           (1) ~~Developing curricula (instructional and participant materials) for all~~  
31           ~~judicial and administrative courses along a continuum including basic~~  
32           ~~and continuing education. Curricula for judicial courses should cover~~  
33           ~~applicable substantive and procedural law.~~  
34  
35           (2) ~~Providing directly a range of education programs at the statewide,~~  
36           ~~regional, and local levels, and facilitating the sharing of local and~~  
37           ~~regional court education resources.~~  
38  
39           (3) ~~Developing skills-based curricula for judicial officers and court~~  
40           ~~employees focused on learning practical skills, including management~~  
41           ~~skills training and technology skills training.~~  
42

- 1           ~~(4) Conducting train the trainer programs for judicial officers and court~~  
2           ~~employees to develop a large group of experienced faculty that can~~  
3           ~~deliver and support the delivery of curricula at the local and regional~~  
4           ~~levels.~~  
5  
6           ~~(5) Providing technical assistance and other assistance, coordination, and~~  
7           ~~support for local education programs, including curricula, written~~  
8           ~~materials, videotapes, and trained faculty. This element is particularly~~  
9           ~~important in providing sufficient education opportunities for court~~  
10           ~~employees.~~  
11  
12           ~~(6) Developing and distributing a range of publications, audio and~~  
13           ~~videotapes, and other education services, including both electronic and~~  
14           ~~print media.~~  
15  
16           ~~(7) Developing alternative delivery of judicial branch education services~~  
17           ~~by means of distance learning, such as delivery of live programs on the~~  
18           ~~Internet, satellite broadcasting, videoconferencing, CD-ROM and~~  
19           ~~Internet publishing, and computer based instruction.~~  
20  
21           ~~(8) Developing comprehensive materials to support ongoing efforts and~~  
22           ~~provide a range of opportunities in the critical area of fairness~~  
23           ~~education for judicial officers and court employees.~~  
24  
25           ~~(9) Developing comprehensive materials in order to provide a range of~~  
26           ~~opportunities in management training and leadership development for~~  
27           ~~both judicial officers and court employees, including substantial skills-~~  
28           ~~based training. Course development in this area should recognize the~~  
29           ~~differences in managing courts of different sizes.~~  
30  
31           ~~(10) Publishing and distributing on a regular basis a catalog or compendium~~  
32           ~~of education opportunities available at the state and local levels,~~  
33           ~~including programs, audio and videotapes, publications, and other~~  
34           ~~education services.~~

35  
36           ~~(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (e) effective~~  
37           ~~January 1, 1999.~~

38  
39           ~~Standard 10.10 amended and renumbered effective January 1, 2007; adopted as Sec. 25 effective~~  
40           ~~January 1, 1999.~~

41  
42           ~~**Standard 10.11. General judicial education standards**~~

1 **(a) — Judicial education generally**

2  
3 Judicial education for all judicial officers is essential to enhancing the fair  
4 and efficient administration of justice. Judicial officers should consider  
5 participation in judicial education activities to be an official judicial duty.  
6 The responsibility for planning, conducting, and overseeing judicial  
7 education properly rests in the judiciary.

8  
9 *(Subd. (a) amended effective January 1, 2007; adopted effective January 1, 1990;*  
10 *previously amended effective January 1, 1999.)*

11  
12 **(b) — Responsibilities of presiding judges and justices**

13  
14 Presiding judges and justices should establish judicial education plans for  
15 their courts that facilitate the participation of judicial officers as both  
16 students and faculty at judicial education programs, as prescribed by the  
17 California Rules of Court and these standards. They should also use their  
18 assignment powers to make appropriate replacements for judicial officers  
19 assigned to special calendar courts to permit them to participate in judicial  
20 education activities.

21  
22 *(Subd. (b) amended effective January 1, 2007; adopted effective January 1, 1990;*  
23 *previously amended effective January 1, 1999.)*

24  
25 **(c) — Judicial educational objectives**

26  
27 Judicial officers, educational committees, and others who plan educational  
28 programs should endeavor to achieve the objectives specified in standard  
29 10(c).

30  
31 *(Subd. (c) amended effective January 1, 2007; adopted effective January 1, 1990;*  
32 *previously amended effective January 1, 1999.)*

33  
34 **(d) — Continuing judicial education**

35  
36 After a judicial officer has completed the first year on the bench, the court  
37 should grant the judicial officer at least eight court days per calendar year to  
38 attend continuing education programs relating to the judicial officer's  
39 responsibilities or court assignment. The judicial officer should participate in  
40 education activities related to particular judicial assignments as specified in  
41 standard 10.12.

42  
43 *(Subd. (d) amended and relettered effective January 1, 2007; adopted as subd. (e) effective*  
44 *January 1, 1990; previously amended effective January 1, 1999.)*

1  
2 **(e) — Education for retired judges sitting on assignment**

3  
4 Retired judges seeking to sit on regular court assignment should participate  
5 in education activities in order to comply with the requirements of the Chief  
6 Justice's Standards and Guidelines for Judges Who Serve on Assignment.

7  
8 *(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (f) effective*  
9 *January 1, 1999.)*

10  
11 **(f) — Fairness education**

12  
13 In order to achieve the objective of assisting judicial officers in preserving  
14 the integrity and impartiality of the judicial system through the prevention of  
15 bias, all judicial officers should receive education on fairness. The education  
16 should include instruction on race and ethnicity, gender, sexual orientation,  
17 persons with disabilities, and sexual harassment.

18  
19 *(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (g) January*  
20 *1, 1999.)*

21  
22 **(g) — Service as faculty and education committee members**

23  
24 In addition to the educational leave required or authorized under rule 10.603  
25 or subdivision (d) or (f) of this standard, a judicial officer should be granted  
26 leave to serve on judicial education committees and as a faculty member at  
27 judicial education programs when the judicial officer's services have been  
28 requested for these purposes by the Judicial Council, the California Judges  
29 Association, CJER, or the judicial officer's court. If a court's calendar would  
30 not be adversely affected, the court should grant additional leave for a  
31 judicial officer to serve on an educational committee or as a faculty member  
32 for any judicial education provider that requests the judicial officer's  
33 services.

34  
35 *(Subd. (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective*  
36 *January 1, 1990; previously amended and relettered subd (h) effective January 1, 1999.)*

37  
38 **(h) — Reimbursement of expenses**

39  
40 A judicial officer should be reimbursed, in accordance with applicable state  
41 or local rules, by his or her court for actual and necessary travel and  
42 subsistence expenses incurred in attending a judicial education program as a  
43 student participant, except to the extent that the judicial education provider

1 sponsoring the program pays the expenses. Every court's budget should  
2 provide for those expenses.

3  
4 *(Subd (h) amended and relettered effective January 1, 2007; adopted as subd (g) effective*  
5 *January 1, 1990; previously amended and relettered subd (i) effective January 1, 1999.)*  
6

7 **(i) Application of standard to commissioners and referees**

8  
9 As used in this standard, unless the context or subject matter otherwise  
10 requires, "judicial officers" means justices, judges, commissioners, and  
11 referees who are court employees not engaged in the practice of law.

12  
13 *(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective*  
14 *January 1, 1990; previously amended and relettered subd (j) effective January 1, 1999.)*  
15

16 *Standard 10.11 amended and renumbered effective January 1, 2007; adopted as Sec. 25 effective*  
17 *January 1, 1990; previously amended and renumbered as Sec. 25.1 effective January 1, 1999.*  
18

19 **Advisory Committee Comment**

20  
21 Subdivision (a). This provision recognizes that judicial officers must develop, maintain, and  
22 improve their professional competence by participating in judicial orientation and training  
23 programs when they first assume their judicial positions, and thereafter in continuing education  
24 programs throughout their judicial careers.  
25

26 The judiciary will assess its own educational needs and establish appropriate programs and tools  
27 for meeting those needs. Various judicial organizations in this state, such as the Administrative  
28 Office of the Courts, the California Judges Association, and the Center for Judicial Education and  
29 Research, provide judicial officers with comprehensive educational opportunities in all areas of  
30 their judicial responsibilities. These organizations typically use experienced judicial officers to  
31 plan, conduct, oversee, and evaluate the effectiveness of their programs. Judicial officers  
32 determine all aspects of the programs offered by the California Judges Association. The Center  
33 for Judicial Education and Research is governed by an 11 member governing committee  
34 appointed by the Chief Justice of California as Chair of the Judicial Council. Four of the judicial  
35 members are nominated by the California Judges Association and four are appointed on behalf of  
36 the Judicial Council; three court administrator members are appointed on behalf of the Judicial  
37 Council. Subject to the Judicial Council's authority, the committee is responsible for determining  
38 matters relating to the center's judicial branch education policies and for making  
39 recommendations to the Judicial Council for action. The center's educational activities are  
40 planned, conducted, and overseen by a broad base of judicial officers and administrators serving  
41 on planning committees under the governing committee's supervision.  
42

43 Subdivision (b). Although caseloads and court calendars may make it difficult for presiding  
44 judges and justices to permit judicial officers from their courts to participate in judicial education  
45 programs, their cooperation and preparation of orderly judicial education plans for all the judicial  
46 officers of their respective courts is important to the ultimate effectiveness of judicial education in  
47 this state.  
48

1 Judicial officers who serve as faculty at judicial education programs are assumed to derive  
2 educational benefits comparable to, if not greater than, those received by student participants.

3  
4 A judicial officer assigned to a special calendar court, such as family or juvenile, may not be able  
5 to participate in judicial education programs unless another judicial officer is assigned to handle  
6 that calendar while he or she is away.

7  
8 Subdivision (d). This provision specifies the minimum annual continuing education relating to a  
9 judicial officer's responsibilities or court assignment. A judicial officer with two or more  
10 assignments or special responsibilities, such as a presiding or supervising judge, may require  
11 additional continuing education. In addition, if a court has established its own local judicial  
12 education program, judicial officers of that court are encouraged to avail themselves of local  
13 educational programs, materials, and liaison projects. Although (d) refers to court days, it  
14 assumes that judicial officers will continue to attend weekend courses.

15  
16 Subdivision (g). This provision recognizes the importance of judicial officers being able to serve  
17 as lecturers, seminar leaders, consultants, and committee members for judicial education  
18 programs and projects. Faculty service is a significant educational experience for the faculty  
19 member and a significant contribution to the maintenance of necessary educational standards for  
20 the California judiciary.

21  
22 **Standard 10.12. Judicial education for judicial officers in particular judicial**  
23 **assignments**

24  
25 Each judicial officer, as part of his or her continuing judicial education, should  
26 participate in educational activities related to the following particular judicial  
27 assignments:

28  
29 **(a) Jury trials**

30  
31 A judicial officer assigned to jury trials should use Center for Judicial  
32 Education and Research (CJER) educational materials or other appropriate  
33 materials or attend CJER or other appropriate educational programs devoted  
34 to the conduct of jury voir dire and the treatment of jurors.

35  
36 **(b) Family court**

37  
38 Every judicial officer whose principal judicial assignment is to hear family  
39 law matters or who is the sole judicial officer hearing such matters should  
40 attend the following judicial education programs:

41  
42 **(1) Basic education**

43  
44 Within three months of beginning a family law assignment, or within  
45 one year of beginning a family law assignment in courts with five or  
46 fewer judicial officers, the judicial officer should attend a basic

1 educational program on California family law and procedure designed  
2 primarily for judicial officers. A judicial officer who has completed the  
3 basic educational program need not attend the program again. All other  
4 judicial officers who hear family law matters, including retired judicial  
5 officers who sit on court assignment, should participate in appropriate  
6 family law educational programs.

7  
8 *(2) — Continuing education*

9  
10 The judicial officer should attend a periodic update on new  
11 developments in California family law and procedure.

12  
13 *(3) — Other education*

14  
15 To the extent that judicial time and resources are available, the judicial  
16 officer should attend additional educational programs on other aspects  
17 of family law, including interdisciplinary subjects relating to the  
18 family.

19  
20 *(Subd (b) amended effective January 1, 2007.)*

21  
22 **(e) — Juvenile dependency court**

23  
24 Each judicial officer whose principal judicial assignment is to hear juvenile  
25 dependency matters or who is the sole judicial officer hearing juvenile  
26 dependency matters should attend judicial education programs as follows:

27  
28 *(1) — Basic education*

29  
30 Within one year of beginning a juvenile dependency assignment, the  
31 judicial officer should receive basic education on California juvenile  
32 dependency law and procedure designed primarily for judicial officers.  
33 All other judicial officers who hear juvenile dependency matters,  
34 including retired judicial officers who sit on court assignment, should  
35 participate in appropriate educational programs, including written  
36 materials and videotapes designed for self study.

37  
38 *(2) — Continuing education*

39  
40 The judicial officer should annually attend the CJER Juvenile Law and  
41 Procedure Institute and one additional education program related to  
42 juvenile dependency law, including programs sponsored by CJER, the  
43 California Judges Association, the Judicial Council, the National

1           Judicial College, the National Council of Juvenile and Family Court  
2           Judges, and other programs approved by the presiding judge. The use  
3           of video and audiotapes may substitute for attendance.

4  
5           ~~Standard 10.12 amended and renumbered effective January 1, 2007; adopted as Sec. 25.2~~  
6           ~~effective January 1, 1999.~~

7  
8           **Standard 10.13. Judicial education curricula provided in particular judicial**  
9           **assignments**

10  
11          The Center for Judicial Education and Research (CJER) should provide a  
12          comprehensive educational curriculum for judicial officers in the following  
13          particular judicial assignments, corresponding to those identified in standard  
14          10.12:

15  
16           (1) — *Jury trials*

17  
18           CJER should develop and provide to every California trial court  
19           educational materials on jury selection and the treatment of jurors for  
20           use and review by judicial officers, court administrators, and jury staff  
21           employees.

22  
23           (2) — *Family court*

24  
25           (A) — *Comprehensive curriculum*

26  
27           CJER should provide a comprehensive educational curriculum for  
28           judicial officers who hear family law matters. This curriculum  
29           should include instruction in California law and procedure  
30           relevant to family matters, the effects of gender on family law  
31           proceedings, the economic effects of dissolution, and  
32           interdisciplinary subjects relating to family court matters,  
33           including but not limited to child development, substance abuse,  
34           sexual abuse of children, domestic violence, child abuse and  
35           neglect, juvenile justice, adoption, and the social service and  
36           mental health systems. It should include videotaped presentations  
37           and written materials that can be provided for local court use.

38  
39           (B) — *Periodic updates*

40  
41           CJER should conduct periodic educational programs that provide  
42           updates on new developments, innovative court practices, and fair  
43           and efficient procedures in family law.

1  
2 ~~(3)—Juvenile dependency court~~

3  
4 ~~(A)—Comprehensive curriculum~~

5  
6 ~~CJER should provide a comprehensive curriculum on juvenile~~  
7 ~~dependency law and procedure for judicial officers who hear~~  
8 ~~juvenile dependency matters. The curriculum should include:~~

9  
10 ~~(i)—California law and procedure relevant to juvenile~~  
11 ~~dependency matters;~~

12  
13 ~~(ii)—Interagency relationships;~~

14  
15 ~~(iii)—The effects of gender, race, and ethnicity on juvenile~~  
16 ~~dependency proceedings; and~~

17  
18 ~~(iv)—Interdisciplinary subjects relating to juvenile law matters,~~  
19 ~~including child development, child witness, substance abuse,~~  
20 ~~family violence, child abuse (including sexual abuse),~~  
21 ~~adoption, and stress related to the juvenile court assignment.~~  
22 ~~The curriculum should also include an instruction~~  
23 ~~component at the judicial college and materials for local~~  
24 ~~court use and self-study.~~

25  
26 ~~(B)—Periodic updates~~

27  
28 ~~CJER should conduct an annual educational program that~~  
29 ~~provides an update on new developments, innovative programs~~  
30 ~~and court practices, and fair and efficient procedures in juvenile~~  
31 ~~law.~~

32  
33 *Standard 10.12 amended and renumbered effective January 1, 2007; repealed and adopted as*  
34 *Sec. 25.3 effective January 1, 1999.*

35  
36 **Standard 10.14. Judicial education for judges hearing capital cases**

37  
38 **(a)—Comprehensive curriculum**

39  
40 ~~The Center for Judicial Education and Research (CJER) should provide a~~  
41 ~~comprehensive curriculum and periodic updates for training on California~~  
42 ~~law and procedure relevant to capital cases. The periodic update may be~~

1 provided through actual classroom instruction or through video, audio, or  
2 other media as determined by CJER.

