



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 29, 2011

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Title	Agenda Item Type
Judicial Branch Education: Evaluation of the Implementation of the Education Rules for the First Three-Year Period	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Cal. Rules of Court, rules 10.451–10.491	April 29, 2011
Recommended by	Date of Report
Governing Committee of the Center for Judicial Education and Research (CJER)	March 22, 2011
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Education Division/CJER	

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### **Executive Summary**

The Governing Committee of the Center for Judicial Education and Research (CJER), as directed by the Judicial Council in October 2006, is presenting a report on its comprehensive evaluation of the implementation of the education rules (Cal. Rules of Court, rules 10.451–10.491) during the first three-year period (2007–2009) for the council to accept and receive. This report will assist the council in assessing the achievement of the council's strategic goal of providing education and professional development to enhance the ability of all individuals serving in the judicial branch to achieve high standards of professionalism, ethics, and performance, which are necessary to serve the public and to enhance trust and confidence in the courts. The committee strongly feels that the education rules have substantially accomplished what they were intended to accomplish.

## **Recommendation**

The CJER Governing Committee recommends that the Judicial Council, effective February 25, 2011, accept and receive its report to the Judicial Council, as directed in October 2006, based on a comprehensive evaluation of the rules on judicial education for the first three-year period (2007–2009) “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.”<sup>1</sup>

## **Previous Council Action**

Before 2007 judicial education requirements in the rules of court were contained in former rule 970 of the California Rules of Court. Former rule 970 was recommended by the CJER Governing Committee and adopted by the Judicial Council, effective January 1, 1996, and required new judges and subordinate judicial officers to complete the New Judge Orientation and the Judicial College and new Court of Appeal justices to complete an orientation program. From 2003–2006 the Governing Committee thoroughly studied whether a complete system of education requirements for the judicial branch should be recommended to the Judicial Council for adoption. The primary policy reason was to help ensure the professional competency of judges and court personnel to most effectively serve the public.

The Governing Committee recommended new rules including education requirements for trial court judges and personnel to the Judicial Council in October 2006. The council approved an alternative proposal, effective January 1, 2007, that made continuing education for judges an expectation instead of a requirement and, in turn, required that judges report their education participation to their presiding judge annually, with presiding judges required to then submit an aggregate report to the Judicial Council at the end of each three-year period.

In October 2006 the council directed the committee to make recommendations for education rules for appellate justices and personnel and to incorporate key provisions from the California Standards of Judicial Administration on education into the rules. The committee made those rule recommendations to the council in August 2007, and the council adopted them, effective January 1, 2008.

In October 2006 the council, in adopting the education rules for the trial courts, also directed the committee to “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.” This report is submitted in response to that direction.

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<sup>1</sup> Judicial Council of Cal., mins. (Oct. 20, 2006), p. 36.

## **Rationale for Recommendation**

In its evaluation of the implementation of the education rules, the CJER Governing Committee has reviewed and considered the following:

- Whether the original policy-level goals and operational objectives for recommending the education rules are still applicable or should be revised;
- Whether the educational values reflected in the rules are still applicable or should be revised;
- Whether the level of participation in education by justices and judges (based on statistical data from the aggregate reports) is satisfactory and whether it indicates that any changes should be recommended;
- Whether the survey results from two surveys conducted after the first three-year period (one of court leadership and one of all justices and judges) indicate that any changes should be recommended;
- Whether any of the issues and questions raised by users or others during the first three-year period indicate that any changes should be recommended; and
- Whether analysis of several overarching issues indicates that any changes should be recommended.

These considerations are all discussed below.

A subcommittee of the full CJER Governing Committee, appointed by the chair and consisting of Justice Ronald B. Robie, Chair; Justice Robert L. Dondero, Vice-Chair; and Judges Gail A. Andler and William A. MacLaughlin, worked with committee staff over the course of four conference call meetings to discuss the issues and develop draft recommendations for the full committee. The full committee thoroughly discussed and approved the recommendations that are the basis for this report at its in-person November 9, 2010, meeting.

### **Goals, objectives, and educational values**

The committee first reviewed and discussed its stated policy-level goals, operational objectives, and educational values for recommending the education rules in 2006 and 2007. The committee's discussion and subsequent agreement on the goals, objectives, and values provided a foundation for the discussions to follow. The committee decided to add another policy-level goal: "To demonstrate the judicial branch's accountability to the public, which it serves." The committee also decided to make changes in the educational values to update them and to state them more positively. As revised, the committee reaffirmed the goals, objectives, and educational values; they are included in Attachment A.

### **Education participation levels**

The Governing Committee reviewed and discussed statistical data on the levels of education participation by justices and judges in the first three-year period based on summarized data from the aggregate reports submitted to the Judicial Council by administrative presiding justices and presiding judges. This data is fully presented in Attachment B. It should be noted that 100 percent of the courts submitted an aggregate report.

The committee made the following observations as highlighted by the data:

- The justices, who have requirements for both new justice education and continuing education, had very high completion rates, 100% and 99% respectively.
- Trial court judges, who have requirements for new judge education, had very high completion rates for the three components of new judge education—New Judge Orientation (required within six months), a primary assignment orientation (required within one year), and the Judicial College (required within two years).
  - The rate for New Judge Orientation was 93.5% within the six-month requirement, and 100% eventually completed it.
  - The rate for the primary assignment orientation was 69% within the one-year requirement, and 94% eventually completed it.
  - The rate for the Judicial College was 67.6% within the two-year requirement. Another 2% completed the college but after two years, and another 30.1% could still complete the college within the two-year time frame.
- A very high percentage of trial court judges, 93.4%, completed the continuing education expectation of 30 hours in three years.
- Over 90% of new presiding judges completed their education expectation (the Presiding Judges/CEO Management Program) within one year, although participation was a bit lower for presiding judges from the smallest courts and the medium courts.
- New supervising judges have an education expectation in one or both of the administration and calendar management areas. Depending on the responsibilities of their supervising judge role, they are expected to complete a course on administration or a course on calendar management within one year. Over 65% completed the former course within one year (another 14% completed it but after a year, and another 12.6% could still complete it within the one-year time frame). For the latter course, 73% completed it within one-year (another 2% completed it but after a year, and another 6% could still complete it within the one-year time frame).
- Judges beginning a new primary assignment (unless returning after less than two years in another assignment) are expected to complete a course on the new primary assignment within six months of beginning the new assignment. With some variation among the assignments, 74% overall completed the course within six months (another 13% completed it but after six months, and another 5% could still complete it within the six-month time frame).

The committee acknowledged that this data was the first time that education participation has been tracked and reported on a systematic basis for justices and judges. There is no baseline data with which to compare the current data. The committee felt, however, that the participation levels were respectably high for the first three-year period. The committee fully considered this information in formulating its recommendations, but also felt that the information did not indicate a need for major changes in the education rules.

### **Survey results**

As part of its evaluation, the Governing Committee also reviewed and discussed survey results (including written comments) that had been gathered from two surveys conducted in October

2010, one of court leadership and one of all justices and judges. The surveys were designed to gather information on the perceptions of the respondents to the implementation of the education rules. Background information about the surveys and survey results are fully presented in Attachment C. A total of 415 responses to the surveys were received, which is an overall 24.2% response rate.

The committee made the following observations as highlighted by the survey results:

- The responses generally indicate positive perceptions about implementation of the education rules.
  - For justices, the “strongly agree” plus “agree” responses for most of the questions range from 56 to 88%, and the “strongly disagree” plus “disagree” responses range from 7 to 28%, except for three questions that are not as applicable to appellate justices.
  - For judges, the “strongly agree” plus “agree” range from 52 to 86%, with the “strongly disagree” plus “disagree” ranging from 10 to 24%, except for question 10 (impact on calendar/case management).
  - For trial court leadership, the responses were even more positive. The “strongly agree” plus “agree” range from 55 to 96% for all but four questions. The “strongly disagree” plus “disagree” range from 0% (for six questions) to 19%. There is a strong “neither agree nor disagree” response rate on questions 7–10 (all impact questions).
- Question 1 asked whether requiring specific education for new justices or judges is reasonable and appropriate: 80% of justices agreed, 86% of judges agreed, and 96% of trial court leadership agreed.
- Question 2 asked whether requiring/expecting specific education programs for judges beginning a new role or assignment is reasonable and appropriate. 88% of justices agreed; 77% of judges agreed; and 85% of trial court leadership agreed.
- Question 3 asked about the number of hours established in the continuing education requirements or expectations. 64% of justices, 73% of judges, and 85% of trial court leadership found the number of hours “about right.”
- Question 11 (12 on the leadership survey) asked whether the education requirements or expectations are understandable. 60% of justices, 62% of judges, and 92% of trial court leadership agreed.
- Question 12 (13 on the leadership survey) asked whether reporting individual education participation to the administrative presiding justice or presiding judge was manageable. 71% of justices agreed, 57% of judges agreed; and 73% of trial court leadership agreed.
- Question 11 on the leadership survey asked whether the justices/judges on the respondent’s court were able to complete their education requirements/expectations without unduly disrupting the court’s work. 100% of appellate court leadership agreed, and 67% of trial court leadership agreed.
- The responses of judges do vary based on the size of court, sometimes significantly. The responses of judges from large courts are less positive overall than the responses of judges from other size courts. Their numbers are so much larger that they tend to control the overall response rates.

The written responses to the last survey question are included in Attachment C. Out of 415 total responses to the surveys, 156 respondents, or 37%, provided a written response. Also included in Attachment C is a qualitative data analysis of the written responses, which sets out the general categories and themes and includes examples.

Many of the written responses comment on education generally rather than on the education rules or on education requirements and expectations. Some of these were relevant, and the committee considered them when discussing the “Issues and Questions Raised,” such as the comments on the limits on distance education. Less than half of the written responses comment on the education rules, and about one-third of them comment on education requirements and expectations. About one-quarter of the written responses follow a general theme that it is not reasonable to have education requirements or expectations for judges. The reasons given echo the primary objections raised by commentators and answered by the committee in 2006: education requirements are not necessary, they infringe on a judge’s independence, and there is no authority for the judicial branch to require education. Some of these responses are quite negative, but the number is relatively small. About one-quarter of the written responses are quite negative, which is about 10% of the survey respondents, and about 2.5% of the total number of justices and judges.

Again, the committee acknowledged that this is the first survey of the California judicial branch on this subject area. Thus, there is no baseline data with which to compare the current data. The committee felt though that the survey results indicated relatively strong levels of acceptance of education requirements/expectations, strong responses that the specific requirements and expectations are reasonable and readily achievable, strong responses that the education completed for the requirements/expectations has had various positive impacts and has not had a negative impact on court work, and strong positive responses that the system of education requirements/expectations in the rules is understandable and administratively manageable. The committee fully considered this information in formulating its recommendations, but also felt that the information did not indicate a need for major changes in the education rules.

### **Issues and questions raised**

The Governing Committee, as part of its evaluation, also reviewed and discussed all of the issues and questions raised by users and others during the first three-year period and whether any indicated that revisions or adjustments to the education rules should be recommended. The committee felt that a relatively small number of issues and questions, and no major ones, had been raised during the first three-year period about how the rules work (or do not work) or what they mean. The committee found this significant, considering that the system of requirements and expectations set out in the education rules was acknowledged to be somewhat complex.

The issues and questions raised, the committee’s analysis, and the committee’s recommendations for future action are included in Attachment D. Some of the committee’s recommendations are to propose amendments to the education rules as indicated by the committee’s evaluation. The

committee is recommending these amendments to the education rules through the rule-making process with the Rules and Projects Committee.

Six of the issues raised resulted in recommendations to propose amendments to the education rules. At a high level these recommendations can be summarized as follows:

- Three of the recommendations would clarify when a content-based requirement or expectation applies in situations that were not anticipated when the education rules were drafted in 2006.
- Another of the recommendations would propose amendments to the rule that covers approved providers and approved education criteria to simplify the process for adding to or subtracting from the list of approved providers and to offer assistance to the courts in determining whether education from a non-approved provider meets the education criteria.
- Finally, two of the recommendations would propose amendments to the rules that would simplify and provide more individual choice and flexibility to the process of determining what and how much counts towards the continuing education hours requirement or expectation. These changes would be consistent with the committee's stated education values for live education programs providing the most benefit and for increased individual choice and flexibility in choosing education. The process would be simplified by eliminating limitations on some kinds of education and by counting all education hours in the same way. The changes would also broaden what may be counted toward faculty service credit (which may have been the single issue raised the most). The committee felt that these particular changes should not be implemented in the middle of a three-year period because of potential confusion and administrative impact; it will propose that these changes be effective in 2013 when the next three-year period begins.

### **Overarching issues**

As part of its evaluation, the Governing Committee also discussed several overarching issues it raised on its own regarding the education rules and came to the following recommendations on them:

- Should the number of continuing education hours required or expected be changed?  
Recommendation: No; most survey respondents indicated that the number was about right, and this allowed most individuals to complete or exceed the number of hours.
- Should the reporting of aggregate participation data by administrative presiding justices and presiding judges at the end of each three-year period be changed?  
Recommendation: No, this reporting is important for public accountability.
- Should the Governing Committee report to the Judicial Council after each three-year period?  
Recommendation: The committee should summarize and report the participation data after each period.
- Should the Governing Committee hold issues that arise for the next three years or discuss and decide them as they come up? Recommendation: The first three-year period was unique; issues should now be handled on more of a case-by-case basis.
- Should continuing education for judges be changed from expectations to requirements?

Recommendation: No, not at this time. The Governing Committee continues to believe, as it recommended in 2006, that continuing education should be required for judges, just as it is for justices, but now is not the best time to change this because it seems that judges have and will become more supportive of this change over time and because the rules as adopted have substantially accomplished what the Governing Committee intended them to accomplish with high rates of participation.

The committee's positions on these issues would not result in any additional proposals for amendments to the education rules.

### **Summary**

In summary, the Governing Committee concluded after its evaluation that the education rules have worked very well during the first three-year period and that no significant changes to the rules are needed. Based on its stated policy-level goals, operational objectives, and educational values for recommending the education rules in 2006 and 2007, which the committee reviewed and reaffirmed as revised, the committee strongly felt that the education rules have substantially accomplished what they were intended to accomplish. The levels of participation in education during the three-year period were high—probably higher than most had expected. Survey results strongly indicated several positive impacts from the education required/expected by the rules and also indicated that the rules did not have a negative impact on the work of the courts. Relatively few issues and questions, and no major ones, were raised during the first three-year period about how the education rules work or what they mean. The committee plans to propose a few amendments thought to be relatively minor to the education rules, primarily to cover a few situations not anticipated and to simplify the system in several respects.

The Governing Committee acknowledges that its proposal to the Judicial Council in October 2006 to adopt minimum education requirements for trial court judicial officers and staff generated a fair amount of controversy at the time. The council adopted education rules for the trial courts (although an alternative proposal) and then adopted education rules covering appellate court justices and staff the following year. As was stated in 2006, the Judicial Council of California has long been a national leader in establishing a strong judicial branch education program, initially offering courses for judges in 1959 and for court personnel in 1989. “Education for Branchwide Professional Excellence” has long been one of the primary goals in the council’s strategic plan. Adopting the education rules was the next evolutionary step for the council in ensuring the professional competency of judges and court staff to most effectively serve the public. This action also demonstrated the judicial branch’s public commitment to ongoing professional development and represented its own determination of the appropriate system of education requirements as an independent third branch of government. The Governing Committee believes that the wisdom of the Judicial Council’s actions in adopting a system of education rules for the branch has been amply borne out thus far and therefore recommends that the council stay the course.

## **Comments, Alternatives Considered, and Policy Implications**

This report was not circulated for public comment. Written comments were gathered from two surveys; these comments are discussed above and are included in full in Attachment C. The Governing Committee plans to propose some amendments to the education rules and will develop and recommend any proposed amendments through the rule-making process with the Rules and Projects Committee, including circulating them for public comment.

## **Implementation Requirements, Costs, and Operational Impacts**

There are no costs, implementation requirements, or operational impacts related to the approval of this report.

## **Attachments**

1. Attachment A: Goals, Objectives, and Education Values
2. Attachment B: Summary Results of Reports on Education Participation of Justices and Judges During First Three-Year Period (2007–2009)
3. Attachment C: Surveys on the Implementation of the Education Rules
4. Attachment D: Issues and Questions Raised by Users and Others

## Goals, Objectives, and Education Values

### CJER Governing Committee's Stated Policy-Level Goals for Recommending Education Rules in 2006 and 2007; Revised and Reaffirmed in 2010

- To help maintain and improve the professional competency of judicial officers and court personnel;
- To help ensure the highest quality of justice and service from the courts regardless of court location, specific judge, or specific personnel;
- To demonstrate the judicial branch's public commitment to ongoing professional development;
- To demonstrate that ongoing individual and institutional improvement is a core value of the branch;
- To help create a branchwide environment of professional excellence;
- To represent the judicial branch's internal determination of the appropriate level of education requirements, instead of allowing that determination to be made by others outside the branch;
- To create and maintain a complete and integrated system of education requirements for the branch; and
- To demonstrate the judicial branch's accountability to the public, which it serves.

### CJER Governing Committee Stated Operational Objectives in Recommending the Education Rules in 2006 and 2007; Revised and Reaffirmed in 2010

- To strike a balance between achieving the goals of minimum education requirements and both the fiscal impact on the courts and the impact of time away from their court duties for judicial officers and court personnel, for example, by setting out a long, varied list of approved providers, by allowing local courts to approve courses offered by other providers, by including the local courts as approved providers, by encouraging and assisting the local courts to present education, and by allowing a wide variety of delivery options.
- To strike a balance between having a system of minimum education requirements and allowing considerable discretion and options at the individual and local court levels, for example, by having more specific content requirements for orientation education and having hourly requirements (without specific content required) for continuing education.
- To minimize judicial branch administrative tasks by having individual justices and judges be responsible for tracking their education participation and by having the local courts be responsible for tracking education participation of personnel.
- To set the education requirements, particularly the continuing education hourly requirements, at a level that would be relatively easily achieved by most judicial officers and court personnel and that would not create a new or unachievable burden on the courts.

- To develop a structure and process that increases the effectiveness of curriculum planning and of delivering judicial branch education pursuant to a branchwide education plan

CJER Governing Committee's Stated Educational Values in Recommending the Education Rules in 2006 and 2007; Revised and Reaffirmed in 2010

- The CJER Governing Committee recognizes and values individual preferences and learning styles regarding how judicial branch education is delivered. The CJER Governing Committee also values using new and emerging technologies in education in order to develop a wide variety of delivery options to meet the individual preferences and learning styles of judicial branch members.
- The CJER Governing Committee values having a wide variety of organizations provide relevant and valuable judicial branch education. This includes national providers; local courts, who are encouraged and provided assistance to develop local court education; and professional organizations, such as the California Judges Association (CJA) and bar associations.
- The CJER Governing Committee values relevant, well-planned, and unbiased education; to ensure this, there should be minimum criteria for organizations to qualify as approved providers and minimum criteria for programs to be approved by local courts.
- The CJER Governing Committee values individual choice and flexibility; thus, experienced judicial branch members are encouraged to select the education that is most relevant for them and should generally not have required subject areas of education. For those beginning a new role however, it is appropriate for the CJER Governing Committee to identify and require specific content.
- The CJER Governing Committee particularly values live, face-to-face educational programs, that bring participants together from around the state, not only to obtain education, but to share perspectives and ideas with one another, to network with one another, and to build collegiality that is essential for the branch to function effectively (these benefits are not as readily available through other delivery methods).
- The CJER Governing Committee values faculty service and encourages all judicial branch members to serve as faculty for the Education Division/CJER, for the local courts, and for other divisions of the Administrative Office of the Courts. It also values feedback and input from judicial branch members so that the committee can more effectively evaluate branch education.
- The CJER Governing Committee values contributions from judicial branch members who identify and develop relevant and meaningful educational content and curriculum. Serving in this capacity provides the Education Division/CJER with expertise that is essential in developing effective educational programs and products.

## Summary Results of Reports on Education Participation of Justices and Judges During First Three-Year Period (2007–2009)

The education rules require that each individual justice or judge track his or her participation in education and report it to his or her administrative presiding justice or presiding judge at the end of each year and at the end of the three-year period. The administrative presiding justices and presiding judges are then required to report the data from the records on an aggregate basis to the Judicial Council after the end of each three-year period.

The Education Division/CJER agreed to track education participation by new court of appeal justices and new trial court judges in completing their education requirements as a new justice or new judge. The aggregate reports completed by the administrative presiding justices and presiding judges cover the participation in continuing education requirements and expectations by justices and judges. Together these two sources cover all education participation by justices and judges.

Copies of the aggregate reporting forms used by the administrative presiding justices, presiding judges, and the Education Division/CJER are included below.

The summary results of these reports on education participation are presented below, broken down as follows:

- Court of Appeal justices—new justice education requirement
- Supreme Court and Court of Appeal justices—continuing education requirement
- Trial court judges—new judge education requirements
- Trial court judges—continuing education expectations

The term “court clusters” refers to groups of courts clustered by size; cluster 1 includes the smallest courts, cluster 2 the small courts, cluster 3 the medium courts, and cluster 4 the large courts. A list of the courts in each cluster is attached.

## Court Clusters

Del Norte	1	Tulare	3
Glenn	1	Stanislaus	3
Calaveras	1	Fresno	3
Lassen	1	Sonoma	3
Mariposa	1	Kern	3
Colusa	1	Monterey	3
Inyo	1	Solano	3
Amador	1	Contra Costa	3
Plumas	1	Santa Barbara	3
San Benito	1	Ventura	3
Modoc	1	San Mateo	3
Mono	1	San Bernardino	4
Trinity	1	Riverside	4
Sierra	1	Sacramento	4
Alpine	1	Los Angeles	4
Placer	2	Santa Clara	4
Tehama	2	Alameda	4
Yuba	2	Orange	4
Imperial	2	San Francisco	4
Kings	2	San Diego	4
Merced	2		
Mendocino	2		
Shasta	2		
El Dorado	2		
Yolo	2		
Sutter	2		
San Luis			
Obispo	2		
Nevada	2		
Madera	2		
Lake	2		
Tuolumne	2		
Humboldt	2		
Napa	2		
Butte	2		
Santa Cruz	2		
Siskiyou	2		
Marin	2		
San Joaquin	3		

## COURT OF APPEAL JUSTICES—New Justices Education Requirement

Number and Percent Completing Within Two Years	10/10	100%
Number and Percent Completing After Two Years	0/10	0%

## SUPREME COURT AND COURT OF APPEAL JUSTICES—Continuing Education Requirement

Number and Percent Completing	107/108	99.1%
Number and Percent Exceeding	106/108	98.1%
Number and Percent Extensions	30/108	27.8%
Partial Completion	10/108	9.3%
Zero Completion	0/108	0%

## TRIAL COURT JUDGES—New Judge Education Requirements

## New Judge Orientation

Number and Percent Completing Within Six Months	202/216	93.5%
Number and Percent Completing After Six Months	14/216	6.5%
Number and Percent Not Completing	0/216	0%

## Primary Assignment Orientation

Number and Percent Completing Within One Year	149/216	69%
Number and Percent Completing After One Year	54/216	25%
Number and Percent Not Yet Completing, But Eligible To Complete in Next Period Within One Year	2/216	.9%
Number and Percent Not Completing	11/216	5%

## Judicial College

Number and Percent Completing Within Two Years	146/216	67.6%
Number and Percent Completing After Two Years	4/216	1.9
Number and Percent Not Yet Completing, But Eligible To Complete in Next Period Within Two Years	65/216	30.1%
Number and Percent Not Completing	1/216	.5%

TRIAL COURT JUDGES—Continuing Education Expectations  
Hours of participation in continuing education (N=1,435 judges)

Court Cluster	Percent Completing	Percent Completing More	Percent Receiving Extensions	Percent Completing Some	Percent Completing None
1	94.4%	87.8%	8.9%	2.2%	0.0%
2	93.6%	87.0%	2.5%	1.6%	0.0%
3	89.9%	86.9%	2.4%	8.1%	0.4%
4	95.7%	95.9%	0.4%	4.1%	0.0%
<b>Totals</b>	<b>93.4%</b>	<b>88.6%</b>	<b>3.8%</b>	<b>3.5%</b>	<b>0.1%</b>

Participation in program for presiding judges (N=63 judges)