3  
4 *(Subd. (a) amended effective January 1, 2007.)*  
5

6 **~~(b) Comprehensive training~~**

7  
8 A judge assigned to a capital case should attend the comprehensive training  
9 specified in (a) before commencement of the trial. A judge with a subsequent  
10 assignment to a capital case should complete the periodic update course  
11 described in (a) within two years before the commencement of the trial.

12  
13 *(Subd. (b) amended effective January 1, 2007.)*  
14

15 *Standard 10.14 amended and renumbered effective January 1, 2007; adopted as Sec. 25.4*  
16 *effective January 1, 2004.*  
17

18 **~~Standard 10.15. General court employee education standards~~**

19  
20 **~~(a) Court employee education generally~~**  
21

22 Court employee education for all trial and appellate court employees is  
23 essential to enhancing the fair and efficient administration of justice. The  
24 Judicial Council strives to reach all court employees with educational  
25 opportunities. Court employees should consider participation in judicial  
26 branch education activities to be an official duty. The responsibility for  
27 planning, conducting, and overseeing judicial branch education properly  
28 rests in the judicial branch.

29  
30 *(Subd. (a) amended effective January 1, 2007.)*  
31

32 **~~(b) Responsibilities of executive and administrative officers~~**  
33

34 Executive and administrative officers should develop, as a part of the annual  
35 budget process for their courts, annual education plans that facilitate  
36 employees' participation as both students and faculty in judicial branch  
37 education programs, as prescribed by this standard. The plans may designate,  
38 either locally or regionally, a training specialist to coordinate the  
39 implementation of the plans. The plans should include methods of measuring  
40 the effectiveness of education programs. A copy of the locally developed  
41 education plans should be forwarded to the Center for Judicial Education and  
42 Research (CJER), which will serve as a depository.

43  
44 *(Subd. (b) amended effective January 1, 2007.)*

1  
2 **~~(e) — Court employee education objectives~~**  
3

4 Court employee educational committees and others who plan educational  
5 programs should endeavor to achieve the objectives specified in standard  
6 10.10(e).

7  
8 *(Subd. (e) amended effective January 1, 2007.)*  
9

10 **~~(d) — Executive and administrative officer education~~**  
11

12 ~~(1) — Executive and administrative officers should participate in a minimum~~  
13 ~~of one core course offered by the Judicial Council through CJER (e.g.,~~  
14 ~~a course in leadership, organizational change, technology, budgeting,~~  
15 ~~community and media relations, caseload management, management~~  
16 ~~teams, team building, or strategic planning) within one year of~~  
17 ~~appointment.~~

18  
19 ~~(2) — Executive and administrative officers should annually participate in a~~  
20 ~~minimum of one continuing education course or conference (e.g.,~~  
21 ~~California Judicial Administration Conference or Continuing Judicial~~  
22 ~~Studies Program) offered by the Judicial Council through CJER or by~~  
23 ~~other providers.~~

24  
25 ~~(3) — Executive and administrative officers should participate in a course on~~  
26 ~~fairness and diversity offered locally or by the Judicial Council through~~  
27 ~~CJER.~~

28  
29 ~~(4) — Executive and administrative officers should make use of alternative~~  
30 ~~methods of delivery of educational programming offered locally or by~~  
31 ~~the Judicial Council through CJER.~~

32  
33 ~~(5) — Executive and administrative officers should make training available to~~  
34 ~~their employees on a local or regional level. This training should~~  
35 ~~include an orientation program for all new employees on the~~  
36 ~~background, history, and structure of the judicial branch, including the~~  
37 ~~Judicial Council and the Administrative Office of the Courts.~~

38  
39 ~~(6) — Executive and administrative officers retain authority to determine~~  
40 ~~whether employees may attend an education program, based on the~~  
41 ~~program's quality and relevance.~~

42  
43 *(Subd. (d) amended effective January 1, 2007.)*

1  
2 **(e) — Manager education**

3  
4 ~~(1) — Managers should participate annually in a minimum of one core course~~  
5 ~~on leadership, management, or supervision offered locally or by the~~  
6 ~~Judicial Council through CJER.~~

7  
8 ~~(2) — Managers should participate in a course on fairness and diversity~~  
9 ~~offered locally or by the Judicial Council through CJER.~~

10  
11 *(Subd (e) amended effective January 1, 2007.)*

12  
13 **(f) — Employee education**

14  
15 ~~(1) — Employees should participate within the first year of employment in a~~  
16 ~~local orientation program that includes the background, history, and~~  
17 ~~structure of the judicial branch.~~

18  
19 ~~(2) — Employees should participate in a minimum of one continuing~~  
20 ~~education course annually. This course may be offered by the Judicial~~  
21 ~~Council through CJER, statewide by the clerks' associations, or locally~~  
22 ~~by other providers. It may include a college course that is work related.~~

23  
24 ~~(3) — Employees should participate in a course on fairness and diversity~~  
25 ~~offered locally or by the Judicial Council through CJER.~~

26  
27 ~~(4) — Employees should participate in a course covering appropriate skills~~  
28 ~~and conduct for working with court customers offered locally or by the~~  
29 ~~Judicial Council through CJER.~~

30  
31 ~~(5) — Eligible employees are encouraged to participate in the Court Clerk~~  
32 ~~Training Institute within five years of appointment.~~

33  
34 *(Subd (f) amended effective January 1, 2007.)*

35  
36 **(g) — Fairness education**

37  
38 ~~In order to achieve the objective of assisting court employees in preserving~~  
39 ~~the integrity and impartiality of the judicial system through the prevention of~~  
40 ~~bias, all court employees should receive education on fairness. The education~~  
41 ~~should include instruction on race and ethnicity, gender, sexual orientation,~~  
42 ~~persons with disabilities, and sexual harassment.~~

1 *(Subd. (g) amended effective January 1, 2007.)*

2  
3 **(h) — Education on treatment of jurors**

4  
5 The presiding judge of each trial court should ensure that all court  
6 administrators and all court employees who interact with jurors are properly  
7 trained in the appropriate treatment of jurors. Court administrators and jury  
8 staff employees should use CJER educational materials or other appropriate  
9 materials or attend CJER programs or other appropriate programs devoted to  
10 the treatment of jurors.

11  
12 **(i) — Service as faculty and committee members**

13  
14 In addition to participating as students in educational activities, court  
15 employees should be allowed and encouraged to serve on court employee  
16 education committees and as faculty at court employee education programs  
17 when an employee's services have been requested for these purposes by the  
18 Judicial Council, CJER, or the court.

19  
20 **(j) — Reimbursement of expenses**

21  
22 A court employee should be reimbursed, in accordance with applicable state  
23 or local rules, by his or her court for actual and necessary travel and  
24 subsistence expenses incurred in attending a court employee education  
25 program as a student participant under this standard, except to the extent that  
26 the education provider sponsoring the program pays the expenses. Every  
27 court's budget should provide for those expenses.

28  
29 *(Subd. (j) amended effective January 1, 2007.)*

30  
31 *Standard 10.15 amended and renumbered effective January 1, 2007; adopted as Sec. 25.6*  
32 *effective January 1, 1999.*

33  
34 **Advisory Committee Comment**

35  
36 Subdivision (a). This subdivision recognizes that court employees should develop, maintain, and  
37 improve their professional competence by participating in training programs when they assume  
38 their positions and thereafter in continuing education programs throughout their careers. The  
39 judicial branch should assess its own educational needs and establish appropriate programs.

40  
41 Subdivision (b). The educational plans provided for in the subdivision are important for the  
42 ultimate effectiveness of judicial branch education in this state. Court employees who serve as  
43 faculty at education programs are assumed to derive educational benefits comparable to, if not  
44 greater than, those received by student participants.



1 The education requirements and expectations set forth in rules 10.461–  
2 10.462~~464~~ and 10.471–10.474 are minimums. Justices, judges, and  
3 subordinate judicial officers should participate in more judicial education  
4 than is required and expected, related to each individual’s responsibilities  
5 and particular judicial assignment or assignments and in accordance with the  
6 judicial education recommendations standards-set forth in rule  
7 10.469standards 10.1010.14 of the California Standards of Judicial  
8 Administration. Additional education requirements related to the specific  
9 responsibility of hearing family law matters are set forth in rule 10.463.  
10 Clerk/administrators, Court executive officers, and other court personnel  
11 should participate in more education than is required, related to each  
12 individual’s responsibilities and in accordance with the education  
13 recommendations standards-set forth in rule 10.479standard 10.15 of the  
14 California Standards of Judicial Administration.

15  
16 **(d) Responsibilities of Chief Justice and administrative presiding justices**

17  
18 The Chief Justice and Each administrative presiding justice:

- 19  
20 (1) Must grant sufficient leave to new-Supreme Court and Court of Appeal  
21 justices, and the clerk/administrator, and the managing attorney to  
22 enable them to complete the minimum education requirements stated in  
23 rules 10.461, 10.471~~3~~, and 10.472, respectively;  
24  
25 (2) To the extent compatible with the efficient administration of justice,  
26 must grant to all justices, and the clerk/administrator, and the managing  
27 attorney sufficient leave to participate in education programs consistent  
28 with the education recommendations standards-stated in rules 10.469  
29 and 10.479.10.11 of the Standards of Judicial Administration; After a  
30 justice has completed any new justice education required under rule  
31 10.461 or after a justice has completed the first year on the bench, the  
32 Chief Justice or the administrative presiding justice should grant each  
33 justice at least eight court days per calendar year to participate in  
34 continuing education relating to the justice’s responsibilities;  
35  
36 (3) In addition to the educational leave required under (d)(1)–(2), should  
37 grant leave to a justice, clerk/administrator, or managing attorney to  
38 serve on education committees and as a faculty member at education  
39 programs when the individual’s services have been requested for these  
40 purposes by the Administrative Office of the Courts, the California  
41 Judges Association, or the court. If a court’s calendar would not be  
42 adversely affected, the court should grant additional leave for a justice,  
43 the clerk/administrator, or the managing attorney to serve on an

1 educational committee or as a faculty member for judicial branch  
2 education;

3  
4 (43) Should establish an education plan for his or her court to facilitate the  
5 involvement of justices, the clerk/administrator, and the managing  
6 attorney as both participants and faculty in education activities;  
7

8 (54) Must ensure that Court of Appeal justices, the clerk/administrator, and  
9 the managing attorney are reimbursed by their court in accordance with  
10 the travel policies issued by the Administrative Office of the Courts for  
11 travel expenses incurred in attending in-state education programs as a  
12 participant, except to the extent that: (i) certain expenses are covered by  
13 the Administrative Office of the Courts; or (ii) the education provider  
14 or sponsor of the program pays the expenses. Provisions for these  
15 expenses must be part of every court's budget. The Chief Justice or the  
16 administrative presiding justice may approve reimbursement of travel  
17 expenses incurred by Court of Appeal justices, the clerk/administrator,  
18 and the managing attorney in attending out-of-state education programs  
19 as a participant.; and  
20

21 (6) Must retain the records and cumulative histories of participation  
22 provided by justices. These records and cumulative histories are subject  
23 to periodic audit by the Administrative Office of the Courts. The Chief  
24 Justice and the administrative presiding justice must report the data  
25 from the records and cumulative histories on an aggregate basis to the  
26 Judicial Council, on a form provided by the Judicial Council, within six  
27 months after the end of each three-year period.  
28

29 **(e) Responsibilities of presiding judges**

30 Each presiding judge:

31  
32  
33 (1) Must grant sufficient leave to all judges and subordinate judicial  
34 officers and to the court executive officer to enable them to complete  
35 the minimum education requirements and expectations stated in rules  
36 10.462 and 10.473~~463~~, respectively;  
37

38 (2) To the extent compatible with the efficient administration of justice,  
39 must grant to all judges and subordinate judicial officers and to the  
40 court executive officer sufficient leave to participate in education  
41 programs consistent with the education recommendations standards  
42 10.1110.14 of the California Standards of Judicial Administration  
43 stated in rules 10.469 and 10.479. After a judge or subordinate judicial

1            officer has completed the new judge education required under rule  
2            10.462, the presiding judge should grant each judge and subordinate  
3            judicial officer at least eight court days per calendar year to participate  
4            in continuing education relating to the judge or subordinate judicial  
5            officer’s responsibilities or current or future court assignment;  
6

7            (3) In addition to the educational leave required or authorized under rule  
8            10.603 or (e)(1)–(2), should grant leave to a judge or subordinate  
9            judicial officer or the executive officer to serve on education  
10           committees and as a faculty member at education programs when the  
11           judicial officer’s or executive officer’s services have been requested for  
12           these purposes by the Judicial Council, the California Judges  
13           Association, or the court. If a court’s calendar would not be adversely  
14           affected, the presiding judge should grant additional leave for a judge  
15           or subordinate judicial officer or executive officer to serve on an  
16           educational committee or as a faculty member for judicial branch  
17           education;  
18

19           (43) Should establish an education plan for his or her court to facilitate the  
20           involvement of judges, subordinate judicial officers, and the executive  
21           officer as both participants and faculty in education activities and  
22           should consult with each judge, each subordinate judicial officer, and  
23           the executive officer regarding their education needs and requirements  
24           related to their current and future assignments;  
25

26           (54) Should use his or her assignment powers to enable all judges and  
27           subordinate judicial officers, particularly those assigned to specific  
28           calendar courts, to participate in educational activities;  
29

30           (65) Must ensure that judges, subordinate judicial officers, and the court  
31           executive officer are reimbursed by their court in accordance with the  
32           Trial Court Financial Policies and Procedures Manual for travel  
33           expenses incurred in attending in-state education programs as a  
34           participant, except to the extent that: (i) certain expenses are covered by  
35           the Administrative Office of the Courts; or (ii) the education provider  
36           or sponsor of the program pays the expenses. Provisions for these  
37           expenses must be part of every court’s budget. The presiding judge  
38           may approve reimbursement of travel expenses incurred by judges,  
39           subordinate judicial officers, and the court executive officer in  
40           attending out-of-state education programs as a participant; and  
41

42           (76) Must retain the records and cumulative histories of participation  
43           provided by judges. These records and cumulative histories are subject

1 to periodic audit by the Administrative Office of the Courts (AOC).  
2 The presiding judge must report the data from the records and  
3 cumulative histories on an aggregate basis to the Judicial Council, on a  
4 form provided by the Judicial Council, within six months after the end  
5 of each three-year period.

6  
7 **(f) Responsibilities of Supreme Court and Court of Appeal justices,**  
8 **clerk/administrators, managing attorneys, and supervisors**

9  
10 Each court's justices, clerk/administrator, managing attorney, and  
11 supervisors:

- 12  
13 (1) Must grant sufficient leave to all court personnel to enable them to  
14 complete the minimum education requirements stated in rule 10.472;  
15  
16 (2) To the extent compatible with the efficient administration of justice,  
17 must grant to all court personnel sufficient leave to participate in  
18 education programs consistent with the education recommendations  
19 stated in rule 10.479;  
20  
21 (3) Should allow and encourage court personnel, in addition to  
22 participating as students in educational activities, to serve on court  
23 personnel education committees and as faculty at court personnel  
24 education programs when an employee's services have been requested  
25 for these purposes by the Administrative Office of the Courts or the  
26 court; and  
27  
28 (4) Should establish an education plan for their court to facilitate the  
29 involvement of court personnel as both participants and faculty in  
30 educational activities, and should consult with each court staff member  
31 regarding his or her education needs and requirements and professional  
32 development.  
33  
34 (5) Must ensure that supervisors and other court personnel are reimbursed  
35 by their court in accordance with the travel policies issued by the  
36 Administrative Office of the Courts for travel expenses incurred in  
37 attending in-state education programs as a participant, except to the  
38 extent that: (i) certain expenses are covered by the Administrative  
39 Office of the Courts; or (ii) the education provider or sponsor of the  
40 program pays the expenses. Provisions for these expenses must be part  
41 of every court's budget. The clerk/administrator or the managing  
42 attorney may approve reimbursement of travel expenses incurred by

1 supervisors and other court personnel in attending out-of-state  
2 education programs as a participant.