Court Cluster	Percent PJs Expected Who Participated w/in Year	Percent PJs Expected Who Participated After Year	Percent Who Did NOT but Are Still Eligible for Next Reporting Period w/in 1 Yr	Percent That Should but Did Not
1	75.0%	0.0%	0.0%	0.0%
2	100.0%	15.8%	0.0%	0.0%
3	79.2%	8.3%	0.0%	8.3%
4	94.4%	11.1%	0.0%	0.0%
<b>Totals</b>	<b>90.9%</b>	<b>11.4%</b>	<b>0.0%</b>	<b>2.3%</b>

*Note: PJ questions not applicable to the following courts that reported zero PJs expected to participate:*

Cluster 1	Cluster 2
Amador	Mendocino
Calaveras	Tuolumne
Colusa	Yolo
Del Norte	Yuba
Glenn	
Inyo	
Lassen	
Mariposa	
Mono	
Plumas	
Sierra	

## Participation in program for supervising judges: Administration (N=81 judges in 22 courts)

Court Cluster	Percent Expected Who Participated w/in Year	Percent Expected Who Participated After Year	Percent Who Did Not but Are Still Eligible For Next Reporting Period w/in 1 Year	Percent Granted Extensions	Percent Expected Who Did NOT Participate
2	70.0%	30.0%	0.0%	20.0%	0.0%
3	53.3%	13.9%	18.9%	0.0%	13.9%
4	76.4%	3.6%	13.4%	1.4%	12.8%
<b>Totals</b>	<b>65.5%</b>	<b>13.8%</b>	<b>12.6%</b>	<b>5.1%</b>	<b>10.4%</b>

*Note: Rows do not sum to 100% due to San Bernardino, San Francisco, and Yolo reporting more than 100%. 36 courts, most small, but some large, reported no new supervising judge expected to participate during the reporting period.*

Cluster 1	Cluster 2	Cluster 3	Cluster 4
Alpine	Butte	San Joaquin	Alameda
Amador	El Dorado	San Mateo	
Calaveras	Humboldt	Santa Barbara	
Colusa	Kings		
Del Norte	Lake		
Glenn	Madera		
Inyo	Mendocino		
Lassen	Napa		
Mariposa	Nevada		
Modoc	Placer		
Mono	San Luis Obispo		
Plumas	Santa Cruz		
San Benito	Siskiyou		
Sierra	Yuba		
Sutter	Tuolumne		
Tehama			
Trinity			

Participation in program for supervising judges: Calendar Management (N=51 judges in 15 courts)

Court Cluster	Percent Expected Who Participated w/in Year	Percent Expected Who Participated After Year	Percent Who Did Not but Are Still Eligible For Next Reporting Period w/in 1 Year	Percent Granted Extensions	Percent Expected Who Did NOT Participate
2	100.0%	0.0%	0.0%	0.0%	0.0%
3	61.0%	0.0%	14.0%	0.0%	25.0%
4	70.1%	3.6%	3.4%	0.0%	22.4%
<b>Totals</b>	<b>73.0%</b>	<b>1.9%</b>	<b>6.2%</b>	<b>0.0%</b>	<b>18.8%</b>

*Note: This data does not include any Cluster 1 courts and a total of 43 courts reported having zero judges expected to participate in this education.*

Cluster 1	Cluster 2	Cluster 3	Cluster 4
Alpine	Butte	Contra Costa	Alameda
Amador	El Dorado	Fresno	San Francisco
Calaveras	Humboldt	Monterey	
Colusa	Kings	San Joaquin	
Del Norte	Lake	San Mateo	
Glenn	Madera	Santa Barbara	
Inyo	Merced	Sonoma	
Lassen	Napa		
Mariposa	Nevada		
Modoc	Placer		
Mono	San Luis Obispo		
Plumas	Santa Cruz		
San Benito	Shasta		
Sierra	Siskiyou		
Trinity	Sutter		
	Tehama		
	Tuolumne		
	Yuba		

## Participation in case type education for new assignments

**For judges who have changed assignment and were expected to participate in an overview or refresher course during the reporting period.**

Court Cluster	Number Changing Assignment	Civil	Criminal	Family	Probate	Traffic	Dependency	Delinquency
1	8	0	2	2	0	0	2	1
2	64	15	24	10	5	3	8	6
3	97	18	38	15	4	5	9	9
4	214	65	60	40	10	4	15	20
<b>Totals</b>	<b>383</b>	<b>98</b>	<b>124</b>	<b>67</b>	<b>19</b>	<b>12</b>	<b>34</b>	<b>36</b>

*Note: the following courts reported zero judges changing assignments during the reporting period.*

Cluster 1	Cluster 2	Cluster 3
Alpine	Kings	San Joaquin
Del Norte	Placer	
Glenn	Siskiyou	
Mariposa	Tuolumne	
Modoc		
Mono		
Plumas		

**Percentage expected to who participated *WITHIN* 6 months**

Court Cluster	Total	Civil	Criminal	Family	Probate	Traffic	Dependency	Delinquency
1	75%	NA	100%	50%	NA	NA	100%	100%
2	86%	87%	92%	100%	40%	67%	88%	100%
3	61%	61%	45%	73%	75%	80%	67%	78%
4	77%	72%	72%	88%	80%	50%	87%	80%
<b>Totals</b>	<b>74%</b>	<b>72%</b>	<b>68%</b>	<b>85%</b>	<b>68%</b>	<b>67%</b>	<b>82%</b>	<b>83%</b>

**Percentage expected to who participated *AFTER* 6 months**

Court Cluster	Total	Civil	Criminal	Family	Probate	Traffic	Dependency	Delinquency
1	13%	NA	0%	0%	NA	NA	0%	0%
2	8%	7%	8%	0%	40%	33%	0%	0%
3	20%	11%	24%	27%	25%	0%	0%	33%
4	12%	14%	12%	10%	10%	25%	7%	10%
<b>Totals</b>	<b>13%</b>	<b>12%</b>	<b>15%</b>	<b>12%</b>	<b>21%</b>	<b>17%</b>	<b>3%</b>	<b>14%</b>

**Percentage not yet completing but still eligible to complete within next reporting period**

Court Cluster	Total	Civil	Criminal	Family	Probate	Traffic	Dependency	Delinquency
1	0%	NA	0%	0%	NA	NA	0%	0%
2	0%	0%	0%	0%	0%	0%	0%	0%
3	5%	6%	5%	0%	0%	20%	0%	11%
4	7%	5%	7%	8%	0%	25%	13%	10%
<b>Totals</b>	<b>5%</b>	<b>4%</b>	<b>5%</b>	<b>4%</b>	<b>0%</b>	<b>17%</b>	<b>6%</b>	<b>8%</b>

**Percentage granted an extension of time**

Court Cluster	Total	Civil	Criminal	Family	Probate	Traffic	Dependency	Delinquency
1	0%	NA	0%	0%	NA	NA	0%	0%
2	2%	0%	0%	0%	20%	0%	0%	0%
3	2%	0%	5%	0%	0%	0%	0%	0%
4	5%	9%	0%	3%	20%	0%	0%	10%
<b>Totals</b>	<b>4%</b>	<b>6%</b>	<b>2%</b>	<b>1%</b>	<b>16%</b>	<b>0%</b>	<b>0%</b>	<b>6%</b>

**Percentage expected to but did not participate**

<b>Court Cluster</b>	<b>Total</b>	<b>Civil</b>	<b>Criminal</b>	<b>Family</b>	<b>Probate</b>	<b>Traffic</b>	<b>Dependency</b>	<b>Delinquency</b>
1	NA	NA	NA	NA	NA	NA	NA	NA
2	0%	0%	0%	0%	0%	0%	0%	0%
3	4%	11%	3%	0%	25%	0%	0%	0%
4	4%	6%	13%	0%	0%	0%	0%	0%
<b>Totals</b>	<b>2%</b>	<b>2%</b>	<b>3%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>3%</b>	<b>6%</b>

**Aggregate Education Reporting**  
**Three-Year Education Period: January 1, 2008–December 31, 2009**  
**Judicial Council of California**

Information from the Supreme Court or Court of Appeal, \_\_\_\_\_ Appellate District  
 Reporting period: January 1, 2008–December 31, 2009

Submitted by Chief Justice or Administrative Presiding Justice \_\_\_\_\_

This form is required for the Chief Justice or Administrative Presiding Justice to report in aggregate the participation of judges in continuing education under rule 10.452(d)(6).

Total number of justices serving the court at the end of the period, December 31, 2009		
<b>A. Report on justices' hours of participation in continuing education</b> <i>(Excluding any Court of Appeal justices who have not yet completed new justice education)</i>		
1.	Number with continuing education requirement during the reporting period	
2.	Number completing the hours required	
3.	Number completing <i>more hours</i> than required	
4.	Number receiving <i>extension</i> of time into the next cycle to complete hours	
5.	Number completing <i>some but not all</i> of the hours required w/o extension	
6.	Number <i>not completing any</i> of the hours required w/o extension	

Please attach notes reflecting issues, concerns, experiences, or other comments relevant for the Judicial Council.

Signature of Chief Justice  
 or Administrative Presiding Justice: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

**Aggregate Education Reporting Form**  
 Education Cycle: January 1, 2007–December 31, 2009  
 Judicial Council of California

Information from Superior Court of \_\_\_\_\_ County

Submitted by Presiding Judge \_\_\_\_\_

This form is required for the presiding judge to report in aggregate the participation of judges in continuing education under rule 10.452(e)(6).

Total number of judges serving the court at the end of the period, December 31, 2009		
<b>A. Report on judges' hours of participation in continuing education</b> (Excluding any judges who have not yet completed new judge education)		
1.	Number with continuing education expectation during the reporting period	
2.	Number completing the hours expected	
3.	Number completing <i>more hours</i> than expected	
4.	Number receiving <i>extension</i> of time into the next period to complete hours	
5.	Number completing <i>some but not all</i> of the hours expected w/o extension	
6.	Number <i>not completing any</i> of the hours expected w/o extension	
<b>B. Report on judges' participation in certain content areas</b>		
1.	Number becoming <b>new Presiding Judge</b> during the reporting period	
a.	Number expected to participate in PJ Orientation and Court Management during the reporting period	
i.	• Number who participated <i>prior to or within 1 year</i> of taking office	
ii.	• Number who participated <i>after 1 year</i> in office	
b.	Number not yet completing orientation, but eligible to complete in next reporting period and still be within 1 year of taking office	
c.	Number who should have but <i>did not</i> participate	
2.	Number becoming <b>new Supervising Judge</b> during the reporting period	
a.	Number expected to participate in an <b>orientation to administration</b> during the reporting period	
i.	• Number who participated <i>prior to or within 1 year</i> of taking office	
ii.	• Number who participated <i>after 1 year</i> in office	
iii.	Number not yet completing orientation to administration, but eligible to complete in next reporting period and still be within 1 year of taking office	
iv.	Number granted an extension of time to complete	

v.	Number expected to but who <i>did not</i> participate	
b.	Number expected to participate in an <b>orientation to calendar management</b> during the reporting period	
i.	• Number who participated <i>prior to or within 1 year</i> of taking office	
ii.	• Number who participated <i>after 1 year</i> in office	
iii.	Number not yet completing orientation to calendar management, but eligible to complete in next reporting period and still be within 1 year of taking office	
iv.	Number granted an extension of time to complete	
v.	Number who should have but <i>did not</i> participate	
3.	Number <b>changing assignment</b> during reporting period and expected to participate in an overview or refresher course during reporting period	
	Civil: _____ Criminal: _____ Family: _____ Probate: _____ Traffic: _____ Juvenile Dependency: _____ Juvenile Delinquency: _____	
a.	Number expected to and did participate <i>prior to or within 6 months</i> of change	
	Civil: _____ Criminal: _____ Family: _____ Probate: _____ Traffic: _____ Juvenile Dependency: _____ Juvenile Delinquency: _____	
b.	Number expected to and did participate <i>after 6 months</i> of change	
	Civil: _____ Criminal: _____ Family: _____ Probate: _____ Traffic: _____ Juvenile Dependency: _____ Juvenile Delinquency: _____	
c.	Number not yet completing overview or refresher, but eligible to complete in the next reporting period and still be within 6 months of change	
	Civil: _____ Criminal: _____ Family: _____ Probate: _____ Traffic: _____ Juvenile Dependency: _____ Juvenile Delinquency: _____	
d.	Number granted an extension of time to complete overview or refresher:	
	Civil: _____ Criminal: _____ Family: _____ Probate: _____ Traffic: _____ Juvenile Dependency: _____ Juvenile Delinquency: _____	
e.	Number expected to but <i>did not</i> participate:	
	Civil: _____ Criminal: _____ Family: _____ Probate: _____ Traffic: _____ Juvenile Dependency: _____ Juvenile Delinquency: _____	

Please attach notes reflecting issues, concerns, experiences, or other comments relevant for the Judicial Council.

Signature of Presiding Judge: \_\_\_\_\_ Date: \_\_\_\_\_

**Aggregate Education Reporting Form**  
**Education Cycle: January 1, 2008–December 31, 2009**  
**Judicial Council of California**

Minimum Education Requirements and Expectations for New Justices  
 (CRC 10.461)

Total number of New Justices who took office from January 1, 2008 to December 31, 2009		
<b>A. New Justice Orientation required within 2 years of taking office</b>		
1.	Number who participated <i>within</i> 2 years of taking office	
2.	Number who participated <i>after</i> 2 years in office	

**Aggregate Education Reporting Form**  
**Education Cycle: January 1, 2007–December 31, 2009**  
**Judicial Council of California**

Minimum Education Requirements and Expectations for New Judges  
(CRC 10.462)

Total number of New Judges who took office from January 1, 2007 to December 31, 2009		
<b>A. New Judge Orientation required within 6 months of taking office</b>		
1.	Number who participated <i>prior to or within 6 months</i> of taking office	
2.	Number who participated <i>after 6 months</i> in office	
<b>B. Primary Assignment Overviews required within 1 year of taking office</b>		
1.	Number who participated <i>prior to or within 1 year</i> of taking office	
2.	Number who participated <i>after 1 year</i> in office	
3.	Number not yet completing Primary Assignment Overviews, but are eligible to complete in next reporting period and still be within 1 year of taking office	
4.	Number who should have but <i>did not</i> participate in Primary Assignment Overviews	
<b>C. Judicial College required within 2 years of taking office</b>		
1.	Number who participated <i>prior to or within 2 years</i> of taking office	
2.	Number who participated <i>after 2 years</i> in office	
3.	Number not yet completing the Judicial College, but are eligible to complete in next reporting period and still be within 2 years of taking office	
4.	Number who should have but <i>did not</i> participate in the Judicial College	

## Surveys on the Implementation of the Education Rules

As part of its evaluation of the implementation of the education rules, the Governing Committee developed and distributed two surveys after the first three-year period. One survey was distributed to appellate and trial court leadership—administrative presiding justices, presiding judges, clerk/administrators, and court executive officers. The other survey was distributed to individual justices and judges. The surveys were designed to gather information on the perceptions of respondents to the implementation of the education rules. The questions in the two surveys were very similar, with some changes in phrasing to reflect the different roles. The survey sent to leadership also had one additional question about impact on the work of the court. Both surveys had a final question that asked for any additional comments. The other questions asked for responses of strongly agree, agree, neither agree nor disagree, disagree, and strongly disagree. Copies of both surveys are attached.

The following table sets out the numbers of possible respondents, the numbers of actual respondents, and the corresponding response rates, broken down by the different types of respondents.

		Sample	Response
		Size	Complete Rate
Trial Courts	Judges / Large Courts	1,003	261 26.0%
	Judges / Medium-Large Courts	290	63 21.7%
	Judges / Medium Courts	156	27 17.3%
	Judges Small Courts	33	9 27.3%
	Administrators / PJs	116	27 23.3%
Appellate	Justices	102	25 24.5%
	Administrators / PJs	13	3 23.1%
<b>Total</b>		<b>1,713</b>	<b>415 24.2%</b>

A total of 415 responses were received, which is an overall 24.2% response rate. This is apparently within the range of typical response rates for AOC surveys of the judicial branch. The response rates for the different groups of respondents ranges from 17.3% up to 27.3%.

The numerical survey results are attached. They are presented separately for the four groups: individual justices, individual judges (further broken down by size of court), appellate court leadership, and trial court leadership. The results are displayed as both percentages and bar graphs except for the appellate court leadership because of the small number of respondents.

The written responses to the last question on the survey are attached separately. The full responses are attached, and are categorized in the same four groups: appellate court leadership,

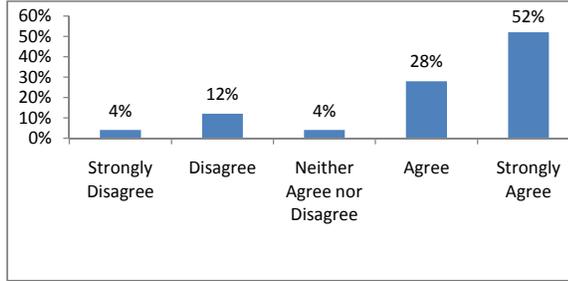
appellate justices, trial court leadership, and individual judges (further broken down by size of court). There were a total of 156 written responses out of the total of 415 responses to the surveys; 37% of respondents provided a written response. Also attached is a qualitative data analysis of these responses, which sets out the general categories and themes and includes examples.

**Zoomerang Survey Results**

Education Requirements -- Justices

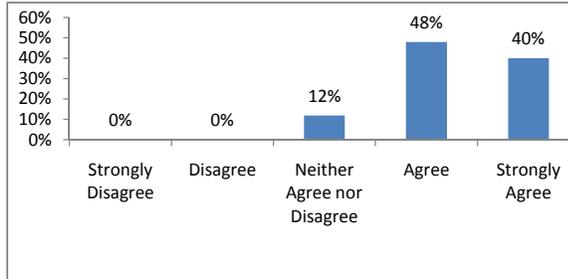
**1. Requiring specific education programs or courses for new justices / judges is reasonable and appropriate.**

Strongly Disagree	1	4%
Disagree	3	12%
Neither Agree nor Disagree	1	4%
Agree	7	28%
Strongly Agree	13	52%
<b>Total</b>	<b>25</b>	<b>100%</b>



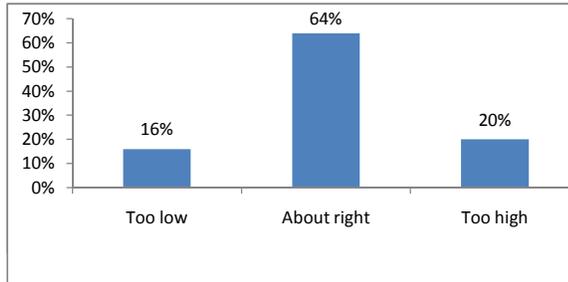
**2. Requiring / expecting specific education programs or courses for judges beginning a new role or assignment is reasonable and appropriate.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	3	12%
Agree	12	48%
Strongly Agree	10	40%
<b>Total</b>	<b>25</b>	<b>100%</b>



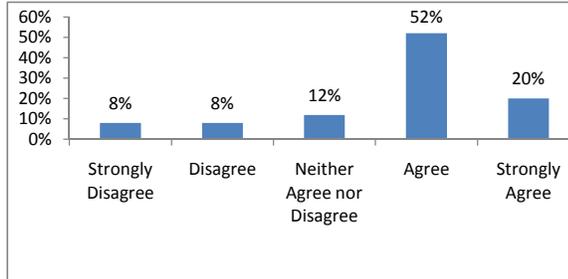
**3. The number of hours established in the continuing education requirements / expectations are:**

Too low	4	16%
About right	16	64%
Too high	5	20%
<b>Total</b>	<b>25</b>	<b>100%</b>



**4. Education that can be credited towards hourly requirements/expectations is presented through a variety of delivery methods, including live programs, faculty service, broadcasts, online courses, and other distance delivery methods. Regarding the hourly requirements, please respond to the following: There are sufficient education opportunities to readily complete the hourly education requirements / expectations.**

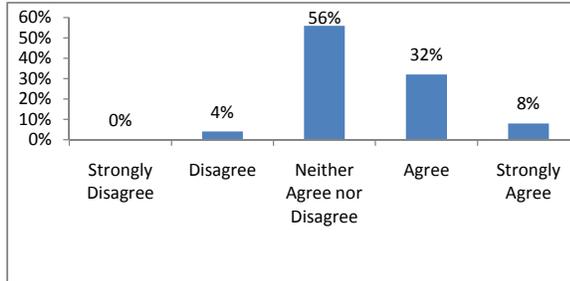
Strongly Disagree	2	8%
Disagree	2	8%
Neither Agree nor Disagree	3	12%
Agree	13	52%
Strongly Agree	5	20%
<b>Total</b>	<b>25</b>	<b>100%</b>



Final Data - Justices

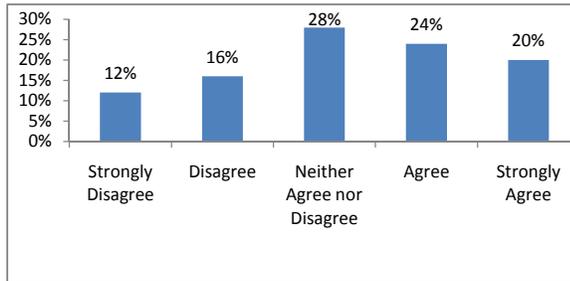
**5. The following specific programs are required/expected under the rules of court: New Judge Orientation, Judicial college, orientation course in primary assignment for new judges, New Justice Orientation, the Presiding Judges and CEOs Management Program, the Supervising Judges Institute, and courses for experienced judges changing their primary assignment. Regarding these programs, please respond to the following: These required/expected programs are offered frequently enough to complete the requirements/expectations.**

Strongly Disagree	0	0%
Disagree	1	4%
Neither Agree nor Disagree	14	56%
Agree	8	32%
Strongly Agree	2	8%
<b>Total</b>	<b>25</b>	<b>100%</b>



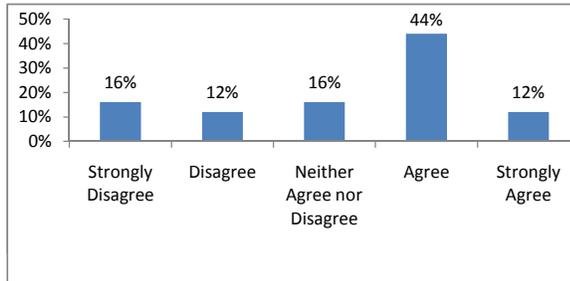
**6. The education requirements / expectations assist me in meeting my education needs.**

Strongly Disagree	3	12%
Disagree	4	16%
Neither Agree nor Disagree	7	28%
Agree	6	24%
Strongly Agree	5	20%
<b>Total</b>	<b>25</b>	<b>100%</b>



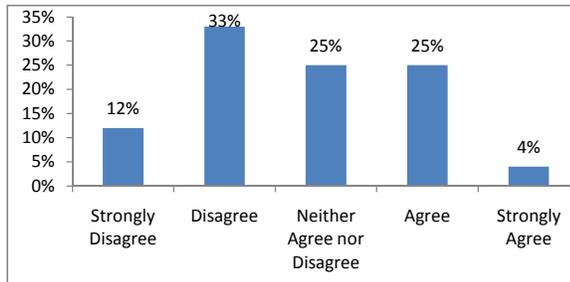
**7. The education in which I have participated to complete the education requirements / expectations has had a positive impact on my understanding of substantive law and procedure.**

Strongly Disagree	4	16%
Disagree	3	12%
Neither Agree nor Disagree	4	16%
Agree	11	44%
Strongly Agree	3	12%
<b>Total</b>	<b>25</b>	<b>100%</b>



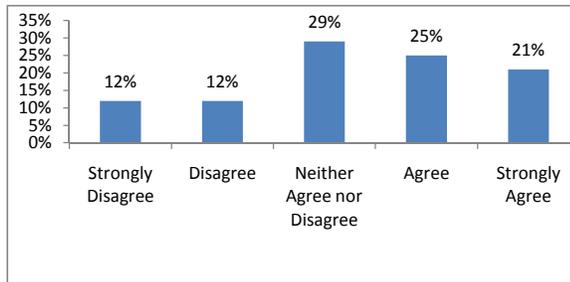
**8. The education in which I have participated to complete the education requirements / expectations has had a positive impact on my courtroom conduct and demeanor.**

Strongly Disagree	3	12%
Disagree	8	33%
Neither Agree nor Disagree	6	25%
Agree	6	25%
Strongly Agree	1	4%
<b>Total</b>	<b>24</b>	<b>100%</b>



**9. The education in which I have participated to complete the education requirements / expectations has had a positive impact on my service to the public.**