3  
4 **(gf) Responsibilities of trial court executive officers, managers, and**  
5 **supervisors**

6  
7 Each trial court's executive officer, managers, and supervisors:

- 8  
9 (1) Must grant sufficient leave to all court personnel to enable them to  
10 complete the minimum education requirements stated in rule  
11 10.474464;
- 12  
13 (2) To the extent compatible with the efficient administration of justice,  
14 must grant to all court personnel sufficient leave to participate in  
15 education programs consistent with the education recommendations  
16 standards stated in rule 10.479; 10.15 of the California Standards of  
17 Judicial Administration; and
- 18  
19 (3) Should allow and encourage court personnel, in addition to  
20 participating as students in education activities, to serve on court  
21 personnel education committees and as faculty at court personnel  
22 education programs when an employee's services have been requested  
23 for these purposes by the Judicial Council or the court;
- 24  
25 (43) Should establish an education plan for their court to facilitate the  
26 involvement of court personnel as both participants and faculty in  
27 educational activities, and should consult with each court staff member  
28 regarding his or her education needs and requirements and professional  
29 development; and
- 30  
31 (54) Must ensure that managers, supervisors, and other court personnel are  
32 reimbursed by their court in accordance with the Trial Court Financial  
33 Policies and Procedures Manual for travel expenses incurred in  
34 attending in-state education programs as a participant, except to the  
35 extent that: (i) certain expenses are covered by the Administrative  
36 Office of the Courts; or (ii) the education provider or sponsor of the  
37 program pays the expenses. Provisions for these expenses must be part  
38 of every court's budget. The court executive officer may approve  
39 reimbursement of travel expenses incurred by managers, supervisors,  
40 and other court personnel in attending out-of-state education programs  
41 as a participant.  
42

1 **Rule 10.461. New Minimum education requirements for Supreme Court and**  
2 **Court of Appeal justices**

3  
4 **(a) Applicability**

5  
6 All California Court of Appeal justices must complete the minimum judicial  
7 education requirements for new justices under (b) and all Supreme Court and  
8 Court of Appeal justices must complete minimum continuing education  
9 requirements as outlined under (c). All justices should participate in more  
10 judicial education than is required, related to each individual's  
11 responsibilities and in accordance with the judicial education  
12 recommendations set forth in rule 10.469.

13  
14 **(b) Content-based requirement**

15  
16 Each new Court of Appeal justice, within two years of confirmation of  
17 appointment, must attend a new appellate judge orientation program  
18 sponsored by a national provider of appellate orientation programs or by the  
19 Administrative Office of the Courts' Education Division/Center for Judicial  
20 Education and Research.

21  
22 **(c) Hours-based continuing education**

23  
24 (1) Each justice must complete 30 hours of continuing judicial education  
25 every three years, beginning on the dates outlined:

26  
27 (A) A new Supreme Court justice enters the three-year continuing  
28 education period on January 1 of the year following confirmation  
29 of appointment, and a new Court of Appeal justice enters the  
30 three-year continuing education period on January 1 of the year  
31 following completion of the required new justice education;  
32 continuing education requirements are prorated based on the  
33 number of years remaining in the three-year period.

34  
35 (B) For all other justices, the first continuing education period begins  
36 January 1, 2008.

37  
38 (C) The first continuing education period for Supreme Court and  
39 Court of Appeal justices is for two years from January 1, 2008,  
40 through December 31, 2009, rather than three years. The  
41 continuing education requirements and limitations in (c) are  
42 consequently prorated for this two-year period. The first three-  
43 year period then begins January 1, 2010.

1  
2 (2) The following education applies toward the required 30 hours of  
3 continuing judicial education:

4  
5 (A) Any education offered by a provider listed in rule 10.481(a) and  
6 any other education, including education taken to satisfy a  
7 statutory or other education requirement, approved by the Chief  
8 Justice or the administrative presiding justice as meeting the  
9 criteria listed in rule 10.481(b).

10  
11 (B) Each hour of participation in traditional (face-to-face) education,  
12 distance education such as broadcast and videoconference  
13 courses, online coursework, and self-directed study counts toward  
14 the continuing education requirement on an hour-for-hour basis.  
15 The hours applied for participation in online coursework and self-  
16 directed study are limited to a combined total of 7 hours in each  
17 three-year period; this limit is prorated for individuals who enter  
18 the three-year period after it has begun.

19  
20 (C) A justice who serves as faculty for a California court-based  
21 audience (i.e., justices, judges, subordinate judicial officers,  
22 temporary judges, or court personnel) may apply the following  
23 hours of faculty service: 3 hours for each hour of presentation the  
24 first time a given course is presented and 2 hours for each hour of  
25 presentation each subsequent time that course is presented. The  
26 hours applied for faculty service are limited to 15 in each three-  
27 year period; this limit is prorated for individuals who enter the  
28 three-year period after it has begun.

29  
30 **(d) Extension of time**

31  
32 (1) For good cause, the Chief Justice or the administrative presiding justice  
33 may grant a one-year extension of time to complete the continuing  
34 education requirement in (c).

35  
36 (2) If the Chief Justice or the administrative presiding justice grants a  
37 request for an extension of time, the justice, in consultation with the  
38 Chief Justice or the administrative presiding justice, should also pursue  
39 interim means of obtaining relevant educational content.

40  
41 (3) An extension of time to complete the hours-based continuing education  
42 requirement does not affect what is required in the next three-year  
43 period.

1  
2 **(e) Records and summaries of participation for justices**

3  
4 Each justice is responsible for:

5  
6 (1) Tracking his or her own participation in education and keeping a record  
7 of participation, on a form provided by the Judicial Council, for three  
8 years after each course or activity that is applied toward the  
9 requirements;

10  
11 (2) At the end of each year, giving the Chief Justice or the administrative  
12 presiding justice a copy of his or her record of participation in  
13 education for that year, on a form provided by the Judicial Council; and

14  
15 (3) At the end of each three-year period, giving the Chief Justice or the  
16 administrative presiding justice a copy of his or her record of  
17 participation in education for that year and a cumulative history of  
18 participation for that three-year period, on a form provided by the  
19 Judicial Council.

20  
21 **Advisory Committee Comment**

22  
23 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,  
24 are carried forward without change in rule 10.461(b).

25  
26 **Rule 10.462. Minimum education requirements and expectations for Trial**  
27 **court judges and subordinate judicial officers**

28  
29 **(a) Applicability**

30  
31 All California trial court judges must complete the minimum judicial  
32 education requirements for new judges under (c)(1) and are expected to  
33 participate in continuing education as outlined under (d). All subordinate  
34 judicial officers must complete the minimum education requirements for new  
35 subordinate judicial officers under (c)(1) and for continuing education as  
36 outlined under (d). All trial court judges and subordinate judicial officers  
37 who hear family law matters must complete additional education  
38 requirements set forth in rule 10.463. All trial court judges and subordinate  
39 judicial officers should participate in more judicial education than is required  
40 and expected, related to each individual's responsibilities and particular  
41 judicial assignment or assignments and in accordance with the judicial  
42 education recommendations set forth in rule 10.469.  
43

1 (b) **Definitions**

2  
3 Unless the context or subject matter otherwise requires, “subordinate judicial  
4 officers” as used in this rule means subordinate judicial officers as defined in  
5 rule 10.701.

6  
7 (c) **Content-based requirements**

8  
9 (1) Each new trial court judge and subordinate judicial officer must  
10 complete the following “new judge education” provided by the  
11 Administrative Office of the Courts’ Education Division/Center for  
12 Judicial Education and Research (CJER) as follows:

13  
14 (A) The New Judge Orientation Program within six months of taking  
15 the oath as a judge or subordinate judicial officer. For purposes of  
16 the New Judge Orientation Program, a judge or subordinate  
17 judicial officer is considered “new” only once, and any judge or  
18 subordinate officer who has completed the New Judge Orientation  
19 Program, as required under this rule or under former rule 970, is  
20 not required to complete the program again. A judge or  
21 subordinate officer who was appointed, elected, or hired before  
22 rule 970 was adopted on January 1, 1996, is not required to  
23 complete the program.

24  
25 (B) An orientation course in his or her primary assignment (civil,  
26 criminal, family, juvenile delinquency or dependency, probate, or  
27 traffic) within one year of taking the oath as a judge or  
28 subordinate judicial officer; and

29  
30 (C) The B. E. Witkin Judicial College of California within two years  
31 of taking the oath as a judge or subordinate judicial officer.

32  
33 (2) Each new supervising judge is expected to complete the following  
34 education:

35  
36 (A) For a judge who has administrative responsibility, CJER’s  
37 Supervising Judges Overview course within one year of  
38 beginning the supervising judge role, preferably before beginning  
39 the role;

40  
41 (B) For a judge who has calendar management responsibility, a  
42 calendar management overview course, provided either by the

1 local court or by CJER, within one year of beginning the  
2 supervising judge role, preferably before beginning the role;

3  
4 (C) For a judge who has both administrative and calendar  
5 management responsibility, both overview courses specified  
6 above within one year of beginning the role.

7  
8 (3) Each new presiding judge is expected to complete CJER's Presiding  
9 Judges Orientation and Court Management Program within one year of  
10 beginning the presiding judge role, preferably before beginning the  
11 role.

12  
13 (4) Each judge is expected to and each subordinate judicial officer must, if  
14 beginning a new primary assignment—(unless he or she is returning to  
15 an assignment after less than two years in another assignment),—  
16 complete a course on the new primary assignment, provided by CJER,  
17 the California Judges Association (CJA), or the local court, within six  
18 months of beginning the new assignment. CJER is responsible for  
19 identifying content for these courses and will share the identified  
20 content with CJA and the local courts.

21  
22 **(d) Hours-based continuing education**

23  
24 (1) Each judge is expected to and each subordinate judicial officer must  
25 complete 30 hours of continuing judicial education every three years,  
26 beginning on the dates outlined:

27  
28 (A) A new judge or new subordinate judicial officer enters the three-  
29 year continuing education period on January 1 of the year  
30 following completion of the required new judge education;  
31 continuing education expectations for judges and requirements for  
32 subordinate judicial officers are prorated based on the number of  
33 years remaining in the three-year period.

34  
35 (B) For all other judges and subordinate judicial officers, the first  
36 three-year period begins on January 1, 2007.

37  
38 (2) The following education applies toward the expected or required 30  
39 hours of continuing judicial education:

40  
41 (A) The content-based courses under (c)(2), (3), and (4) for a new  
42 supervising judge, a new presiding judge, and a judge or

1 subordinate judicial officer beginning a new primary assignment;  
2 and

3  
4 (B) Any other education offered by a provider listed in rule  
5 10.481471(a) and any other education, including education taken  
6 to satisfy a statutory or other education requirement, approved by  
7 the presiding judge as meeting the criteria listed in rule  
8 10.481471(b).

9  
10 (3) Each hour of participation in traditional (face-to-face) education,  
11 distance education such as broadcast and videoconference courses,  
12 online coursework, and self-directed study counts toward the  
13 continuing education expectation or requirement on an hour-for-hour  
14 basis. The hours applied for participation in online coursework and  
15 self-directed study are limited to a combined total of 7 hours in each  
16 three-year period; this limit is prorated for individuals who enter the  
17 three-year period after it has begun.

18  
19 (4) A judge or subordinate judicial officer who serves as faculty for a  
20 California court-based audience (i.e., justices, judges, subordinate  
21 judicial officers, temporary judges, or court personnel) may apply the  
22 following hours of faculty service: 3 hours for each hour of  
23 presentation the first time a given course is presented and 2 hours for  
24 each hour of presentation each subsequent time that course is presented.  
25 The hours applied for faculty service are limited to 15 in each three-  
26 year period; this limit is prorated for individuals who enter the three-  
27 year period after it has begun.

28  
29 (5) The presiding judge may require subordinate judicial officers to  
30 participate in specific courses or participate in education in a specific  
31 subject matter area as part of their continuing education.

32  
33 **(e) Extension of time**

34  
35 (1) For good cause, a presiding judge may grant an extension of time to  
36 complete the education expectations or requirements in (c)(2)–(4) and  
37 the continuing education expectation or requirement in (d) as follows:

38  
39 (A) A time extension to complete the content-based expectations or  
40 requirements in (c)(2)–(4) is limited to the original time period  
41 provided for completion—that is, one year, one year, or six  
42 months, respectively.

1 (B) A time extension to complete the hours-based continuing  
2 education expectation or requirement in (d) is limited to one year.

3  
4 (2) If the presiding judge grants a request for an extension of time, the  
5 judge or subordinate judicial officer, in consultation with the presiding  
6 judge, should also pursue interim means of obtaining relevant  
7 educational content.

8  
9 (3) An extension of time to complete the hours-based continuing education  
10 expectation or requirement does not affect what is expected or required  
11 in the next three-year period.

12  
13 **(f) Records and cumulative histories summaries of participation for judges**

14  
15 Each judge is responsible for:

16  
17 (1) Tracking his or her own participation in education and keeping a record  
18 of participation, on a form provided by the Judicial Council, for three  
19 years after each course or activity that is applied toward the  
20 requirements and expectations;

21  
22 (2) At the end of each year, giving the presiding judge a copy of his or her  
23 record of participation in education for that year, on a form provided by  
24 the Judicial Council; and

25  
26 (3) At the end of each three-year period, giving the presiding judge a copy  
27 of his or her record of participation in education for that year and a  
28 cumulative history of participation for that three-year period, on a form  
29 provided by the Judicial Council.

30  
31 **(g) Records of participation for subordinate judicial officers**

32  
33 (1) Each court is responsible for tracking participation in education and for  
34 tracking completion of minimum education requirements for its  
35 subordinate judicial officers.

36  
37 (2) Each subordinate judicial officer must keep records of his or her own  
38 participation for three years after each course or activity that is applied  
39 toward the requirements.

40  
41 **Advisory Committee Comment**

1 The minimum judicial education requirements in rule 10.462 do not apply to retired judges  
2 seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who  
3 seek to serve in the Assigned Judges Program must comply with the Chief Justice’s Standards  
4 and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

5  
6 **Rule 10.4635.30. Judicial eEducation requirements for family court judges**  
7 **and subordinate judicial officers**

8  
9 ~~Each~~ Every judge or subordinate judicial officer whose ~~primary~~ principal judicial  
10 assignment is to hear family law matters or who is the sole judge hearing family  
11 law matters must, ~~if funds are available, attend~~ complete the following judicial  
12 education programs:

13  
14 **(a) ~~{Basic family law education}~~**

15  
16 \_\_\_\_\_ Within six months of beginning a family law assignment, or within one year  
17 of beginning a family law assignment in courts with five or fewer judges, the  
18 judge or subordinate judicial officer must ~~attend~~ complete a basic  
19 educational program on California family law and procedure designed  
20 primarily for judicial officers. A judge or subordinate judicial officer who  
21 has completed the basic educational program need not complete ~~attend~~ the  
22 basic educational program again. All other judicial officers who hear family  
23 law matters, including retired judges who sit on court assignment, must  
24 complete ~~participate in~~ appropriate family law educational programs.

25  
26 **(b) ~~{Continuing family law education}~~**

27  
28 \_\_\_\_\_ The judge or subordinate judicial officer must complete ~~attend~~ a periodic  
29 update on new developments in California family law and procedure.

30  
31 **(c) ~~{Other family law education}~~**

32  
33 \_\_\_\_\_ To the extent that judicial time and resources are available, the judge or  
34 subordinate judicial officer must complete ~~attend~~ additional educational  
35 programs on other aspects of family law including interdisciplinary subjects  
36 relating to the family.