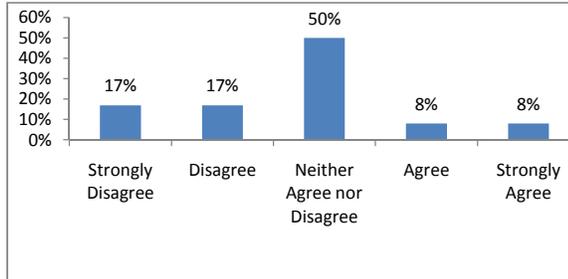
Strongly Disagree	3	12%
Disagree	3	12%
Neither Agree nor Disagree	7	29%
Agree	6	25%
Strongly Agree	5	21%
<b>Total</b>	<b>24</b>	<b>100%</b>



Final Data - Justices

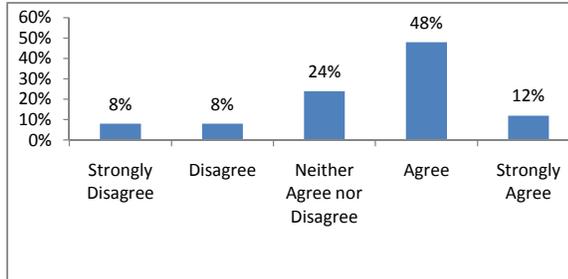
**10. The education in which I have participated to complete the education requirements / expectations has had a positive impact on my calendar / case management.**

Strongly Disagree	4	17%
Disagree	4	17%
Neither Agree nor Disagree	12	50%
Agree	2	8%
Strongly Agree	2	8%
<b>Total</b>	<b>24</b>	<b>100%</b>



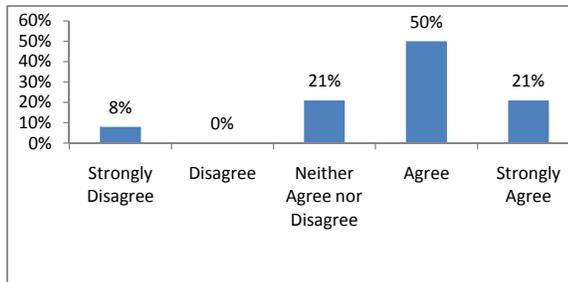
**11. The education requirements / expectations are understandable.**

Strongly Disagree	2	8%
Disagree	2	8%
Neither Agree nor Disagree	6	24%
Agree	12	48%
Strongly Agree	3	12%
<b>Total</b>	<b>25</b>	<b>100%</b>



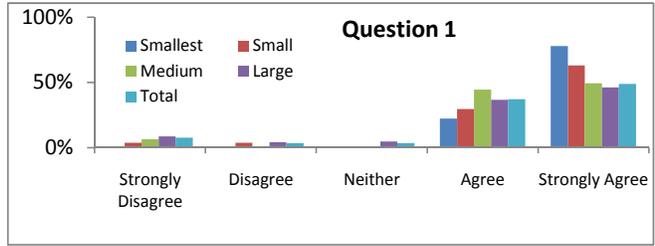
**12. Reporting my individual education participation to the Administrative Presiding Justice / Presiding Judge was manageable (not overly burdensome).**

Strongly Disagree	2	8%
Disagree	0	0%
Neither Agree nor Disagree	5	21%
Agree	12	50%
Strongly Agree	5	21%
<b>Total</b>	<b>24</b>	<b>100%</b>



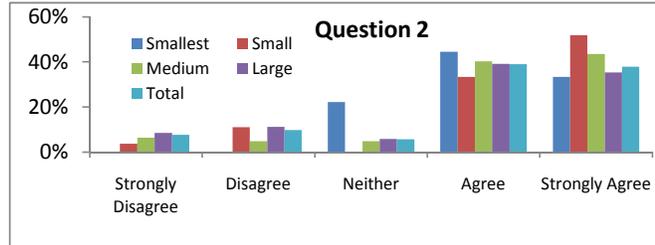
**QUESTION 1**

	Strongly D	Disagree	Neither	Agree	Strongly Agree
Smallest	0%	0%	0%	22%	78%
Small	4%	4%	0%	30%	63%
Medium	6%	0%	0%	44%	49%
Large	8%	4%	5%	37%	46%
Total	8%	3%	3%	37%	49%



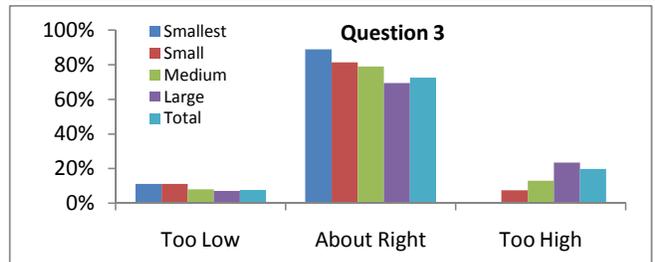
**QUESTION 2**

	Strongly D	Disagree	Neither	Agree	Strongly Agree
Smallest	0%	0%	22%	44%	33%
Small	4%	11%	0%	33%	52%
Medium	6%	5%	5%	40%	44%
Large	9%	11%	6%	39%	35%
Total	8%	10%	6%	39%	38%



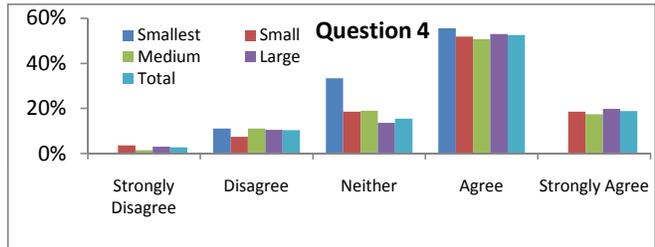
**QUESTION 3**

	Too Low	About Rigt	Too High
Smallest	11%	89%	0%
Small	11%	81%	7%
Medium	8%	79%	13%
Large	7%	70%	23%
Total	8%	73%	20%



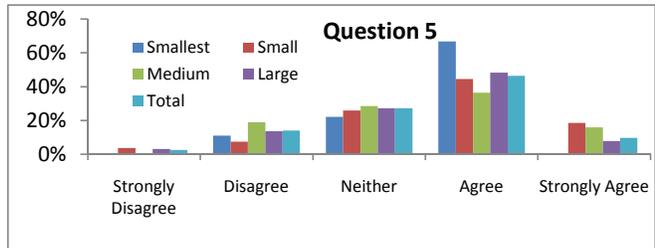
**QUESTION 4**

	Strongly D	Disagree	Neither	Agree	Strongly Agree
Smallest	0%	11%	33%	56%	0%
Small	4%	7%	19%	52%	19%
Medium	2%	11%	19%	51%	17%
Large	3%	11%	14%	53%	20%
Total	3%	10%	15%	53%	19%



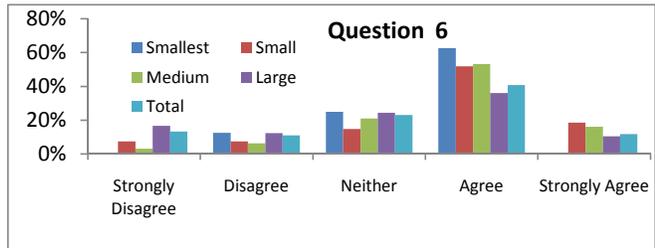
**QUESTION 5**

	Strongly D	Disagree	Neither	Agree	Strongly Agree
Smallest	0%	11%	22%	67%	0%
Small	4%	7%	26%	44%	19%
Medium	0%	19%	29%	37%	16%
Large	3%	14%	27%	48%	8%
Total	3%	14%	27%	46%	10%



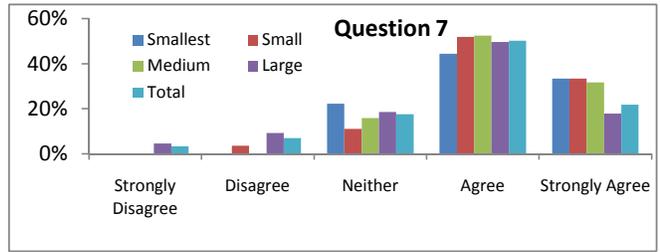
**QUESTION 6**

	Strongly D	Disagree	Neither	Agree	Strongly Agree
Smallest	0%	13%	25%	63%	0%
Small	7%	7%	15%	52%	19%
Medium	3%	6%	21%	53%	16%
Large	17%	12%	24%	36%	10%
Total	13%	11%	23%	41%	12%



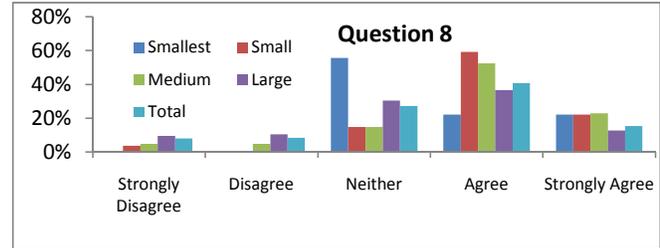
**QUESTION 7**

	Strongly D Disagree	Neither	Agree	Strongly Agree
Smallest	0%	0%	22%	33%
Small	0%	4%	11%	33%
Medium	0%	0%	16%	32%
Large	5%	9%	19%	18%
Total	3%	7%	18%	22%



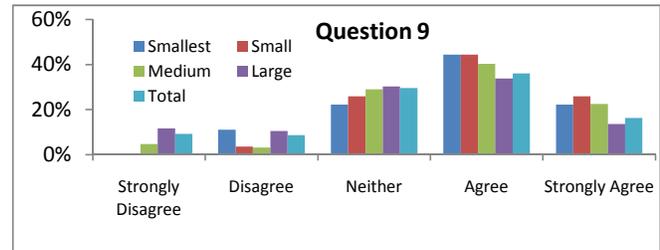
**QUESTION 8**

	Strongly D Disagree	Neither	Agree	Strongly Agree
Smallest	0%	0%	56%	22%
Small	4%	0%	15%	22%
Medium	5%	5%	15%	23%
Large	10%	10%	31%	13%
Total	8%	8%	27%	15%



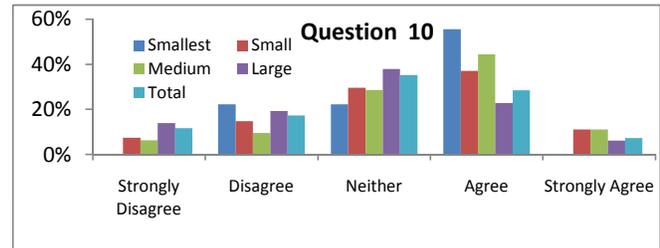
**QUESTION 9**

	Strongly D Disagree	Neither	Agree	Strongly Agree
Smallest	0%	11%	22%	22%
Small	0%	4%	26%	26%
Medium	5%	3%	29%	23%
Large	12%	11%	30%	14%
Total	9%	9%	30%	16%



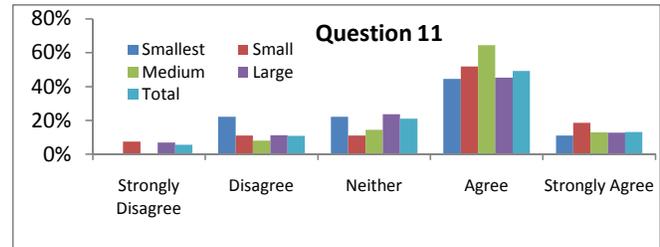
**QUESTION 10**

	Strongly D Disagree	Neither	Agree	Strongly Agree
Smallest	0%	22%	22%	0%
Small	7%	15%	30%	11%
Medium	6%	10%	29%	11%
Large	14%	19%	23%	6%
Total	12%	17%	28%	7%



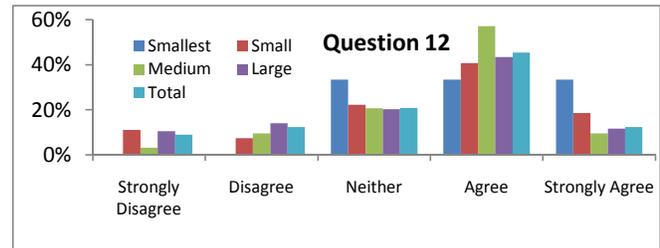
**QUESTION 11**

	Strongly D Disagree	Neither	Agree	Strongly Agree
Smallest	0%	22%	22%	11%
Small	7%	11%	11%	19%
Medium	0%	8%	15%	13%
Large	7%	11%	24%	13%
Total	6%	11%	21%	13%