37  
38 **Rule 10.469. Judicial education recommendations for justices, judges, and**  
39 **subordinate judicial officers**

40  
41 **(a) Judicial education recommendations generally**

1 Each justice, judge, and subordinate judicial officer, as part of his or her  
2 continuing judicial education, should regularly participate in educational  
3 activities related to his or her responsibilities and particular judicial  
4 assignment or assignments. Minimum education requirements and  
5 expectations related to judicial responsibilities and assignments are set forth  
6 in rules 10.461–10.462. Additional education requirements related to the  
7 specific responsibility of hearing family law matters are set forth in rule  
8 10.463. The following recommendations illustrate for some specific  
9 responsibilities and assignments how justices, judges, and subordinate  
10 judicial officers should participate in more judicial education than is required  
11 and expected.

12  
13 **(b) Jury trial assignment**

14  
15 Each judge or subordinate judicial officer assigned to jury trials should  
16 regularly use Center for Judicial Education and Research (CJER) educational  
17 materials or other appropriate materials and should regularly complete CJER  
18 or other appropriate educational programs devoted to the conduct of jury voir  
19 dire and the treatment of jurors.

20  
21 **(c) Hearing of juvenile dependency matters**

22  
23 Each judge or subordinate judicial officer who hears juvenile dependency  
24 matters, including retired judges who sit on court assignment, should  
25 regularly use appropriate educational materials and should annually complete  
26 appropriate education programs on juvenile dependency law and procedure,  
27 consistent with the requirements in Welfare and Institutions Code section  
28 304.7.

29  
30 **(d) Capital case assignment**

31  
32 Each judge assigned to hear a capital case should complete before the  
33 commencement of the trial a comprehensive education program on  
34 California law and procedure relevant to capital cases provided by CJER. A  
35 judge with a subsequent assignment to a capital case should complete a  
36 periodic update course within two years before the commencement of the  
37 trial. The periodic update may be provided through actual classroom  
38 instruction or through video, audio, or other media as determined by CJER.

39  
40 **(e) Fairness and access education**

41  
42 In order to achieve the objective of assisting judicial officers in preserving  
43 the integrity and impartiality of the judicial system through the prevention of

1 bias, each justice, judge, and subordinate judicial officer should regularly  
2 participate in education on fairness and access. The education should include  
3 the following subjects: race and ethnicity, gender, sexual orientation, persons  
4 with disabilities, and sexual harassment.

5  
6 **Rule 10.471. Minimum education requirements for Supreme Court and**  
7 **Court of Appeal clerk/administrators**

8  
9 **(a) Applicability**

10  
11 All California Supreme Court and Court of Appeal clerk/administrators must  
12 complete these minimum education requirements. All clerk/administrators  
13 should participate in more education than is required, related to each  
14 individual's responsibilities and in accordance with the education  
15 recommendations set forth in rule 10.479.

16  
17 **(b) Hours-based requirement**

18  
19 (1) Each clerk/administrator must complete 30 hours of continuing  
20 education every three years beginning on the following date:

21  
22 (A) For a new clerk/administrator, the first three-year period begins  
23 on January 1 of the year following his or her hire.

24  
25 (B) For all other clerk/administrators, the first three-year period  
26 begins on January 1, 2008.

27  
28 (2) The following education applies toward the required 30 hours of  
29 continuing education:

30  
31 (A) Any education offered by a provider listed in rule 10.481(a) and  
32 any other education, including education taken to satisfy a  
33 statutory or other education requirement, approved by the Chief  
34 Justice or the administrative presiding justice as meeting the  
35 criteria listed in rule 10.481(b).

36  
37 (B) Each hour of participation in traditional (face-to-face) education,  
38 distance education such as broadcast and videoconference  
39 courses, online coursework, and self-directed study counts toward  
40 the requirement on an hour-for-hour basis. The hours applied for  
41 participation in online coursework and self-directed study are  
42 limited to a combined total of 7 hours in each three-year period.  
43

1           (C) A clerk/administrator who serves as faculty for a California court-  
2           based audience (i.e., justices, judges, subordinate judicial officers,  
3           temporary judges, or court personnel) may apply the following  
4           hours of faculty service: 3 hours for each hour of presentation the  
5           first time a given course is presented and 2 hours for each hour of  
6           presentation each subsequent time that course is presented. The  
7           hours applied for faculty service are limited to 15 in each three-  
8           year period.

9  
10 **(c) Extension of time**

11  
12           (1) For good cause, the Chief Justice or the administrative presiding justice  
13           may grant a one-year extension of time to complete the education  
14           requirements in (b).

15  
16           (2) If the Chief Justice or the administrative presiding justice grants a  
17           request for an extension of time, the clerk/administrator, in consultation  
18           with the Chief Justice or the administrative presiding justice, must also  
19           pursue interim means of obtaining relevant educational content.

20  
21           (3) An extension of time to complete the hours-based requirement does not  
22           affect the timing of the clerk/administrator's next three-year period.

23  
24 **(d) Record of participation; statement of completion**

25  
26           Each clerk/administrator is responsible for:

27  
28           (1) Tracking his or her own participation in education and keeping a record  
29           of participation for three years after each course or activity that is  
30           applied toward the requirements;

31  
32           (2) At the end of each year, giving the Chief Justice or the administrative  
33           presiding justice a copy of his or her record of participation in  
34           education for that year; and

35  
36           (3) At the end of each three-year period, giving the Chief Justice or the  
37           administrative presiding justice a signed statement of completion for  
38           that three-year period.

39  
40 **Rule 10.472. Minimum education requirements for Supreme Court and**  
41 **Court of Appeal managing attorneys, supervisors, and other personnel**  
42

1 **(a) Applicability**

2  
3 All California Supreme Court and Court of Appeal managing attorneys,  
4 supervisors, and other personnel must complete these minimum education  
5 requirements. All managing attorneys, supervisors, and other personnel  
6 should participate in more education than is required related to each  
7 individual's responsibilities and in accordance with the education  
8 recommendations set forth in rule 10.479.

9  
10 **(b) Content-based requirements**

11  
12 (1) Each new managing attorney or supervisor must complete orientation  
13 courses within six months of becoming a managing attorney or  
14 supervisor, unless the individual's supervisor determines that the new  
15 managing attorney or supervisor has already completed these  
16 orientation courses or courses covering equivalent content. The courses  
17 must include orientation about:

18  
19 (A) The judicial branch of California;

20  
21 (B) The local court; and

22  
23 (C) Basic management and supervision.

24  
25 (2) Each new court employee who is not a managing attorney or supervisor  
26 must complete orientation courses within six months of becoming a  
27 court employee, unless the employee's supervisor determines that the  
28 new court employee has already completed these orientation courses or  
29 courses covering equivalent content. The courses must include  
30 orientation about:

31  
32 (A) The judicial branch of California;

33  
34 (B) The local court;

35  
36 (C) Basic employee issues, such as sexual harassment and safety; and

37  
38 (D) The employee's specific job.

39  
40 (3) The clerk/administrator, the managing attorney, or the employee's  
41 supervisor may determine the appropriate content, delivery mechanism,  
42 and length of orientation based on the needs and role of each individual  
43 employee.

1  
2 **(c) Hours-based requirements**  
3

- 4 (1) Each managing attorney or supervisor must complete 12 hours of  
5 continuing education every two years.  
6
- 7 (2) Each court employee who is not a managing attorney or supervisor  
8 must complete 8 hours of continuing education every two years, with  
9 the exception of employees who do not provide court administrative or  
10 operational services. Those employees are not subject to the continuing  
11 education hours-based requirement but must complete any education or  
12 training required by law and any other education required by the  
13 clerk/administrator.  
14
- 15 (3) The first two-year period for all managing attorneys, supervisors, and  
16 other personnel begins on January 1, 2008. The orientation education  
17 required for new managing attorneys, supervisors, and other personnel  
18 under (b) does not apply toward the required hours of continuing  
19 education because it must be completed before they enter the two-year  
20 period. Each new managing attorney, supervisor, or employee enters  
21 the two-year continuing education period on the first day of the quarter  
22 following his or her completion of the orientation education required  
23 under (b); the quarters begin on January 1, April 1, July 1, and October  
24 1. Each managing attorney, supervisor, or employee who enters the  
25 two-year continuing education period after it has begun must complete  
26 a prorated number of continuing education hours for that two-year  
27 period, based on the number of quarters remaining in it.  
28
- 29 (4) Any education offered by a provider listed in rule 10.481(a) and any  
30 other education, including education taken to satisfy a statutory, rules-  
31 based, or other education requirement, that is approved by the  
32 clerk/administrator, the managing attorney, or the employee's  
33 supervisor as meeting the criteria listed in rule 10.481(b) applies toward  
34 the orientation education required under (b) and the continuing  
35 education required under (c)(1) and (2).  
36
- 37 (5) Each hour of participation in traditional (face-to-face) education,  
38 distance education such as broadcast and videoconference courses, and  
39 online coursework counts toward the requirement on an hour-for-hour  
40 basis. The hours applied for participation in online coursework are  
41 limited to a total of 4 hours for managers and supervisors and to a total  
42 of 3 hours for other personnel in each two-year period; these limits are  
43 prorated for individuals who enter the two-year period after it has

1 begun. Self-directed study is encouraged for professional development  
2 but does not apply toward the required hours.

3  
4 (6) A managing attorney, supervisor, or other employee who serves as  
5 faculty for a California court-based audience (i.e., justices, judges,  
6 subordinate judicial officers, temporary judges, or court personnel) may  
7 apply the following hours of faculty service: 3 hours for each hour of  
8 presentation the first time a given course is presented and 2 hours for  
9 each hour of presentation each subsequent time that the course is  
10 presented. The hours applied for faculty service are limited to 6 hours  
11 for managers and supervisors and to 4 hours for other personnel in each  
12 two-year period; these limits are prorated for individuals who enter the  
13 two-year period after it has begun.

14  
15 (7) The clerk/administrator, the managing attorney, or the employee's  
16 supervisor may require supervisors and other court personnel to  
17 participate in specific courses or to participate in education in a specific  
18 subject matter area as part of their continuing education.

19  
20 **(d) Extension of time**

21  
22 (1) For good cause, a justice (for that justice's chambers staff), the  
23 managing attorney, the clerk/administrator or a supervisor, if delegated  
24 by the clerk/administrator, or the employee's supervisor may grant a  
25 six-month extension of time to complete the education requirements in  
26 this rule.

27  
28 (2) If the justice, managing attorney, clerk/administrator, or supervisor  
29 grants a request for an extension of time, the managing attorney,  
30 supervisor, or employee who made the request, in consultation with the  
31 justice, managing attorney, clerk/administrator, or supervisor, must also  
32 pursue interim means of obtaining relevant educational content.

33  
34 (3) An extension of time to complete the hours-based requirement does not  
35 affect the timing of the next two-year period.

36  
37 **(e) Records of participation**

38  
39 (1) Each court is responsible for tracking participation in education and for  
40 tracking completion of minimum education requirements for its  
41 managing attorneys, supervisors, and other personnel.

1 (2) Each managing attorney, supervisor, and employee must keep records  
2 of his or her own participation for two years after each course or  
3 activity that is applied toward the requirements.  
4

5 **Rule ~~10.473~~10.463. Minimum education requirements for Trial court**  
6 **executive officers**

7  
8 **(a) Applicability**  
9

10 All California trial court executive officers must complete these minimum  
11 education requirements. All executive officers should participate in more  
12 education than is required, related to each individual's responsibilities and in  
13 accordance with the education recommendations set forth in rule 10.479.  
14

15 **(b) Content-based requirement**  
16

- 17 (1) Each new executive officer must complete the Presiding Judges  
18 Orientation and Court Management Program provided by the  
19 Administrative Office of the Courts' Education Division/Center for  
20 Judicial Education and Research (CJER) within one year of becoming  
21 an executive officer and should participate in additional education  
22 during the first year.  
23  
24 (2) Each executive officer should participate in CJER's Presiding Judges  
25 Orientation and Court Management Program each time a new presiding  
26 judge from his or her court participates in the course and each time the  
27 executive officer becomes the executive officer in a different court.  
28

29 **(c) Hours-based requirement**  
30

- 31 (1) Each executive officer must complete 30 hours of continuing education  
32 every three years beginning on the following date:  
33  
34 (A) For a new executive officer, the first three-year period begins on  
35 January 1 of the year following completion of the required  
36 education for new executive officers.  
37  
38 (B) For all other executive officers, the first three-year period begins  
39 on January 1, 2007.  
40  
41 (2) The following education applies toward the required 30 hours of  
42 continuing education:  
43

- 1 (A) Any education offered by a provider listed in rule 10.481471(a)  
2 and any other education, including education taken to satisfy a  
3 statutory or other education requirement, approved by the  
4 presiding judge as meeting the criteria listed in rule 10.481471(b).  
5
- 6 (B) Each hour of participation in traditional (face-to-face) education,  
7 distance education such as broadcast and videoconference  
8 courses, online coursework, and self-directed study counts toward  
9 the requirement on an hour-for-hour basis. The hours applied for  
10 participation in online coursework and self-directed study are  
11 limited to a combined total of 7 hours in each three-year period.  
12
- 13 (C) An executive officer who serves as faculty for a California court-  
14 based audience (i.e., justices, judges, subordinate judicial officers,  
15 temporary judges, or court personnel) may apply the following  
16 hours of faculty service: 3 hours for each hour of presentation the  
17 first time a given course is presented and 2 hours for each hour of  
18 presentation each subsequent time that course is presented. The  
19 hours applied for faculty service are limited to 15 in each three-  
20 year period.

21  
22 **(d) Extension of time**

- 23
- 24 (1) For good cause, a presiding judge may grant a one-year extension of  
25 time to complete the education requirements in (b) and (c).  
26
- 27 (2) If the presiding judge grants a request for an extension of time, the  
28 executive officer, in consultation with the presiding judge, must also  
29 pursue interim means of obtaining relevant educational content.  
30
- 31 (3) An extension of time to complete the hours-based requirement does not  
32 affect the timing of the executive officer's next three-year period.  
33

34 **(e) [Record of participation; statement of completion]**

35 Each executive officer is responsible for:

- 36
- 37
- 38 (1) Tracking his or her own participation in education and keeping a record  
39 of participation for three years after each course or activity that is  
40 applied toward the requirements;  
41
- 42 (2) At the end of each year, giving the presiding judge a copy of his or her  
43 record of participation in education for that year; and

- 1  
2 (3) At the end of each three-year period, giving the presiding judge a  
3 signed statement of completion for that three-year period.  
4

5 **Rule ~~10.474~~10.464. Trial court managers, supervisors, and other personnel**  
6

7 **(a) Applicability**  
8

9 All California trial court managers, supervisors, and other personnel must  
10 complete these minimum education requirements. All managers, supervisors,  
11 and other personnel should participate in more education than is required,  
12 related to each individual's responsibilities and in accordance with the  
13 education recommendations set forth in rule 10.479.  
14

15 **(b) Content-based requirements**  
16

- 17 (1) Each new manager or supervisor must complete orientation courses  
18 within six months of becoming a manager or supervisor, unless the  
19 court's executive officer determines that the new manager or supervisor  
20 has already completed these orientation courses or courses covering  
21 equivalent content. The courses must include orientation ~~to~~ about:  
22

- 23 (A) The judicial branch of California;  
24  
25 (B) The local court; and  
26  
27 (C) Basic management and supervision.  
28

- 29 (2) Each new court employee who is not a manager or supervisor must  
30 complete orientation courses within six months of becoming a court  
31 employee, unless the employee's supervisor determines that the new  
32 court employee has already completed these orientation courses or  
33 courses covering equivalent content. The courses must include  
34 orientation ~~to~~ about:  
35

- 36 (A) The judicial branch of California;  
37  
38 (B) The local court; and  
39  
40 (C) Basic employee issues, such as sexual harassment and safety; and  
41  
42 (D) The employee's specific job.  
43

- 1 (3) The court executive officer may determine the appropriate content,  
2 delivery mechanism, and length of orientation based on the needs and  
3 role of each individual employee.  
4

5 **(c) Hours-based requirements**  
6

- 7 (1) Each court manager or supervisor must complete 12 hours of  
8 continuing education every two years.  
9
- 10 (2) Each court employee who is not a manager or supervisor must  
11 complete 8 hours of continuing education every two years, with the  
12 exception of employees who do not provide court administrative or  
13 operational services. Those employees are not subject to the continuing  
14 education hours-based requirement but must complete any education or  
15 training required by law and any other education required by the court  
16 executive officer.  
17
- 18 (3) The first two-year period for all court managers, supervisors, and other  
19 personnel begins on January 1, 2007. The orientation education  
20 required for new managers, supervisors, and other personnel under (b)  
21 does not apply toward the required hours of continuing education  
22 because it must be completed before they enter the two-year period.  
23 Each new manager, supervisor, or employee enters the two-year  
24 continuing education period on the first day of the quarter following his  
25 or her completion of the orientation education required under (b); the  
26 quarters begin on January 1, April 1, July 1, and October 1. Each  
27 manager, supervisor, or employee who enters the two-year continuing  
28 education period after it has begun must complete a prorated number of  
29 continuing education hours for that two-year period, based on the  
30 number of quarters remaining in it.  
31
- 32 (4) Any education offered by a provider listed in rule 10.481471(a) and  
33 any other education, including education taken to satisfy a statutory,  
34 rules-based, or other education requirement, that is approved by the  
35 executive officer or the employee's supervisor as meeting the criteria  
36 listed in rule 10.481471(b) applies toward the orientation education  
37 required under (b) and the continuing education required under (c)(1)  
38 and (2).  
39
- 40 (5) Each hour of participation in traditional (face-to-face) education,  
41 distance education such as broadcast and videoconference courses, and  
42 online coursework counts toward the requirement on an hour-for-hour  
43 basis. The hours applied for participation in online coursework are

1 limited to a total of 4 hours for managers and supervisors and to a total  
2 of 3 hours for other personnel in each two-year period; these limits are  
3 prorated for individuals who enter the two-year period after it has  
4 begun. Self-directed study is encouraged for professional development  
5 but does not apply toward the required hours.  
6

7 (6) A manager, supervisor, or employee who serves as faculty for a  
8 California court-based audience (i.e., justices, judges, subordinate  
9 judicial officers, temporary judges, or court personnel) may apply the  
10 following hours of faculty service: 3 hours for each hour of  
11 presentation the first time a given course is presented and 2 hours for  
12 each hour of presentation each subsequent time that the course is  
13 presented. The hours applied for faculty service are limited to 6 hours  
14 for managers and supervisors and to 4 hours for other personnel in each  
15 two-year period; these limits are prorated for individuals who enter the  
16 two-year period after it has begun.  
17

18 (7) The court executive officer may require managers, supervisors, and  
19 other court personnel to participate in specific courses or to participate  
20 in education in a specific subject matter area as part of their continuing  
21 education.  
22

23 **(d) Extension of time**  
24

25 (1) For good cause, the executive officer or a supervisor, if delegated by  
26 the executive officer, may grant a six-month extension of time to  
27 complete the education requirements in this rule.  
28

29 (2) If the executive officer or supervisor grants a request for an extension  
30 of time, the manager, supervisor, or employee who made the request, in  
31 consultation with the executive officer or supervisor, must also pursue  
32 interim means of obtaining relevant educational content.  
33

34 (3) An extension of time to complete the hours-based requirement does not  
35 affect the timing of the next two-year period.  
36

37 **(e) Records of participation**  
38

39 (1) Each court is responsible for tracking participation in education and for  
40 tracking completion of minimum education requirements for its  
41 managers, supervisors, and other personnel.  
42

- 1 (2) Each manager, supervisor, and employee must keep records of his or  
2 her own participation for two years after each course or activity that is  
3 applied toward the requirements.  
4

5 **Rule 10.479. Education recommendations for appellate and trial court**  
6 **personnel**

7  
8 **(a) Education recommendations generally**  
9

10 Each appellate and trial court executive or administrative officer, manager,  
11 supervisor, and other employee, as part of his or her continuing education,  
12 should regularly participate in educational activities related to his or her  
13 responsibilities. Minimum education requirements for court personnel are set  
14 forth in rules 10.471–10.474. The following recommendations illustrate for  
15 some specific responsibilities how executive and administrative officers,  
16 managers, supervisors, and other personnel should participate in more  
17 education than is required.  
18

19 **(b) Education on treatment of jurors**  
20

21 The presiding judge of each trial court should ensure that all court executives  
22 and all court employees who interact with jurors are properly trained in the  
23 appropriate treatment of jurors. Court executives and jury staff employees  
24 should regularly use CJER educational materials or other appropriate  
25 materials and should regularly participate in CJER programs or other  
26 appropriate programs devoted to the treatment of jurors.  
27

28 **(c) Fairness and access education**  
29

30 In order to achieve the objective of assisting court employees in preserving  
31 the integrity and impartiality of the judicial system through the prevention of  
32 bias, all court personnel should regularly participate in education on fairness  
33 and access. The education should include instruction on race and ethnicity,  
34 gender, sexual orientation, persons with disabilities, and sexual harassment.  
35

36 **(d) Education on quality service to court users**  
37

38 Employees should regularly participate in education covering appropriate  
39 skills and conduct for working with court customers offered locally or by the  
40 Judicial Council through CJER.  
41

42 **Rule 10.48110.471. Approved providers; approved course criteria**  
43

1 (a) **Approved providers**

2  
3 Any education program offered by any of the following providers that is  
4 relevant to the work of the courts or enhances the individual participant's  
5 ability to perform his or her job may be applied toward the education  
6 requirements and expectations stated in rules 10.461–10.479, except for the  
7 requirements stated in rules 10.461(b), 10.462(b)(c), and 10.473(b), for  
8 which specific providers are required ~~10.462(d), 10.463(e), or 10.464(b)(e):~~  
9

- 10 (1) California Administrative Office of the Courts;  
11  
12 (2) California Judges Association;  
13  
14 (3) Supreme Court of California;  
15  
16 (4) California Courts of Appeal;  
17  
18 (5) Superior Courts of California;  
19  
20 (6) State Bar of California;  
21  
22 (7) National Judicial College;  
23  
24 (8) National Center for State Courts;  
25  
26 (9) National Council of Juvenile and Family Court Judges;  
27  
28 (10) National Association of Women Judges;  
29  
30 (11) American Bar Association;  
31  
32 (12) National Association for Court Management;  
33  
34 (13) American Judges Association;  
35  
36 (14) American Academy of Judicial Education;  
37  
38 (15) Dwight D. Opperman Institute of Judicial Administration;  
39  
40 (16) National Institute of Justice;  
41  
42 (17) Law schools accredited by the American Bar Association;  
43

- 1 (18) Accredited colleges and universities;  
2  
3 (19) Continuing Education of the Bar—California;  
4  
5 (20) Local California bar associations;  
6  
7 (21) California Court Association; ~~and~~  
8  
9 (22) Superior Court Clerks’ Association of the State of California-;  
10  
11 (23) Council of Chief Judges of Courts of Appeal;  
12  
13 (24) Roscoe Pound Institute, Annual Forum for State Appellate Court  
14 Judges;  
15  
16 (25) National Conference of Appellate Court Clerks;  
17  
18 (26) AEI-Brookings Joint Center;  
19  
20 (27) The Rutter Group; and  
21  
22 (28) American Board of Trial Advocates.  
23

24 **(b) Approved education criteria**  
25

26 Education is not limited to the approved providers listed in (a). Any  
27 education from a provider not listed in (a) that is approved by the Chief  
28 Justice, the administrative presiding justice, or the presiding judge as  
29 meeting the criteria listed below may be applied toward the continuing  
30 education expectations and requirements for justices, judges, and subordinate  
31 judicial officers or requirements for clerk/administrators or court executive  
32 officers-stated in rule 10.462(d) or 10.463(e), respectively. Similarly, any  
33 education from a provider not listed in (a) that is approved by the  
34 clerk/administrator, the court executive officer, or by the employee’s  
35 supervisor as meeting the criteria listed below may be applied toward the  
36 orientation or continuing education requirements for managers, supervisors,  
37 and other employees in rule 10.464(b) and (c)(1), (2).  
38

39 (1) The education must meet the following three criteria:  
40

- 41 (A) The subject matter is relevant to the work of the courts or the  
42 judicial branch;  
43

- 1 (B) The education is at least one hour in length; and
- 2
- 3 (C) Anticipated learning outcomes (how new knowledge, skills, or
- 4 abilities will be applied, demonstrated, or used) are identified
- 5 prior to the education work.
- 6
- 7 (2) The education must also meet at least two of the following five criteria:
- 8
- 9 (A) The learning environment is educationally sound (e.g.,
- 10 distractions are limited and the physical location is conducive to
- 11 learning the subject matter);
- 12
- 13 (B) The participant receives or has access to all the reference tools
- 14 and other materials and resources (such as handouts) that are
- 15 required for learning and applying the content (such as job aids or
- 16 scripts);
- 17
- 18 (C) The participant has an opportunity to practice using or applying
- 19 the new information or skill (through direct experience, role-play,
- 20 or case studies/hypothetical situations) as part of the learning
- 21 experience;
- 22
- 23 (D) The participant has the opportunity to interact with
- 24 knowledgeable faculty or other experts in the topical area to pose
- 25 questions or clarify understanding;
- 26
- 27 (E) An assessment tool or activity (such as the development of an
- 28 action plan to apply the newly gained knowledge or skill) enables
- 29 the participant to determine whether the skills, abilities, or
- 30 knowledge gained through the education can be used in the future
- 31 in his or her work.
- 32

33 **Rule 10.491. Minimum education requirements for Administrative Office of**  
34 **the Courts executives, managers, supervisors, and other employees**

35  
36 **(a) Applicability**

37  
38 All Administrative Office of the Courts (AOC) executives, managers,  
39 supervisors, and other employees must complete these minimum education  
40 requirements.

41  
42 **(b) Content-based requirements**

- 1           (1) Each new manager or supervisor must complete the AOC's New  
2           Manager/Supervisor Orientation within six months of being hired or  
3           assigned as a manager or supervisor.  
4  
5           (2) Each new employee, including each new manager or supervisor, must  
6           complete the AOC's New Employee Orientation within six months of  
7           being hired and should complete it as soon as possible after being hired.  
8  
9           (3) The Administrative Director of the Courts may require new managers,  
10          supervisors, and other employees to complete specific AOC  
11          compliance courses in addition to the required orientation courses.

12  
13 **(c) Hours-based requirements**

- 14  
15          (1) Each executive must complete 30 hours of continuing education every  
16          two years.  
17  
18          (2) Each manager or supervisor must complete 18 hours of continuing  
19          education every two years.  
20  
21          (3) Each employee who is not an executive, manager, or supervisor must  
22          complete 12 hours of continuing education every two years.  
23  
24          (4) The first two-year period begins on January 1, 2008. The orientation  
25          courses and the compliance courses required for new managers,  
26          supervisors, and other employees under (b) do not apply toward the  
27          required hours of continuing education. Each new executive enters the  
28          two-year continuing education period on the first day of the quarter  
29          following his or her appointment, and each new manager, supervisor,  
30          and employee enters the two-year continuing education period on the  
31          first day of the quarter following his or her completion of the  
32          orientation courses and the compliance courses required under (b); the  
33          quarters begin on January 1, April 1, July 1, and October 1. Each  
34          executive, manager, supervisor, or employee who enters the two-year  
35          continuing education period after it has begun must complete a prorated  
36          number of continuing education hours for that two-year period, based  
37          on the number of quarters remaining in it.  
38  
39          (5) Any education offered by a provider listed in rule 10.481(a) and any  
40          other education, including education taken to satisfy a statutory, rules-  
41          based, or other education requirement, that is approved by the  
42          employee's supervisor as meeting the criteria listed in rule 10.481(b)  
43          applies toward the continuing education required under (c)(1)–(3).

1  
2 (6) Each hour of participation in traditional (face-to-face) education,  
3 distance education such as broadcast and videoconference courses, and  
4 online coursework counts toward the requirement on an hour-for-hour  
5 basis. The hours applied for participation in online coursework and  
6 self-directed study are limited to a total of 10 hours for executives, 6  
7 hours for managers and supervisors, and 4 hours for other employees in  
8 each two-year period; these limits are prorated for individuals who  
9 enter the two-year period after it has begun.

10  
11 (7) An executive, manager, supervisor, or employee who serves as faculty  
12 teaching courses at the AOC or on behalf of the AOC at another  
13 location may apply the following hours of faculty service: 3 hours for  
14 each hour of presentation the first time a given course is presented and  
15 2 hours for each hour of presentation each subsequent time that the  
16 course is presented. The hours applied for faculty service are limited to  
17 15 hours for executives, 9 hours for managers and supervisors, and 6  
18 hours for other personnel in each two-year period; these limits are  
19 prorated for individuals who enter the two-year continuing education  
20 period after it has begun.

21  
22 (8) The Administrative Director of the Courts may require executives,  
23 managers, supervisors, and other employees to complete specific AOC  
24 compliance courses as part of the continuing education requirements.

25  
26 **(d) Extension of time**

27  
28 (1) For good cause, the Administrative Director of the Courts or an  
29 executive, manager, or supervisor, if delegated by the Administrative  
30 Director, may grant a six-month extension of time to complete the  
31 education requirements in this rule.

32  
33 (2) If the Administrative Director, or an executive, manager, or supervisor,  
34 grants a request for an extension of time, the individual who made the  
35 request, in consultation with the Administrative Director or the  
36 individual's supervisor, must also pursue interim means of obtaining  
37 relevant educational content.

38  
39 (3) An extension of time to complete the hours-based requirement does not  
40 affect the timing of the next two-year period.

41  
42 **(e) Records of participation**

- 1           (1) An employee’s completion of any course listed in the Human  
2           Resources Education Management System (HREMS) is automatically  
3           tracked in HREMS.
- 4
- 5           (2) An employee’s completion of specified online training is automatically  
6           tracked in HREMS.
- 7
- 8           (3) Each employee is responsible for tracking completion of any training  
9           that is not automatically tracked in HREMS. After completion of the  
10           training, the employee must enter it in the employee’s individual record  
11           in HREMS.