**QUESTION 12**

	Strongly D Disagree	Neither	Agree	Strongly Agree
Smallest	0%	0%	33%	33%
Small	11%	7%	22%	19%
Medium	3%	10%	21%	10%
Large	11%	14%	20%	12%
Total	9%	12%	21%	12%



## Final Data - Appellate Administrators

**Zoomerang Survey Results**

## Education Requirements -- Administration AC

**1. Requiring specific education programs or courses for new justices / judges is reasonable and appropriate.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	0	0%
Agree	2	67%
Strongly Agree	1	33%
<b>Total</b>	<b>3</b>	<b>100%</b>

**2. Requiring / expecting specific education programs or courses for judges beginning a new role or assignment is reasonable and appropriate.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	1	33%
Agree	1	33%
Strongly Agree	1	33%
<b>Total</b>	<b>3</b>	<b>100%</b>

**3. The number of hours established in the continuing education requirements / expectations are:**

Too low	0	0%
About right	3	100%
Too high	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**4. Education that can be credited towards hourly requirements/expectations is presented through a variety of delivery methods, including live programs, faculty service, broadcasts, online courses, and other distance delivery methods. Regarding the hourly requirements, please respond to the following: There are sufficient education opportunities to readily complete the hourly education requirements / expectations.**

Strongly Disagree	0	0%
Disagree	1	33%
Neither Agree nor Disagree	0	0%

## Final Data - Appellate Administrators

Agree	2	67%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**5. The following specific programs are required/expected under the rules of court: New Judge Orientation, Judicial college, orientation course in primary assignment for new judges, New Justice Orientation, the Presiding Judges and CEOs Management Program, the Supervising Judges Institute, and courses for experienced judges changing their primary assignment. Regarding these programs, please respond to the following: These required/expected programs are offered frequently enough to complete the requirements/expectations.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	1	33%
Agree	2	67%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**6. The education requirements / expectations have had a positive impact on justices' / judges' understanding of substantive law and procedure in my court.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	1	33%
Agree	2	67%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**7. The education requirements / expectations have had a positive impact on justices' / judges' courtroom conduct and demeanor in my court.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	2	67%
Agree	1	33%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

## Final Data - Appellate Administrators

**8. Education requirements / expectations have had a positive impact on justices' / judges' service to the public in my court.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	2	67%
Agree	1	33%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**9. Education requirements / expectations have had a positive impact on justices' / judges' calendar / case management in my court.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	2	67%
Agree	1	33%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**10. Education requirements / expectations have facilitated the cross-assignment of justices / judges and improved calendar management in my court.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	3	100%
Agree	0	0%
Strongly Agree	0	0%
<b>Total</b>	<b>3</b>	<b>100%</b>

**11. The justices / judges in my court have been able to complete their education requirements / expectations without unduly disrupting the work of the court.**

Strongly Disagree	0	0%
Disagree	0	0%
Neither Agree nor Disagree	0	0%
Agree	2	67%

## Final Data - Appellate Administrators

Strongly Agree	1	33%
<b>Total</b>	<b>3</b>	<b>100%</b>

**12. The education requirements / expectations are understandable.**

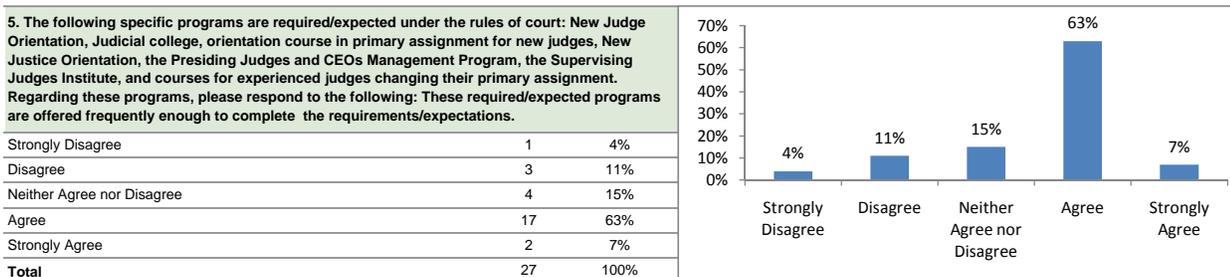
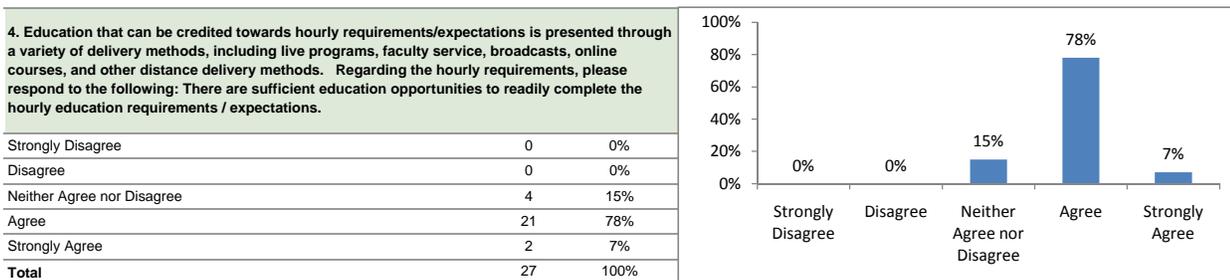
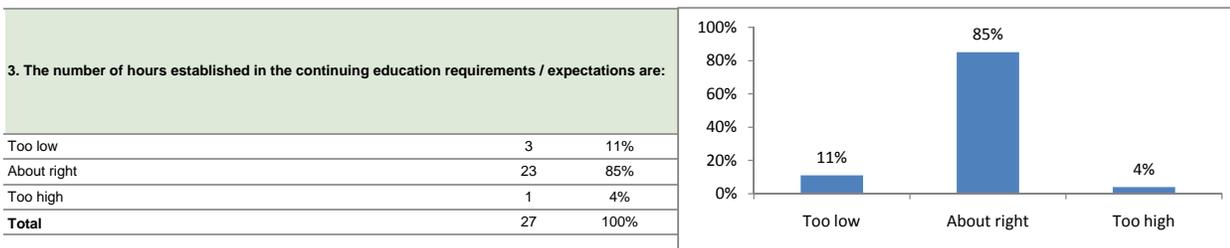
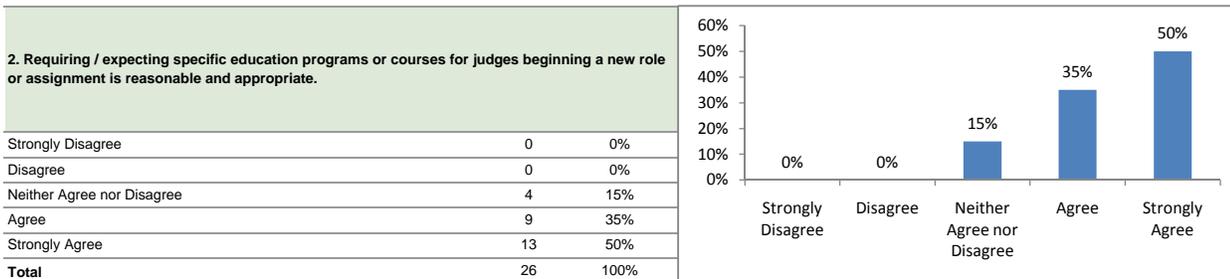
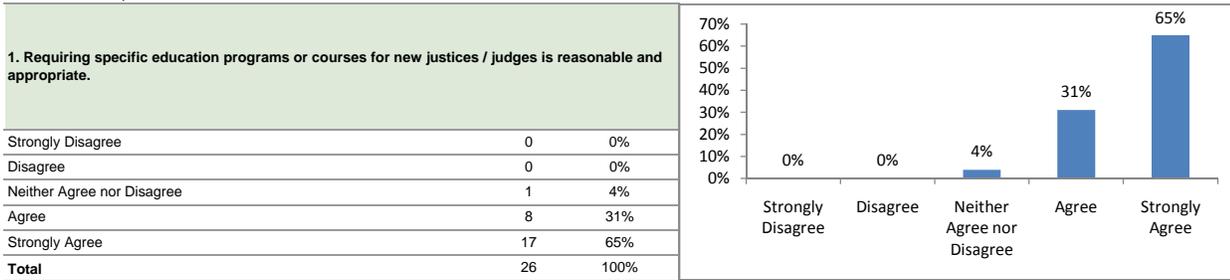
Strongly Disagree	0	0%
Disagree	1	33%
Neither Agree nor Disagree	0	0%
Agree	0	0%
Strongly Agree	2	67%
<b>Total</b>	<b>3</b>	<b>100%</b>

**13. Reporting my individual education participation to the Administrative Presiding Justice / Presiding Judge was manageable (not overly burdensome).**

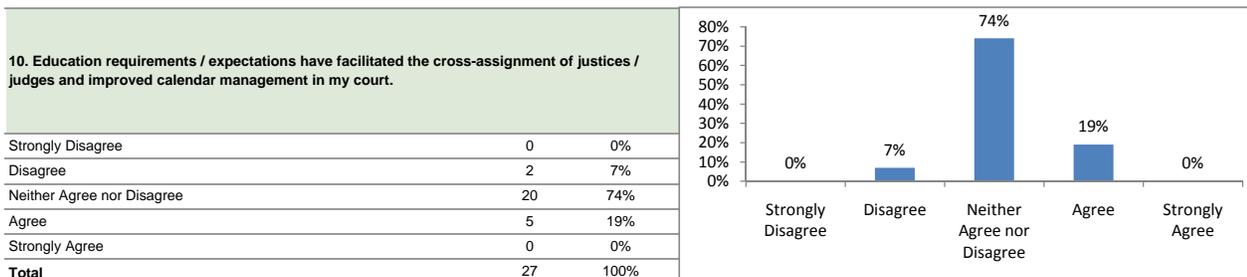
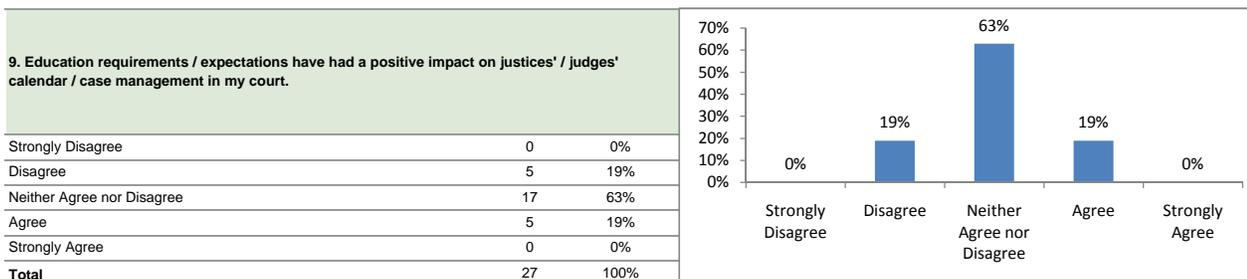
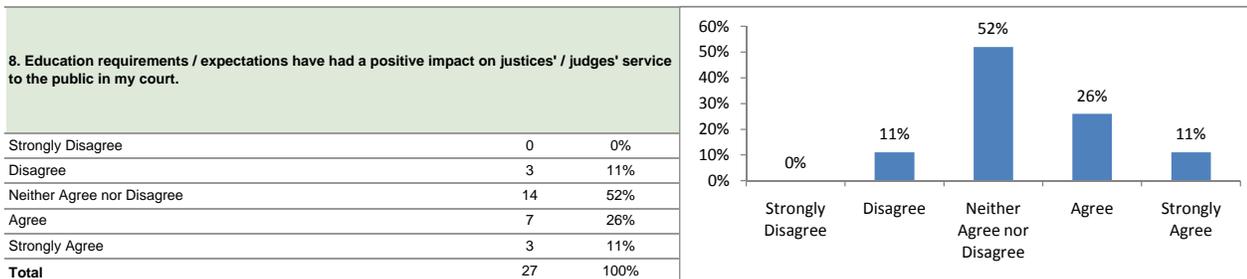
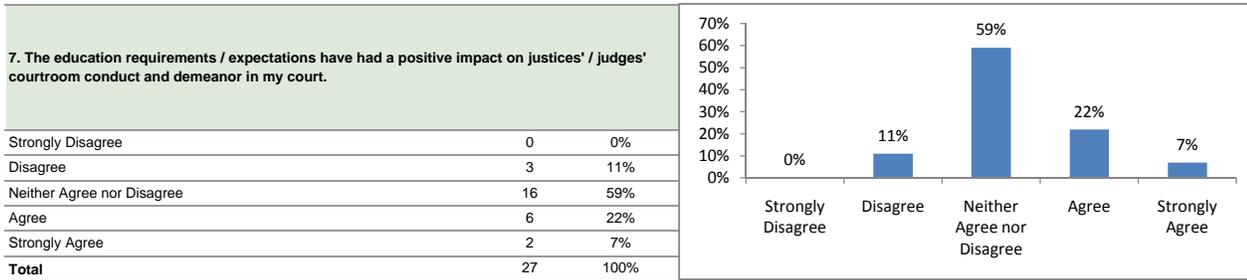
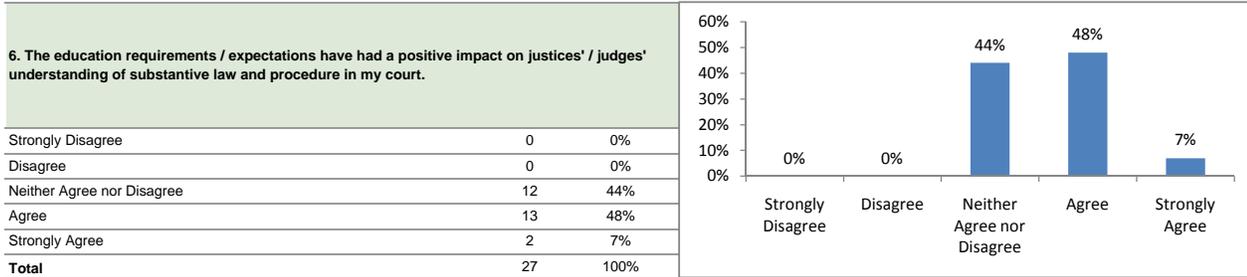
Strongly Disagree	0	0%
Disagree	1	33%
Neither Agree nor Disagree	0	0%
Agree	1	33%
Strongly Agree	1	33%
<b>Total</b>	<b>3</b>	<b>100%</b>

**Zoomerang Survey Results**

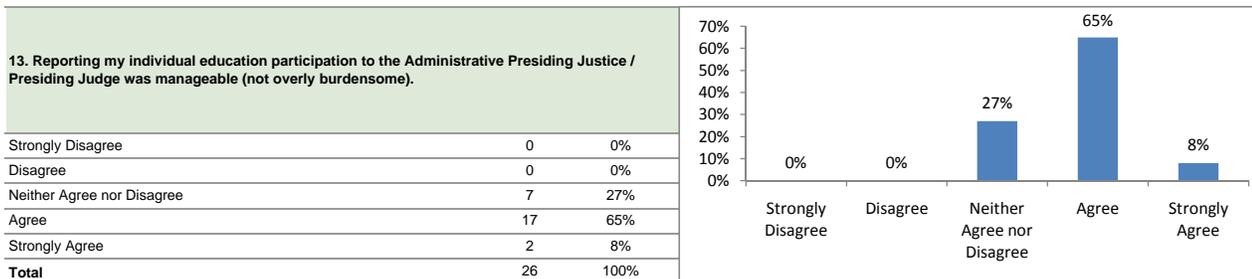
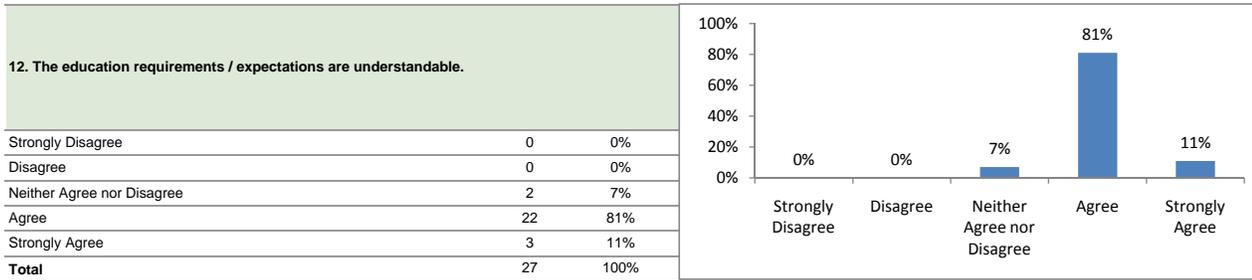
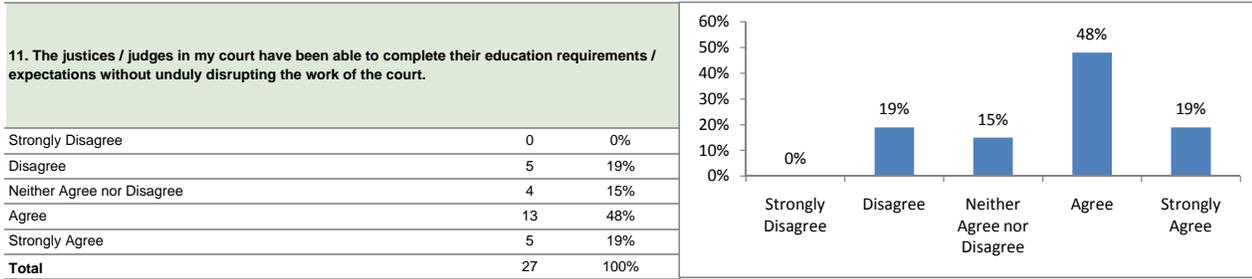
Education Requirements -- Administration TC



Final Data - Trial Court Administrators



Final Data - Trial Court Administrators



# Survey on the Implementation of the Educational Rules

## Qualitative Data Analysis

September 2010

Question 13: Please use the space below to provide any additional comments on CRC 10.451-10.491 that you would like to share with the CJER Governing Committee (N=156)

Total Number of Survey Respondents: 415

### General Categories and Themes

- I. Comments regarding Expectations or Mandates (N=56)
  - A. Reasonable to have expectations or requirements for judges (N=7)
  - B. Reasonable to have requirements for new judges only (N=10)
  - C. Not reasonable to have expectations or requirement for judges (N=43)
    - 1. Rationale: Not necessary for professionals (N= 23)
    - 2. Rationale: AOC, CJER, Governing Committee should not tell judges what to do (N=20)
  
- II. Comments regarding specifics in the rules (N=13)
  - A. Preventing Sexual Harassment should be adjusted (N=4)
  - B. Allow more hours for distance education (N=9)
  
- III. Comments regarding programming and faculty (N=45)
  - A. Increase programming for experienced judges and/or overviews are too basic for experienced judges changing assignment (N=6)
  - B. Concerns about quality of CJER programs or faculty (N=18)
  - C. Programs are good (N=7)
  - D. More programs are needed (N= 14)

## THEMES and SAMPLE COMMENTS

- I. Comments regarding Expectations or Mandates (N=56)
- A. Reasonable to have expectations or requirements for judges (N=7)
- *“It is astonishing to me that any judge would oppose the notion of required continuing education.”*
  - *“Continuing education should be mandatory for all judges, period.”*
  - *“It is important not only for judges that we be appropriately education but that we be accountable to the public whom we serve by way of mandatory education requirements that are monitored and recorded so that public can have confidence in an education judiciary.”*
- B. Reasonable to have requirements for new judges only (N=10)
- *“Apart from NJO, Judicial College and new-assignment education, ongoing education should be determined by the individual judges rather than state-established expectations.”*
  - *“After completion of new judge education or new assignment education, further education should be encouraged but not required. Most judges spend a multitude of hours keeping up-to-date. Occasional new courses on developing subjects, such as diversity, may be required.”*
  - *“I agree with education requirements for new judges or judges changing assignment. I would make the rest of the requirements voluntary and not require the judge to report his/her participation to anyone.”*
- C. Not reasonable to have expectations or requirement for judges (N=43)
1. Rationale: Not necessary for professionals or difficult to achieve (N= 23)
    - *“Should not be mandatory...some judicial officers are lousy with or without... and good judges will educate themselves without mandates...”*
    - *“As elected officials, our continuing education goals appear adequate and helpful, and should not be “mandated” or “required,” as to do so would be unnecessary.”*
    - *“I do not support mandatory education. As a judge who cares about the quality of her work, I have always chosen to take relevant classes. However, without reimbursement for the cost of travel/classes, and in the light of salary donations for furlough days, my participation in voluntary education now may be limited if courses are offered often and courts will pay travel claims for attendance, I would always participate voluntarily.”*
  2. Rationale: AOC, CJER, Governing Committee should not tell judges what to do (N=20)
-

- *“The education requirements are a joke and amount to nothing more than efforts of the AOC and judicial education junkies to force their views on the judiciary. Our judges are professionals and do not need the AOC nanny state to make sure the judges are sufficiently educated.”*
- *“The AOC has no right to command or order judges.”*
- *“There should be no requirement for minimum education for independently elected Constitutional Office holders. My concern is with the language “Mandatory.” Mandatory judicial education is not and should not be required. Judges are independently elected Constitutional officers – not state workers. However, providing education to judges who can make the determination that they are in need of further education, especially when changing assignments is appreciated. I do not believe there should be mandatory continuing judicial education beyond what is required for Qualifying Ethics, new judges and judges changing assignments. Most of us exceed the requirements anyway, and to impose requirements debases our independence.”*

## II. Comments regarding specifics in the rules (N=13)

### A. Preventing Sexual Harassment should be adjusted (N=4)

- *“The requirement for sexual harassment prevention education every two years is unnecessary and burdensome. Such education is appropriate but it should be folded into the ethics education.”*
- *“Many of the courses have been worthwhile in whole or in part. Some of the courses are silly, especially those dealing with sexual harassment and ethics. “Ethics” is really not the right word, as the “Ethics Courses” do not deal with ethics but with HR issues. But this is an aside.”*

### B. Allow more hours for distance education (N=9)

- *“On line judicial education should be allowed to complete all educational recommendations.”*
- *“With budget cutbacks, it is difficult to meet the in-person requirements and education by video should be extended.”*
- *“On-line education should be treated equally with in person events.”*

## III. Comments regarding programming (N=31)

### A. Increase programming for experienced judges and/or overviews are too basic for experienced judges changing assignment (N=6)

- *“The Overview course is too simplistic for judges who have extensive experience in that area.”*

- *“I suggest a refresher course for an experienced judge who is returning after two or more years to a prior assignment in lieu of taking the entire overview course again. “*
- B. Concerns about quality of CJER programs or faculty (N=18)
- *“The AOC sponsored education programs were not as substantive or helpful as those provided by the local court.”*
  - *“The substance of courses is light weight. If you are serious about this, have professional faculty, engage in testing and performance evaluation and skip the judge volunteers.”*
  - *“CJER programs seem to emphasize indoctrination and not substantive education. Many CJER instructors treat judges attending programs like children who cannot be trusted to attend classes and learn and without respect for the years of learning and knowledge most all have. By and large, CJER runs at a high school level. Programs offered by CJA, the local courts, and MCLA offerings are better suited for most judges, and generally contain better information presented in a more professional environment.”*
- C. Programs are good (N=7)
- *“The College was excellent. The NJO was a bit longer than needed. The Overview was excellent.”*
  - *“I have felt that the education I have gotten as a new bench officer has been excellent.”*
  - *“CJER does a great job with education. Distance learning is not as effective as live programs. Judges get a lot out of meeting with colleagues from around the state and from leaving their courts for a few days to learn new things.”*
- D. More programs are needed (N= 14, with some specifics mentioned, such as additional overviews, more on tribal courts, more programs in Southern California, more practical type courses)
- *“I do not think that there are enough opportunities for judges switching assignments to take the necessary overview courses required for their duties. In smaller courts, judges handle multiple case types in an assignment, and ideally should be able to take an overview course on each case type prior to reassignment, and that has not been achievable. In particular, I think that you need to provide more opportunities for overview course attendance in the area of family and juvenile law. There also needs to be some sort of track for more experienced judges to improve their skills, such as was provided by the CJSP programs in the*

*past. I've been a judge for nearly 15 years, and it seems like the offerings for me are much more limited than in previous years."*