12

13 **(f) Responsibilities of Administrative Director of the Courts, and of AOC**  
14 **executives, managers, and supervisors**

15

16 The Administrative Director of the Courts and each AOC executive,  
17 manager, and supervisor:

- 18
- 19           (1) Must grant sufficient time to all employees to enable them to complete  
20           the minimum education requirements stated in (b)–(c);
- 21
- 22           (2) Should allow and encourage employees, in addition to participating as  
23           students in education activities, to serve on employee education  
24           committees and as faculty at judicial branch education programs when  
25           an employee’s services have been requested for these purposes; and  
26
- 27           (3) Should establish an education plan for their employees to facilitate their  
28           involvement as both participants and faculty in educational activities,  
29           and should consult with each employee regarding his or her education  
30           needs and requirements and professional development.
- 31
- 32           (4) Must ensure that executives, managers, supervisors, and other  
33           employees are reimbursed by the AOC in accordance with the travel  
34           policies issued by the Administrative Office of the Courts for travel  
35           expenses incurred in attending in-state education programs as a  
36           participant in order to complete the minimum education requirements  
37           in (b)–(c). Provisions for these expenses must be part of the AOC’s  
38           budget. The Administrative Director of the Courts may approve  
39           reimbursement of travel expenses incurred by executives, managers,  
40           supervisors, and other court personnel in attending out-of-state  
41           education programs as participants.
- 42

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	Commentator	Position	Comment on behalf of group?	Comment An asterisk (*) in this column indicates it is an excerpt(s) or summary of the comment.	Committee Response
<b>GROUPS</b>					
1.	Appellate Judicial Attorneys Education Committee Submitted by: Laura Loberman, Chair	AM	Y	<p>(Comments dated February 15, 2007)</p> <p><i>Independent Categorization:</i> So that the unique needs of AJAs will be addressed in a deliberate and thoughtful manner, minimum education proposed rules should specifically reference and independently apply to AJAs, rather than place us within the category of court personnel as the present rules appear to do with trial court judicial attorneys. The rules should refer to us as “appellate judicial attorneys,” rather than “research attorneys.”</p> <p><i>Nature of Work:</i> An AJA’s job by its nature entails educating ourselves and others on issues of law and procedure involved in the matters before us. The proposed rules should recognize that education is a constant aspect of our work. The Judicial Council should consider whether education should be expected rather than mandated for AJAs.</p>	<p>While the committee understands the unique needs of the AJAs, the committee believes that it is important to remain consistent with the model developed in the rules approved by the Judicial Council in 2006: under the model, attorneys are not specifically referenced, but are generally included with court personnel for both the trial and appellate courts and have the same level of orientation and continuing education requirements. Under the model, only executives, managers, and supervisors are specifically referenced and have a different level of requirements.</p> <p>The committee understands that the work of the AJAs involves self-education regarding law and procedure, but believes that more formal education is valuable and should be required for AJAs, as it is for trial research attorneys, for other appellate court personnel, and for</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

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				<p><i>Organization:</i> AJAs are a varied group and can have widely differing responsibilities and job duties. The organizational structure varies among the different courts. Some AJAs work in a supervisory capacity and others in a management capacity. Many courts utilize “lead” attorneys, but some do so in a nonhierarchical environment. Some of the courts have a central staff of AJAs in addition to AJAs who work in the chambers of one particular justice. The latter AJAs generally are supervised by their employing justice. The proposed rules should be drafted in such a way to meaningfully account for the differing structures. This is particularly important for rules relating to responsibility for granting sufficient leave, establishing education plans, ensuring travel reimbursement, and record retention. (See, e.g., rule 10.452(d)–(f).)</p> <p><i>Specialization:</i> The workload of some AJAs is</p>	<p>appellate justices.</p> <p>The committee believes that the proposed rules are drafted in such a way to account for the different structures in the courts. For example, rule 10.452(f) gives responsibility to grant leave, establish education plans, and ensure travel reimbursement to justices, clerk/administrators, managing attorneys, managers, and supervisors. In addition, individuals serving in supervisory or management roles have unique requirements in the rules. Because the content for continuing education is at the discretion of the individual attorney and his or her immediate supervisor, which in many cases will be a justice or a presiding justice, the unique educational needs of the AJAs can be met through carefully selecting appropriate content and relevant providers.</p> <p>The proposed rules allow complete</p>

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				<p>highly specialized. Capital Central Staff at the California Supreme Court, for example, work only on death penalty cases. Other AJAs work on only a specific type of case, such as juvenile dependency or workers' compensation cases. Specialized attorneys have expressed concern that education requirements will not be meaningful if they are forced to meet their requirements with unrelated coursework. To address this concern, the proposed rules should encourage underwriting of courses by the judicial branch, including by authorizing court-sanctioned attorney meetings on substantive topics to apply towards the expectations/ requirements. The proposed rules also should allow AJAs to attend courses traditionally given exclusively to judges, where appropriate.</p> <p><i>Emphasis on Live Education:</i> The Judicial Council should encourage AJAs to meet their education requirements through live programming and face-to-face interaction both within a court and among different courts. CJER</p>	<p>discretion to an attorney and his or her supervisor as to the subject matter content of continuing education courses. And, the supervisor may approve courses offered by any provider, so long as the course meets the criteria in the rules.</p> <p>The committee distinguishes between meetings and educational events in the <i>Guidelines for Implementation</i> document.</p> <p>There is no need for the rules to address attendance at judicial education courses because the CJER Governing Committee has a process in place to allow individuals with justifiable business needs to request and receive approval for attendance.</p> <p>The rules do not address the frequency of specific events. However, CJER staff is exploring the possibility of holding the AJA Institute on an annual basis.</p>

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				<p>can facilitate that by holding more frequent institutes, at least on an annual basis, on regional and statewide levels. Assuming a two-year reporting cycle is proposed, that should not result in an AJA Institute that itself is held only every two years.</p> <p><i>Retroactivity:</i> The AJA Institute is presently scheduled for November 2007. If the proposed minimum education requirements/expectations rules for appellate courts become effective after November 2007, the rules should allow AJAs to receive retroactive credit for attending the November 2007 Institute. This is important because of the changes in the timing of the AJA Institute. In the past, CJER offered the AJA Institute annually. CJER has, at least temporarily, changed this to a much longer cycle, with up to two years between Institutes. Permitting AJAs to complete their hours at the November 2007 Institute will ensure best use of the resources that CJER is devoting to that Institute.</p> <p><i>Rule-Related Comments</i> We understand the Judicial Council’s education model is both content-based and hours-based. The present rules for trial courts appear to limit</p>	<p>The rules adopted in 2006 for the trial courts do not provide for retroactive credit and, to be consistent, the proposed rules do not provide for retroactive credit. The committee believes that those subject to the rules will have sufficient time to meet the requirements after the effective date of the rules.</p> <p>The committee agrees, and the proposed rules do so provide.</p>

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				<p>content-based education to orientation. (See rules 10.462(c), 10.463(c), and 10.464(b).) We encourage the Judicial Council to retain this limitation for the appellate courts. Content-based education, if it must be included, should be broad and flexible, similar to the rule provided in rule 10.464(b)(2)(D). Some courts might have existing orientation programs in place (e.g., opinion writing overviews), which should count toward the content-based requirement.</p> <p>The present rules list a wide variety of approved providers, including each court. (Rule 10.471.) The rule for the appellate courts should be similarly flexible.</p> <p>The present rules permit trial court personnel who serve as faculty to apply for education credit for hours spent in teaching activities. (Rule 10.464(c)(6).) However, the audience is limited to a “California court-based audience.” Education credit also should be permitted for those AJAs who teach classes for law schools or who teach law-related courses for non-court-based audiences. Some AJAs author legal articles. The Judicial Council should consider granting credit for such an activity.</p>	<p>The committee agrees.</p> <p>The committee discussed faculty credit and limitations on faculty credit at length in formulating the rules adopted in 2006, and again in drafting the proposed rules. The committee decided it wanted to especially encourage faculty service for California court-based audiences and wanted to require that individuals take a significant portion of their education as a</p>

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				<p>(Comments dated April 25, 2007)</p> <p>1. <u>February 15, 2007, Memorandum to Karen Thorson, Director of Education Division, Center for Judicial Education and Research (CJER)</u></p> <p>In January 2007, CJER Director Karen Thorson spoke with the AJA Education Committee about the then-anticipated minimum education proposals, and invited the committee to submit comments before the end of February 2007. On February 15, 2007, the committee provided those comments in a memorandum for the CJER Governing Committee’s consideration.</p> <p>We understand our February 15, 2007, memorandum has been forwarded to you as a comment upon the SP07–01 proposals. The committee would like to reiterate those remarks as well as reemphasize several points previously made in that memo.</p> <p>a. In our February 15, 2007, memo (page 2,</p>	<p>participant rather than all as a faculty member (because individuals learn differently as participants and as faculty).</p> <p>Answered above.</p>

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				<p>paragraph entitled “Emphasis on Live Education”), the committee suggested that the Judicial Council encourage AJAs to meet their education requirements through live programming and face-to-face interaction, in particular via the multiday CJER Institutes. The committee stated this could be facilitated through more frequent institutes.</p> <p>Proposed rule 10.472(c)(2), mandating eight hours of continuing education every two years for nonmanagerial and nonsupervisory court employees (encompassing AJAs), further underscores the need for <i>annual</i> CJER institutes for AJAs, starting in 2008. We predict the AJA Institutes will become the primary means of meeting the proposed mandatory education requirements for a great many AJAs. The next Institute will be held on November 7-9, 2007, approximately two years after the last Institute held in 2005. If proposed rule 10.472 is adopted and goes into effect as proposed in January 2008 (rule 10.472(c)(3)), thereafter Institutes should be held on a yearly basis so that AJAs can timely meet their requirements in the event they cannot attend one of the two Institutes held during each two-year cycle.</p>	<p>Answered above.</p>

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				<p>b. The committee observed that the proposed minimum education rules permitted trial court personnel to receive education credit for teaching activities but limited the audience to “California court-based audience[s]” (February 15, 2007 memo, page 3, paragraph 3). We suggested that AJAs who teach law school classes or who teach law-related courses for non-court-based audiences should be eligible for credit. We also suggested that credit be awarded for authoring legal articles.</p> <p>Proposed rule 10.472(c)(6) contains the same limitation, indicating a court-based audience would encompass “justices, judges, subordinate judicial officers, temporary judges, or court personnel.” The committee is aware that other AJAs have suggested that a broader universe of faculty service or other activities such as drafting scholarly legal publications should qualify for continuing education (see comment of Jeffrey Bellin), and we likewise question the need for the “court-based audience” limitation. There is no explanation provided in the proposed rules for such a limitation. We agree that broadening the audience for faculty service and the type of qualifying activities in this way would promote judicial branch participation in</p>	<p>Answered above.</p> <p>Answered above.</p>

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				<p>An asterisk (*) in this column indicates it is an excerpt(s) or summary of the comment.</p> <p>the community, increase the prestige of the judicial branch and benefit the larger legal community. We further suggest that credit be allowed for teaching to state court-based audiences in other states and to federal court-based audiences.</p> <p>2. <u>Rule 10.472(c)(2), Exception for Employees Not Providing Court Administrative or Operational Services</u></p> <p>Rule 10.472(c)(2) specifies the hourly content-based education requirement for court employees. It provides: “Each court employee who is not a manager or supervisor must complete 8 hours of continuing education every two years, <i>with the exception of employees who do not provide court administrative or operational services. Those employees are not subject to the continuing education hours-based requirement but must complete any education or training required by law and any other education required by the clerk/administrator [emphasis added].</i>”</p> <p>This language is confusing, and we suggest that it be clarified. It is not clear to whom the phrase “employees who do not provide court</p>	<p>The phrase refers to janitorial staff and other facilities-related staff, who do not provide court</p>

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				<p>administrative or operational services” refers. Conceivably that language could be read to apply to judicial staff attorneys (particularly because trial court judicial staff attorneys are subject to MCLE requirements, that is, “education or training required by law”). In formulating a definition for this phrase, or in otherwise revising this paragraph, the drafters of the proposed rules should consider the suggestion in our February 15, 2007, memo (page 1, paragraph entitled “Independent Categorization”) that the proposed rules specifically reference AJAs rather than placing us within the category of court “personnel.”</p> <p>3. <u>Rule 10.472(c)(5), Self-Directed Study</u></p> <p>Rule 10.472(c)(5) specifies the means by which the 8-hour requirement may be met. In part, it provides: “The hours applied for participation in online coursework are limited to a total of 4 hours for managers and supervisors and to a total of 3 hours for other personnel in each two-year period; these limits are prorated for individuals who enter the two-year period after it has begun. <i>Self-directed study is encouraged for professional development but does not apply toward the required hours</i> [emphasis added].”</p>	<p>administrative or operational services. This is clarified in the FAQ section of the <i>Guidelines for Implementation</i> document.</p>

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				<p>The rules do not define the term “self-directed study” and we are left without guidance on the meaning of that term. For example, independent efforts in writing an article on a law-related topic arguably could fall within the category of self-directed study and thus could be excluded from qualifying towards education credit, though we believe such efforts should qualify. The proposed rule should include a definition of self-directed study.</p> <p>Although justices are permitted to apply limited hours of self-directed study to their content-based requirements (rule 10.461(c)(2)(B)), under the proposed rule such study does not qualify for court employees. Although the committee acknowledges that the 8-hour content-based requirement applicable to AJAs is less onerous than that for justices, we suggest the proposed rule allow a limited number of hours of self-directed study to qualify toward the content-based hours requirement for AJAs (provided the definition of self-directed study encompasses activities appropriate for AJAs).</p> <p>4. <u>Application to Retired Annuitants</u></p>	<p>The term “self-directed study” is defined in the <i>Guidelines for Implementation</i> document.</p> <p>The rules adopted by the council in 2006 for the trial courts do not provide for trial court personnel to apply self-directed study toward the requirements; the proposed rules are consistent with this model as to appellate court personnel.</p>

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				<p>The proposed rule does not state whether it applies to retired annuitants. We assume it does not. (Cf. Advisory Committee Comment to proposed rule 10.462 [rule does not apply to retired judges sitting on assignment].) We suggest that the application of the proposed rule to retired annuitants be clarified either in the rule itself or in an Advisory Committee Comment.</p> <p>5. <u>“Frequently Asked Questions” Document</u></p> <p>The committee is aware that at some point the CJER Governing Committee solicited input for a “Frequently Asked Questions” (FAQ) document regarding the Minimum Education Requirements and Expectations. The committee suggests that clarifying the rules will eliminate much of the need for such a document. Should it be necessary however, the FAQ document should be made available prominently on the California Courts Web site.</p> <p>6. <u>Implementation</u></p>	<p>The proposed rules do not expressly provide whether they apply to retired annuitants, just as they do not expressly provide whether they apply to part-time or temporary employees. This is left to the discretion of the employee’s supervisor in consultation with the court’s management. This is clarified in the FAQ section of the <i>Guidelines for Implementation</i> document.</p> <p>The committee agrees.</p>

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				<p>A number of AJAs have commented that they do not know where to find information on available education programs other than the Institute. If proposed rule 10.472 goes into effect, we suggest CJER increase its efforts to publicize available education programs to AJAs. The Judicial Council should consider adding a link on the home page of the California Courts Web site to the Administrative Office of the Courts Education Division Web site.</p> <p>The Appellate Judicial Attorneys Education Committee thanks the Judicial Council and CJER Governing Committee for the opportunity to submit these comments. Should the Judicial Council or CJER Governing Committee have any questions regarding these comments, please contact the committee chair, Laura Loberman, at <a href="mailto:laura.loberman@jud.ca.gov">laura.loberman@jud.ca.gov</a> or by telephone at 619-645-2829.</p>	The committee agrees.
2.	California Academy of Appellate Lawyers Submitted by: Mr. Paul D. Fogel	AM	Y	*Commentator requests that the California Academy of Appellate Lawyers be added to the list of approved providers.	The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. Immediate supervisors may approve courses offered by other providers if the courses meet the criteria listed in the rules.

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3.	California Court Reporters Association Submitted by: Sandra Bunch VanderPol, President Thomas E. Pringle, Chair Judicial Procedures Committee	AM	Y	<p>The California Court Reporters Association agrees with the proposed rule change and requests it be modified in the fashion described below.</p> <p><b>Proposed amendment:</b> Add the California Court Reporters Association to the list of approved providers listed in rule 10.481(a).</p> <p>In addition, as it relates to Official Court Reporters, minimum education requirements should be amended to include that at least two hours of continuing education each year should be specific to California state rules and codes.</p> <p>Rationale: Rule 10.481 provides that “Any education program offered by any of the following providers that is relevant to the work of the courts or enhances the individual participant’s ability to perform his or her job may be applied toward the education requirements and expectations stated in rules 10.461–10.479, except for the requirements</p>	<p>The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. Immediate supervisors may approve courses offered by other providers if the courses meet the criteria listed in the rules.</p> <p>The committee believes that adding a limitation on content for court reporters is not consistent with the model in the rules for court personnel: each staff person and his or her supervisor have complete discretion as to subject matter content for continuing education courses so that the education chosen may be what is most needed by each individual. The supervisor may approve education for credit from any provider not included on the list as long as the education</p>

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				<p>stated in rules 10.461(b), 10.462(b)(c), and 10.473(b), for which specific providers are required.”</p> <p>The trial court system in California has never had training available to its official court reporters or pro tempore reporters on a statewide and/or local level. None of the listed providers are specific to court reporters and therefore specific training to “enhance the individual participant’s ability to perform his or her job” is lacking. Our concern is that this opportunity to provide valuable training to court reporters will be lost, and reporters will instead be required to sit through hours of training regarding procedures for bailiffs in the courtroom or the filing of papers at the counter, etc.</p> <p>CCRA provides continuing education for students, new reporters, official reporters, and deposition reporters that is approved for continuing education credits by the National Court Reporters Association. The programs for official reporters are specifically designed to accomplish the goal of rule 10.48 [sic]. A partial list of past seminar topics include: Real-time technology in the courtroom and</p>	meets the education criteria listed.

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				troubleshooting in real time for judges, lawyers and reporters; writing seminars geared to real-time reporters; professional conduct and ethics; English skills and punctuation; avoiding repetitive stress injury; official court reporter information exchange from court to court. In addition, CCRA publishes an Official Court Reporter Compendium, which is a compilation of rules and codes that govern the conduct of the California Official Court Reporter. This compendium is updated every year to reflect the current status of applicable rules and codes that apply to the court reporter. CCRA has conducted many panel seminars relating to the compendium and how the rules apply to official reporters.	
4.	California Judges Association Submitted by: Hon. Scott L. Kays, President	N	Y	On July 28, 2006, the Executive Board of the California Judges Association (CJA) passed a resolution opposing the Judicial Council’s proposed rule changes expanding mandatory continuing judicial education for trial court judicial officers. On October 8, 2006, the Executive Board of the CJA passed a resolution which urged the Judicial Council 1) to adopt the CJER education proposal (pertaining to trial bench officers) as a Standard of Judicial Administration rather than as a rule of court or, if the mandatory language was removed, the	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee’s primary reasons for the

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				<p>proposal could be adopted as a rule; and 2) once implemented, the standard/rule would receive periodic review to ensure it provides “optimal service to the needs of the California judiciary.”</p> <p>Our position remains the same and, as always, the CJA remains committed to working with the Judicial Council, CJER, and the Administrative Office of the Courts to ensure that the judiciary continues to be provided with the best in judicial education.</p> <p>We recognize and respect the fact that the needs and concerns of our appellate members are unique and may differ from those of CJA members who are trial bench officers. To that end, we trust that each justice will provide the Judicial Council with appropriate comments and suggestions regarding the proposed rules.</p>	<p>proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.</p> <p>The committee is aware of the sensitive nature of this issue and will continue to seek input from all interested parties in evaluating the</p>

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					education requirements.
5.	Superior Court of California, County of Imperial Submitted by: Jose Octavio Guillen Court Executive Officer	AM	Y	The proposed amendments to Judicial Branch Education: Minimum Education Requirements, Expectations, and Recommendations are well drafted and doable. The one item I would have liked to see in the rules is an evaluation process by the Judicial Council to determine if the branch as a whole has met its articulated goal in this area "...obtain education on the tasks, skills, abilities, and knowledge necessary to be successful in the new roles..." This would require a before and after comparison and the selection of key court performance indicators to measure the efficacy of the education provided. Perhaps this evaluation component can be added in the future.	The Judicial Council, as part of its action in adopting an alternative proposal on minimum education requirements at its October 20, 2006 meeting, also approved the following directive for the CJER Governing Committee: "The CJER Governing Committee will conduct a comprehensive evaluation of the implementation of the rules regarding judicial education for a period of three years (2007-2009) and report to the Judicial Council in early 2011 regarding the impact of the rules on the administration of justice, the level of participation, any changes in service to the public, and any recommendations from presiding judges and executive officers."
6.	Superior Court of California, County of Los Angeles Submitted by: Presiding Judge J. Stephen Czuleger	N	Y	Last year, the Los Angeles Superior Court's Executive Committee adopted the following position regarding mandatory judicial education and by vote of the Executive Committee on April 18, 2007, the Los Angeles Superior Court again asserts:	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all

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				<p>“All judges are aware of the obligation specified in Canon 3B(2) of the California Code of Judicial Ethics to ‘maintain professional competence in law.’ The Committee believes that an essence of the performance of judicial duties is a continuing educational process and that the judges of the Court are committed to the maintenance and growth of their judicial skills and legal knowledge through a variety of sources, including the finest available judicial education that is provided by CJER, CJA and other professional organizations, as well as the education programs of the Los Angeles Superior Court.</p> <p>“In considering the discussion that has resulted from the proposed rules, the Executive Committee believes that the imposition of mandatory education is unwarranted, in part, due to the absence of:</p> <ol style="list-style-type: none"> <li>1. any reasonable indication that the trial court judges lack the educational qualification, both past and present, for their position;</li> <li>2. any reasonable indication that the public</li> </ol>	<p>individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.</p>

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				<p>perceives that the trial court judges lack the educational qualifications for their position; (to the contrary, the report prepared for the AOC on public trust and confidence states that ‘the public perceives a high level of job performance’ by the judges);</p> <p>3. any reasonable indication that trial court judges do not maintain professional competence in the law; and</p> <p>4. any reasonable indication that mandatory education, if imposed, would either result in a higher level of competency or the public’s confidence in the judiciary.”</p> <p>The Los Angeles Superior Court continues to support the availability of a high quality voluntary continuing education program for all bench officers.</p>	<p>The committee is aware of the sensitive nature of this issue and will continue to seek input from all interested parties in evaluating the education requirements.</p>
7.	<p>Superior Court of California, County of Riverside Submitted by: Ms. Inga McElyea Executive Officer</p>	AM	Y	<p>Modify rule 10.481(a) to add Inns of Court.</p>	<p>The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. Immediate supervisors may approve courses offered by other</p>

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					providers if they meet the criteria listed in the rules.
8.	Superior Court of California, County of San Diego Submitted by: Mr. Mike Roddy, Executive Officer	A	Y	No additional comments.	
9.	Superior Court of California, County of San Mateo Submitted by: Mr. Timothy Gee Management Analyst III, Court Planning & Development Division	AM	Y	Rule 10.474: The rules indicate that there is an exception to this education requirement for those court employees who do not provide court administrative or operational services. It's not clear in the proposed rule as to what type of classification that the exception might pertain to, so it would help to get some clarification on that within the rule.	The phrase refers to janitorial staff and other facilities-related staff, who do not provide court administrative or operational services. This is clarified in the FAQ section of the <i>Guidelines for Implementation</i> document.
<b>INDIVIDUALS</b>					
10.	Hon. Gordon Baranco Judge Superior Court of California, County of Alameda	A	N	Education for trial judges should be mandatory!!!	This is beyond the scope of the proposal. The rules adopted in 2006 cover trial judges.
11.	Jeffrey Bellin Senior Appellate Attorney Court of Appeal, Fourth Appellate District	AM	N	The rules would benefit from a provision clarifying that certain activities (such as lecturing at law schools, researching and drafting scholarly legal publications, judging moot courts, etc.) qualify toward satisfying the new continuing education requirements. Such activities are easily verifiable, and there can be little objection to their inclusion. Clarifying that	The committee discussed faculty credit and limitations on faculty credit at length in formulating the rules adopted in 2006, and again in drafting the proposed rules. The committee decided it wanted to especially encourage faculty service for California court-based

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				<p>they are covered would serve at least four goals: (i) encourage judicial employees to participate in these types of activities which benefit judicial employees in terms of continuing education, increase the prestige of the judicial branch, and benefit the larger legal community; (ii) avoid channeling judicial employees away from active learning activities such as law teaching or publishing articles, by pushing them to reduce their participation in these activities in favor of more traditional passive MCLE-type activities like attending lectures, reviewing handouts, etc., that are – as anyone who has participated in private sector MCLE knows – generally of little use to the participants and the legal community; (iii) exhibit a recognition of the unique role of judicial branch employees who are expected not merely to absorb the teachings of MCLE-type providers, but to take a lead in guiding the larger legal community with respect to the state of the law; (iv) encourage judicial employees to “buy-in” to the requirements, by allowing tailoring of those requirements to areas of law that are most useful to them (many of which will not otherwise be available in an MCLE-type lecture/handout format).</p> <p>A proposed addition to the rules consistent with</p>	<p>audiences, and wanted to require that individuals take a significant portion of their education as a participant rather than as a faculty member.</p> <p>While all of the activities noted are valuable, and while the committee believes that individuals will continue to actively participate in them, the committee believes that formal education is vital to members of the judicial branch. In drafting the rules, the committee left the choice of content for continuing education at the discretion of the individual and his/her immediate supervisor; in addition the supervisor may approve courses from a variety of providers, not just those listed the rules. The reason for this flexibility is to ensure that the education is relevant to the individual.</p>

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				<p>this comment follows:</p> <p>10.481(c). To avoid a reduction in activities generally seen as beneficial to the judicial branch and the legal community as a whole, activities such as lecturing at a law school or related setting, judging law students in moot court competitions, and drafting/publishing scholarly legal publications continue to be encouraged and may also be counted toward the minimum education requirements. The suggestion of activities in sections (a) and (b) of this section is not intended to preclude reliance on these or other activities to satisfy the continuing education requirements.</p>	
12.	Hon. Roger W. Boren Administrative Presiding Justice Court of Appeal, Second Appellate District	A	N		
13.	Hon. Roland L. Candee Presiding Judge Superior Court of California, County of Sacramento	AM	N	With the standards for trial judges being “expectations,” there is no consistency in making the standards for justices be “requirements.” Please be consistent and make the standards for justices “expectations” also.	Both the Administrative Presiding Justices Advisory Committee and the Supreme Court decided unanimsously to support mandatory continuing education for Supreme Court and Court of Appeal justices, and the CJER Governing Committee incorporated that

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					recommendation into the proposal.
14.	Judge Geoffrey Glass Superior Court of California, County of Orange	N	N	By the very nature of their jobs, justices and appellate research attorneys must educate themselves on all areas of the law. Daily, they have to tackle the law's nuances and subtleties as well as larger social issues. At best, minimum required education would be redundant to those efforts. I expect justices and the research staff to do unfiltered legal research and would not trust an appellate decision based upon what a justice learned in a continuing education class.	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee's primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial

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					branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.
15.	Sarah Hofstadter Judicial Staff Attorney Court of Appeal, First Appellate District	N	N	My comments apply ONLY to the proposal to require appellate judicial attorneys to complete a continuing education requirement.  1. There is absolutely no need for this requirement. The reason that attorneys in private practice are required by the State Bar to fulfill MCLE requirements is in order to protect their clients. Appellate judicial attorneys, however, have only one “client”—the justice, or group of justices, for whom they work. That client does not need the “protection” of a continuing education requirement. If the justices who review an attorney’s work product believe that the attorney in question is not doing an adequate job of researching and analyzing relevant law, or that the attorney’s research or writing skills need improvement, they need only say so. If improvement is not forthcoming, the attorney’s employment can easily be terminated, as we are	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of

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				<p>all at-will employees. In the absence of any proof—or even any indication—that there is any problem at all with judicial research attorneys’ knowledge or skills—much less one that cannot be solved through ongoing judicial supervision—why adopt an expensive and time-consuming “solution” just because it “looks good” politically?</p> <p>2. In my opinion, if the state provides or pays for the required education and counts it as work time (as it should, if it is going to impose this requirement), this is a colossal waste of judicial branch money and resources that should be devoted to other needs that HAVE been proven to exist (e.g., facilitator assistance for pro se family law litigants, to name only one PRESSING example). On the other hand, to the extent that the state does not pay for the education, and/or requires that it be completed outside of working hours, this requirement would constitute a totally unwarranted imposition of an onerous personal burden on state employees who already earn far less (even taking into account our generous benefits) than our peers in private practice.</p>	<p>professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch. In addition, the committee believes that appellate judicial attorneys have another “client”—the public—which every member of the judicial branch must serve and be accountable to.</p>
16.	Beth Holzman Trial Court Research Attorney III	N	N	I am a trial court research attorney. Trial court research attorneys are already subject to MCLE	Trial court research attorneys have education requirements under the

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	Superior Court of California, County of Sacramento			<p>requirements. We are not exempt from those requirements, as are our appellate research attorney counterparts. Why is there no exemption for us from the new court education requirements? It seems so unnecessary for us to be subject to both requirements. It would seem that the purpose of the new rules is to require education for all court personnel who are not already subject to education. If the Legislature is not going to exempt us from MCLE, why can't we be exempt from the court education requirement?</p> <p>Also, the new court education requirements appear to allow us to use MCLE credits to meet the court education credits. However, there is no provision that takes into account our situation in the first two years of the implementation of the new rules, if we remain subject to both requirements. In my own situation, my three-year MCLE compliance period is 2006-2008. I did all of my 25 hours in 2006, thus have already met my MCLE requirements for this compliance period, but cannot use any of those hours towards my trial court education</p>	<p>rules that were adopted effective January 1, 2007; the substance of these rules is not under consideration at this time and the new proposal does not apply to them. In addition, there is no need for an exemption regarding MCLE. The rules provide that education taken to satisfy a statutory or other education requirement may apply toward the expected or required continuing education. So the hours-based requirements in the rules are not in addition to other requirements, such as MCLE.</p> <p>The committee acknowledges that retroactive credit is not allowed, and that during the first reporting period attorneys may have to take education in addition to State Bar MCLE, but believes that 8 hours of continuing education in a two-year period is reasonable and achievable.</p>

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				requirements, meaning that I am now required to do an additional 8 hours beyond what would otherwise have been required for me. There is no provision to allow people like me to use our hours from 2006 to apply toward the first compliance period, of 2007-2008, for the trial court education requirements.	
17.	James Hughes Staff Attorney Court of Appeal, First Appellate District, Division 3	N	N	In my opinion, education requirements for court attorneys are unnecessary. Not only do we have ample opportunity to keep abreast of new developments in the law via daily circulation of the legal newspapers ( <i>Recorder</i> and <i>Journal</i> ) but our job requires we independently research any issue we work on in assessing the contentions of the parties. Further, time needlessly spent on earning CLE credits (which I presume will be at the State's expense) is time we don't spend working on cases, so that the length of the appeal process, as well as case backlogs, are likely to grow if this is implemented.	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee's primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the

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					highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.
18.	Kevin Lane Assistant Clerk/Administrator Court of Appeal, Fourth Appellate District	A	N	The requirements for staff education can easily be met with the appellate staff conferences and AOC broadcasts. Most staff do more now than the minimum would require.	No response necessary.
19.	Connie L. Littrell Lead Appellate Attorney Court of Appeal, Fifth Appellate District	N	N	Re rule 10.472: We appellate attorneys are responsible for writing most of what is new in the law, and we are already required, as part of our jobs, to keep abreast of new developments. Why should we have mandatory continuing education, as well? I do not view this as an efficient use of my time, or my or the state’s financial resources, depending on who is going to pay for the courses. In addition, is there any provision for us to receive a workload reduction	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional

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				<p>so we can attend educational conferences, or are we expected to donate overtime? I agree with requiring some sort of orientation program for attorneys new to the court, but do not agree with mandatory continuing education beyond that. If we absolutely must have it, I would like to see a provision allowing online programs so that the classes hopefully can be more easily fit into our schedules, as well as more relevant to our actual work assignments. (For example, I do nothing but criminal cases. It does not make sense for me to be required to attend a program on, say, new developments in the law of summary judgment.)</p>	<p>development. However, the committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.</p> <p>The proposed rules allow credit for online courses.</p>

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20.	Katherine Lynn Managing Attorney Court of Appeal, Second Appellate District	AM	N	Proposed rule 10.472(c)(6) provides for continuing education credit for serving as “faculty for a California court-based audience.” I propose that the provision be modified to provide that serving as faculty in a law school may also apply, limited to the same number of hours as is currently set forth. The rationale for permitting credit for teaching a “court-based audience” extends to the teaching of appellate advocacy, evidence, or substantive courses in a law school.	The committee discussed faculty credit and limitations on faculty credit at length in formulating the rules adopted in 2006, and again in drafting the proposed rules. The committee decided it wanted to especially encourage faculty service for California court-based audiences, and wanted to require that individuals take a significant portion of their education as a participant rather than all as a faculty member.
21.	Jason Marks Senior Judicial Attorney California Supreme Court	AM	N	1. I suggest the list of approved providers (rule 10.481(a)) include the National Institute for Trial Advocacy. For appellate attorney staff who (like me) do not have extensive trial experience, participation in a NITA program could serve as a useful antidote to any “ivory tower” tendencies of the appellate courts.  2. Approval authority for judicial attorney participation in non-preapproved programs (rule 10.481(b)) should lie with the attorney’s supervising justice (for a chambers attorney) or with the Chief Justice or Presiding Justice (for a central staff attorney). The justices are far better	The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. Immediate supervisors may approve courses offered by other providers if they meet the criteria listed in the rules.  Under rule 10.481(b), the employee’s supervisor is authorized to approve education from a provider not on the list in order to cover the different organizational structures in the courts.

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				<p>able to evaluate the educational usefulness of a program for their staff attorneys than are clerk/administrators. Clerk/administrators, in my experience, often have only a vague idea of the work judicial attorneys actually do.</p> <p>3. While it does not apply to me, I question the need or usefulness of the content-based requirements for new judicial attorneys (rule 10.472(b)). The best way to train a new employee should be up to the employee’s supervisor. Sometimes that will include a formal class (and such classes should be offered) but in other circumstances most or all of the training is better done within chambers or staff.</p>	The proposed rules provide in rule 10.472(b)(3) that the managing attorney or the employee’s supervisor may determine the appropriate content, delivery mechanism, and length of orientation based on the needs and role of each individual employee.
22.	Hon. Bruce F. Marrs Judge Superior Court of California, County of Los Angeles	N	N	Mandatory education for Supreme Court and appellate justices is wrong for all the reasons expressed during the debate about mandatory education for judges in general.	Both the Administrative Presiding Justices Advisory Committee and the Supreme Court decided unanimously to support mandatory continuing education for Supreme court and court of appeal justices, and the CJER Governing Committee incorporated that recommendation into the proposal.
23.	Hon. James A. McIntyre Associate Justice Court of Appeal, Fourth Appellate District	AM	N	I agree with the initial proposal made by the CJER Governing Committee for the continuing education for appellate judges. This proposal mirrored the plan recently adopted for the trial	Both the Administrative Presiding Justices Advisory Committee and the Supreme Court decided unanimously to support mandatory

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				<p>court judges in that the requirements were an expectation rather than a requirement.</p> <p>The very essence of the task in each case for an appellate justice involves examining the current state of the law on whatever issues are presented followed by an analysis of the application of that law to the facts of the particular case. In other words, we are on a daily basis engaged in keeping ourselves up to date on the developments in the law. Since we are generalists and review cases in all fields, the very nature of our work includes keeping current. I therefore do not see any justification for making continuing education a requirement for appellate judges but only an expectation for trial judges many of whom are assigned to specialized fields. I have seen no justification for changing the original CJER proposal and I believe there is none. Accordingly, I urge the Judicial Council to adopt the original CJER proposal with the continuing education hours an expectation.</p>	<p>continuing education for Supreme court and court of appeal justices, and the CJER Governing Committee incorporated that recommendation into the proposal.</p> <p>The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee's primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will</p>

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					receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: that the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.
24.	Hon. Douglas P. Miller Associate Justice Court of Appeal, Fourth Appellate District	A	N	Hopefully our example will lead to a court-wide rule!	
25.	Hon. Richard M. Mosk Associate Justice Court of Appeal, Second Appellate District	N	N	I do not believe there should be any continuing education requirements for appellate justices. In order to perform their job, they necessarily read cases and treatises. If there is to be any education provided, it should be in subjects with which they have little contact, but can be helpful—international law, tax, bankruptcy.	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the

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					committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and professionalism to the branch.
26.	Eric O’Kelly Judicial Attorney California Supreme Court	AM	N	The rule changes could be more specific as to whether judicial officers and employees may attend such educational programs in lieu of their daily job duties (or must such activities be “on	These issues are addressed in the FAQ part of the Guidelines for Implementation document.

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				their own time”), and whether the judicial branch will pay for (or provide reimbursement for) the associated costs (tuition, books and materials, travel, lodging, meals, etc.).	
27.	Hon. Steven Z. Perren Associate Justice Court of Appeal, Second Appellate District	A	N	I’ve glanced through the proposed rules. Personally, I think that it should be mandatory. I respect what others have said that resulted in the present proposal but remain at a loss to understand how we can insist on mandatory education for the Bar but decline it for ourselves. Maybe we don’t need it (of course we do), but as a simple principle of leadership, you do not ask subordinates to do more than you are willing to do.  Second, the opening section (10.452(a)) refers to “...proceedings that affect the freedom, livelihood and happiness of the people involved.” Too much of a Kumbaya moment for me. I suggest, “...proceedings that affect every aspect of the lives of the people whom they serve.”	Both the Administrative Presiding Justices Advisory Committee and the Supreme Court decided unanimously to support mandatory continuing education for Supreme court and court of appeal justices, and the CJER Governing Committee incorporated that recommendation into the proposal.  The committee believes that, while the suggested revised wording would be appropriate, the wording in the proposal is also effective.
28.	Alyson Rietgraf Court of Appeal, Third Appellate District	N	N	Appellate staff attorneys are constantly engaging in continuing education by the nature of their work. Why is this new requirement necessary? Most MCLE classes are cursory and a waste of time. Who is going to pay for these classes, the employer or the employee?	The committee discussed this concern, that education requirements are not needed, extensively in its proposal to the council in 2006. To summarize, the focus of the disagreement seems to

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					<p>be whether all or almost all individuals in the judicial branch participate in appropriate amounts of education and professional development. However, the committee’s primary reasons for the proposal include a public commitment to ongoing professional development, creating a branchwide environment of professional excellence, and ensuring that regardless of the court, judge, or employee, or type of case, each and every member of the public will have access to the highest levels of expertise and will receive the highest level of service possible in each and every court of our state. Education requirements are a public statement of branchwide values: the judicial branch considers the goal of improvement—individual and collective improvement—as an integral part of its responsibility to be accountable to the public, and that self-generated requirements are a matter of pride and</p>

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					<p>professionalism to the branch.</p> <p>The proposed rules provide a list of approved providers and also provide that the supervisor may approve courses offered by any other provider, so long as the course meets the criteria in the rules.</p> <p>The proposed rules provide that supervisors must ensure that court personnel are reimbursed by their court for travel expenses incurred in attending in-state education programs as a participant if those expenses are not covered by the provider or the Administrative Office of the Courts. If the supervisor approves a course, an event, or specific content for an individual, the expectation is that the court would pay any associated travel and registration costs.</p>
29.	Hon. Ronald B. Robie Associate Justice Court of Appeal, Third Appellate District	A	N		No response necessary.

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30.	Hon. Arthur G. Scotland Administrative Presiding Justice Court of Appeal, Third Appellate District	A	N		No response necessary.
31.	Hon. Patricia Sepulveda Associate Justice Court of Appeal, First Appellate District	A	N	Will classes taught at a law school qualify as “faculty for a California court-based audience”? If not, is there any consideration being given to counting it in the future?	The committee discussed faculty credit and limitations on faculty credit at length in formulating the rules adopted in 2006, and again in drafting the proposed rules. The committee decided it wanted to especially encourage faculty service for California court-based audiences, and wanted to require that individuals take a significant portion of their education as a participant rather than all as a faculty member. At the conclusion of the initial period of time, the committee will evaluate the impact of the requirements and expectations and may consider changes in a variety of areas.
32.	Hon. David G. Sills Presiding Justice Court of Appeal, Fourth Appellate District, Division Three	AM	N	I neither support nor oppose continuing education for appellate judges, but do feel strongly that if we have educational requirements, the categories of approved education for appellate judges should be far broader than that for trial judges. The appellate	The proposed rules allow complete discretion to a justice, with the approval of his or her presiding justice, as to the subject matter content of continuing education courses. And the presiding justice

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				<p>justices do not need lectures by Sills on civil procedure or by Hollenhorst on criminal law or by Rylaarsdam on the latest SLAPP motion decisions.</p> <p>The most valuable courses I have taken during my 17 years on the appellate bench have been a 40-hour course on statistics and two executive education courses at the Harvard Business School. None of these were at the taxpayer expense. It should be obvious that a statistics course would be valuable to any sitting judge. The Harvard Business School courses have been invaluable to me both in the performance of my administrative duties and in analyzing some of the complex corporate litigation which comes to my desk.</p> <p>Given that we spend most of our time writing opinions, courses in literature, history, and even popular culture would be of immense value. It is my recommendation that the types of approved educational programs be vastly expanded for appellate justices. And, I cannot help but observe that if you did that, the political opposition to mandatory appellate education would diminish.</p>	<p>may approve courses offered by any provider, so long as the course meets the criteria in the rules.</p>
33.	Philip Tavlian	A	N	As an individual staff member of the Court of	

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	Senior Appellate Attorney Court of Appeal, Fifth Appellate District			<p>Appeal, I wholeheartedly agree with the proposed changes entitled: “Judicial Branch Education – Minimum Education Requirements, Expectations, and Reasons.”</p> <p>Adoption of these changes, however, raises a concern with respect to the State Bar of California Board of Legal Specialization (BLS) and its Standards for Certification in Appellate Law (SCAL).</p> <p>In their present form, the SCAL pay lip service to the tenure of longtime appellate court attorneys but essentially disenfranchise or exclude such attorneys from even qualifying for the specialty certification examination.</p> <p>Had the current SCAL been in effect decades ago, respected/venerated appellate attorneys such as Bernard Witkin, Raymond E. Peters, and Donald Barrett would have been automatically debarred from consideration for specialty certification.</p> <p>Now that the Judicial Branch of California government is implementing minimum education standards for court attorneys, the Judicial Council should initiate discussions with</p>	The committee believes this issue is beyond its purview.

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				<p>the State Bar BLS to ensure a more equitable treatment of appellate court attorneys for purposes of the Appellate Law Specialization.</p> <p>To retain the present system is to essentially say that the counsel most intimately acquainted with California appellate jurisprudence are somehow unfit for a credential that is rightfully theirs by virtue of their education, experience, and tenure in public service.</p>	
34.	Shelly Troop Child Custody Mediator/Investigator Superior Court of California, County of San Joaquin	A	N		No response necessary.
35.	Hon. Paul Turner Presiding Justice Court of Appeal, Second Appellate District, Division Five	AM	N	<p>To begin with, congratulations on the proposed minimum education requirements—they will improve the competence of judges and staff in California courts. Your role in drafting these proposed rules is deeply appreciated.</p> <p>My only comments concern proposed rule 10.461(c)(2)(C), which relates to credit for teaching classes.</p> <p>First, no credit is allowed for speaking to bar associations or other legal groups. Judges play an important role in continuing legal, as distinguished from judicial, education.</p>	The committee discussed faculty credit and limitations on faculty credit at length in formulating the rules adopted in 2006, and again in drafting the proposed rules. The committee decided it wanted to especially encourage faculty service for California court-based

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				<p>Preparation for these classes involves time and effort. Last fall, I presented an update on civil litigation issues to the Glendale Bar Association. I drafted a lengthy handout and produced a PowerPoint presentation. My point is that judges speak regularly to bar associations on the same subjects that are covered in CJER programs. Preparation before speaking to lawyers involves the same type of self-education that occurs when preparing to speak to judges. In a similar vein, a California judge who speaks to judges or court staff in another state receives no credit. I would suggest reconsidering this aspect of the proposed rule.</p> <p>Second, under proposed rule 10.461(c)(2)(C), only three hours of credit is allowed for each hour the course is taught. I have no problem with intelligently assigning a fixed limit on the amount of hourly credit for acting as an instructor. Assigning three hours of credit for the first time a class is taught makes good sense. But it bears emphasis that this is <i>not</i> the amount of time typically spent in actual preparation by most instructors. Generally, I spend three <i>days</i> to prepare for a one- to two-hour program. The biggest problem with CJER programs is that some of them are not any good—generally</p>	<p>audiences, and wanted to require that individuals take a significant portion of their education as a participant rather than all as a faculty member.</p> <p>The committee acknowledges that many faculty will typically spend more than three hours preparing for a one hour course, but it believes that allowing three hours for each hour of presentation the first time a given course is presented is appropriate. As clarified in the FAQ section of the <i>Guidelines for Implementation</i> document, the three-for-one formula is used nationally as a means of calculating credit for those who serve as faculty.</p>

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				<p>because of lack of preteaching preparation by instructors. (And why most of them are pretty good is that CJER instructors generally spend significant time preparing to teach.) It might be wise to consider inserting in the rule an explanation that it is anticipated more than three hours is typically expended in preparation for a one-hour class. Often in bureaucracies, people conform their conduct to unintended expectations created by rules or regulations. Creating an unintended expectation that only three hours of preparation time is to be expended does not serve the public interest and more importantly, the best interest of judges (like me), who have to sit through these classes.</p> <p>Thank you for allowing me to comment on the proposed judicial education rules.</p>	
36.	Ms. Tori Voss Assistant Deputy Clerk Court of Appeal, Third Appellate District	A	N	<p>I am an assistant deputy clerk for the Third District. I'd love to be able to obtain MCLE credit for classes/training we're offered here.</p> <p>As a nonattorney, it's very difficult to find classes that are convenient and affordable. The law firms I worked for in the past allowed its paralegals to participate in the CEB classes.</p> <p>I need to keep my paralegal certificate active.</p>	

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37.	Hon. Elizabeth Allen White Judge Superior Court of California, County of Los Angeles	A	N		No response necessary.
38.	Mr. Michael Willemsen Judicial Staff Attorney California Supreme Court	AM	N	<p>I would request that the California Academy of Appellate Lawyers be added to the list of approved providers. This organization, composed of experienced appellate practitioners and retired appellate justices, presents 4–6 hours of educational programs at its annual meeting. The programs deal with the practice of appellate law. The panelists presenting the programs include the leading appellate lawyers in the state, current and retired appellate justices, and leading law professors. In my opinion, their programs are superior to the typical appellate CEB programs, which are more often aimed at inexperienced practitioners, or lawyers with other specialties who need a little knowledge about appeals.</p> <p>The Academy of Appellate Lawyers is an approved CEB provider, and lawyers in private practice attending these sessions received CEB credit. There is no reason judicial staff attorneys attending the sessions should not receive credit.</p>	The rules provide that the list of approved providers is not exhaustive and that education is not limited to the approved providers listed. Immediate supervisors may approve courses offered by other providers if they meet the criteria listed in the rules. Thus, a supervisor may approve a course offered by the California Academy of Appellate Lawyers if it meets the criteria listed in the rules.
39.	Hon. Rebecca A. Wiseman Associate Justice	AM	N	I have two suggested modifications to proposed rule 10.461(2)(C). First, I recommend that the	The term “court-based audience” is defined in the <i>Guidelines for</i>

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	Court of Appeal, Fifth Appellate District			<p>An asterisk (*) in this column indicates it is an excerpt(s) or summary of the comment.</p> <p>term “court-based audience” be clarified. One reason this is necessary is that several appellate justices teach regularly at an annual daylong program sponsored by the California Judges Association and the Rutter Group. The audience is comprised of attorneys <i>and</i> judges. The rule could read: “A justice who serves as faculty 1) for a California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel) or 2) for a program sponsored by a court-based organization and/or approved provider as defined in rule 10.481(a) may apply the following hours of faculty service....”</p> <p>Second, I believe that rule 10.461(2)(C) needs to be clarified since many justices frequently teach substantive legal programs on an annual basis—whether for CJER, CJA, the Rutter Group, and/or the state and local bar associations. These programs can last for an entire day or multiple days. Currently, for faculty service the new rules allows “3 hours for each hour of presentation the first time a given course is presented and 2 hours for each hour of presentation each subsequent course is presented.” I am assuming this means, for example, that if a justice serves as faculty in a three-hour course that he or she will earn nine</p>	<p><i>Implementation.</i></p> <p>The committee discussed faculty credit and limitations on faculty credit at length in formulating the rules adopted in 2006, and again in drafting the proposed rules. The committee decided it wanted to especially encourage faculty service for California court-based audiences, and wanted to require that individuals take a significant portion of their education as a participant rather than all as a faculty member. The committee believes that a mixed audience, such as judges and attorneys, qualifies as a California court-based audience as long as the mixed audience is predominantly court-based. The committee also decided to keep the limit at 15 hours every three years at least for the first three year period, after which it will reassess the limit.</p>

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				<p>hours for that year. Further, the “hours applied for faculty service are limited to 15 in each three-year period.” I am concerned that this rule will discourage experienced judicial teachers from continuing to teach. As you undoubtedly know, many hours of preparation go into putting together a substantive legal educational program. The current proposal only allows the justices to receive two hours of credit—he or she earns one hour merely for attending—the same as would be earned by a justice who sits in the audience. To ensure that dedicated judicial teachers continue to teach, I recommend that the number of hours allotted to faculty be increased from 15 to at least 20 hours for each three-year period.</p>	