- *"Budget shortfalls have made it difficult to enroll in some classes – need to have more classes offered."*
- *"In my experience, and I have had occasion to serve in half-dozen other counties during my nine years on the bench, there is a need for more practices/clinical education, i.e., "how we do it" courses in which several judges describe their policies and practices in day-to-day handling of matters in their assigned fields, rather than simply repetitive substantive law programs. Regarding the "how we do it." I have benefited greatly from my exposure to the practices of other judges and courts while on assignment, and have adapted my home court and personal practice to achieve greater efficiencies, consistency, and I hope, greater public satisfaction with the system. Substantive knowledge is essential, but I don't think there is enough of the other in the current system."*

## Survey on the Implementation of the Educational Rules

**Question 13: Please use the space below to provide any additional comments on CRC 10.451-10.491 that you would like to share with the CJER Governing Committee.**

Total number of responses: 150

<b>Administrative Presiding Justices and Appellate Administrators (N=2)</b>
<ul style="list-style-type: none"> <li>• Get the legislature to rescind or modify the sexual harassment prevention requirement. Incorporate it into ethics training.</li> <li>• It would be helpful to have the Appellate Justices training applicable to them, as well as appellate mgrs/supervisors/staff, better and more clearly communicated.</li> </ul>
<b>Justices (N=10)</b>
<ul style="list-style-type: none"> <li>• It is important to stress the desire by CJER and the Council to allow judicial officers the opportunity to participate in the variety of education programs that are out there. There are some limitations, but by and large, the resources are broader than one thinks. This perception needs to be underscored as we announce educational goals.</li> <li>• The requirement for sexual harassment prevention education every two years is unnecessary and burdensome. Such education is appropriate but it should be folded into the ethics education.</li> <li>• It seems irrational to require the appellate and Supreme Court justices to undertake mandatory education and only "expect" trial judges to do so. Politically that may be how the process has to be structured, but it makes no sense.</li> <li>• I believe mandatory MCLE for judges is a waste of time, resources and money in this day of limits. This is especially so for appellate justices who do nothing but read cases.</li> <li>• It is astonishing to me that any judge would oppose the notion of required continuing education.</li> <li>• Justices should be given faculty credit for teaching legal education courses to attorneys, particularly judicial attorneys. Re rule 10.452(d), there is no such thing as "leave" to be granted. at least in Districts with divisions, and the APJ plays no role in granting leave to "serve as faculty" (10.452 (d)(3), and I am not aware of any "education plan for his/her court" (10.452(d)(4); wording could be changed to add Presiding Justices to heading of (4), who do play a role in time management.</li> <li>• Rules on teaching are somewhat limiting. There may be helpful issues that are not addressed solely to a judicial audience.</li> <li>• Continuing education should be mandatory for all judges, period.</li> <li>• It is confusing to have apparently three separate educational requirements which overlap: 1. general education; 2. specific ethics classes; and 3. sexual harassment training. Many groups, such as the National Judicial College in Reno,</li> </ul>

have ethics training. Would it be possible to allow the ethics classes provided by other groups to qualify for the California required ethics training? Also, the sexual harassment classes are not informative. Can this be improved or can the material be contained within the ethics requirements or classes rather than a separate class.

- I have found this requirement burdensome and a waste of time. As a justice of the court of appeal with over two decades of experience and dealing with cutting edge legal issues daily I do not see any benefit in participating in this program.

#### **PJs and CEOs (N=12)**

- On line judicial education should be allowed to complete all educational recommendation.
- Apart from NJO, Judicial College, and new-assignment education, ongoing education should be determined by the individual judge rather than state-established expectations.
- Just want to make sure we continue to have local flexibility in two judge courts where each judge has a general assignment as to what education is deemed to satisfy the new role or assignment continuing education requirement.
- Not in the beginning. It was a disaster. Other - I am a long term CEO and I almost never get to attend classes anymore. Other than the fall PJ/CEO Management class in the fall, NOTHING (or almost nothing) is offered for me. I really would like a core curriculum of classes to be developed for someone at my level. THANK YOU FOR DISCUSSING.
- The problem arises with new judges who must attend NJO, Witkin Judicial College, their initial assignment training and heaven forbid they get rotated into a new assignment within their first year. There should be a bit more flexibility. Similarly, the difficulty for Presiding Judges in covering courts evolves into a nightmare if there are significant assignment changes as well as newly appointed judges.
- Not all courts can afford to absorb the travel costs associated with mandated training.
- I marked neither agree nor disagree as to the impact of the educational requirements because I don't know how to measure this. I am an advocate for education at all levels as I believe it always provides benefit, but I am not sure how this benefit can be measured. I assume that the educational requirements have had positive impact on the way in which Judges handle cases.
- The attitude of staff toward judicial officers has been reported to me as inappropriate in their management of Judicial Officers. The Judicial Officers have resented and objected to the non educational mandatory activities.
- I am a CEO and not really able to comment on the effectiveness of the training questions 6 through 13. I would think that there was a positive effect but I cannot personally attest to improvements. I have heard our Judges make positive comments about the courses so I assume that the courses are beneficial.
- Well, I am the PJ so N/A is the real answer to # 13 for me. I do not think that there are enough opportunities for judges switching assignments to take the necessary overview courses required for their duties. In smaller courts, judges handle multiple case types in an assignment, and ideally should be able to take an overview course on each case type prior to reassignment, and that has not been achievable. In particular, I think that you need to provide more opportunities for

overview course attendance in the area of family and juvenile law. There also needs to be some sort of track for more experienced judges to improve their skills, such as was provided by the CJSP programs in the past. I've been a judge for nearly 15 years, and it seems like the offerings for me are much more limited than in previous years.

- More education should be provided to bench officers dealing with tribes and tribal courts, i.e. full faith and credit, etc.
- In today's fiscal climate, it is often difficult to fund mandated training for Judges. In our local court, all travel has been frozen for staff and Judges. Unless educational opportunities are reimbursed, it places a hardship on the court to fund mandated education.

### **Judges-Large Courts (N=102)**

- I would like to see more educational opportunities provided to judges.
- The overview course is too simplistic for judges who have extensive experience in that area. Also, there should be more hours allowed for online courses.
- I would like to have a quarterly or semi annual CJER traveling show of judicial education courses.
- I agree with Education Requirements for new judges or judges changing assignment. I would make the rest of the requirements voluntary and not require the judge to report his/her participation to anyone.
- Should not be mandatory...some judicial officers are lousy with or without...and good judges will educate themselves without mandates...
- Expectations are fine. Requirements are NOT fine.
- We should be able to sign in and not have to keep track of admin requirement to track our own attendance. Some assignments are too burdensome to require this extra record keeping. If we could have a central repository that the providers had to report to the burden should be on the education provider, not the enrolling judge. I don't think you all know how voluminous some assignments are for judges and how burdensome the record keeping can get. Though in principle it is not hard, in practice it is just one more administrative item that a judge in a high volume heavy demand assignment does not need.
- The education requirements are a joke and amount to nothing more than efforts of the AOC and judicial education junkies to force their views on the judiciary. Our judges are professionals and do not need the AOC nanny state to make sure the judges are sufficiently educated.
- Your survey is flawed. Question 2 makes no distinction between expectations and mandates. Thus, the question has no meaning--is a responder agreeing/disagreeing with mandates, or with "expectations?" Why did you do this?

I note that contrary to the dire predictions of some on the CJER committee that judges would never undertake education unless forced, like recalcitrant children, that LA easily exceeded the "expectations" without the whip being applied. I suggest that you not again embark upon an ill-considered mission aimed at expanding mandates, for the result will be

the same as it was three years ago--a big, long, ugly fight. I suggest you leave well enough alone--we do not need or want more mandates from the AOC.

- I think the expectations are reasonable with the exception of those for judges who are returning to a primary assignment they have held before. Depending on the level of expertise, this rule is not necessary for all.

Also, because judges sometimes do not learn of their primary assignment until a month or so before it begins, it may be difficult to schedule out-of-town training within 6 months of returning to an assignment. Allowing a year would be preferable (or make it clear that the training may occur online - the rule is vague on what the content should be).

- The method and type of education is the problem. CJER has its "style" of teaching which is not appropriate for all types of learners, or all types of classes. CJER has surrounded itself with like minded persons, many of whom are not that great in their assignments, but manage to avoid performing their primary assignment because they have to teach. The Judicial College could be handled in half the time and great savings to the taxpayers and Court. The costs associated with all the courtrooms being closed for both the teachers and the students should be considered when determining whether the program is useful. I, for one, thought much of it was a waste of time. The useful material could have been contained in one week. The other stuff should be elective, if offered at all, and probably be on line.
- CJER programs seem to emphasize indoctrination and not substantive education. Many CJER instructors treat judges attending programs like children who cannot be trusted to attend classes and learn and without respect for the years of learning and knowledge most all have. By and large CJER run at a high school level. Programs offered by CJA, the local courts and MCLA offerings are better suited for most judges and generally contain better information presented in a more professional environment.
- Formalized continuing education requirements for independent constitutional officers was a bad idea from the start. Even "expectations" carry the implication that the individual judge answers to some higher authority than his or her individual judgment and sense of duty. The AOC appears to desire to become some sort of higher authority, which I find baffling. I would expect the AOC to zealously guard the independence of the judiciary, which means zealously guarding the independence of the individual judge. Every time the AOC, for whatever perceived good reason, presumes to tell independent constitutional officers what to do, it creates a precedent establishing that independent constitutional officers can be told what to do. Some day the entire judiciary may well regret that the AOC was willing to create the first such precedents.

Also, on a personal note, I resent the implication that I do not independently continually educate myself. I work harder to keep myself informed than any AOC "expectations" would require.

- Expectations are fine, but they should not become mandatory requirements. More guidelines than rules.
- I suggest a refresher course for an experienced judge who is returning after 2 or more years to a prior assignment in lieu of taking the entire overview course again. Often the overview courses now presented have material not needed by a judge who had prior experience in the assignment and necessarily took the overview course before when he/she

received the assignment initially. Refresher information is only needed for the experienced judge and can be delivered in less time than the overview course.

- Most of the education classes could be handled at the branch level rather than thru the AOC. Additionally too many judges now spend the bulk of their time instructing or preparing to instruct rather than court business.
- The Governor and the Legislators do not have to take courses which are required or recommended by an agency (CJA, CJER). Judges should be treated the same as the Governor and the Legislators.

I have taken hundreds of hours of courses on a voluntary basis. I take more than 30 hours of courses every year.

Many of the courses have been worthwhile in whole or in part. Some of the courses are silly, especially those dealing with sexual harassment and ethics. "Ethics" is really not the right word as the "Ethics Courses" do not deal with ethics but with HR issues. But that is an aside.

"Judicial Education" has become a cottage industry which is very expensive to the taxpayer and of marginal benefit to the taxpayer considering the costs involved.

My main complaint is not that we continue our education once we get on the bench. This is illustrated by the fact that every year since 1982 when I came on the bench I have taken every opportunity to take courses as a student or an instructor. What I object to is the mandatory nature of the courses and then the mandatory reporting of what we have done. I also object to the vast bureaucracy that has built up within the AOC/CJER to run these courses.

The mandatory courses treat us as if we were children. Your questions above do not make a distinction between requirements and expectations and hence my answers to them.

Let me explain. If I were to go back to Family Law I would want to take a course in Family Law before taking that assignment as it has been about 15 years since I had a Family Law assignment. I think this would be expected by me, my PJ, and by the public. Completely different considerations come into play if the course is "required".

- I think the imposition of more rules/requirements regarding judicial education is neither warranted nor necessary. I am comfortable with the current reporting requirements and expectations.
- I rarely learn anything at CJER or the Court's education programs. CJER governing committee ought not again embark on an ill-considered plan to foist mandatory education on the state's judges.
- While I agree with idea of required coursework in principle, I have a serious issue with the way the requirements/expectations are imposed in practice. Judges' College takes too long, teaches too little, poses a serious inconvenience to participants who have to travel, and severely disrupts courtroom calendars. Moreover, the quality of the course offerings is spotty: making hundreds of judges watch a re-enactment of a settlement conference, for example, was worse than useless. Subject matter overviews are often redundant: making judges who have practiced their entire

careers in criminal law take a criminal law overview makes little sense. The supervising judges' institute was not offered at a convenient time. The Burbank facility is underused.

- I am uncertain what portion of Judicial College and NJO "count" toward fulfillment of the educational requirements, but if there is any of it that does not count, that seems highly illogical. Those programs are every bit as educational as other seminars that I have attended.
- As a 20 year judge who was challenged in the last election, I fear any requirements that result in record keeping of education will be used for a political purpose.
- After completion of new judge education or new assignment education, further education should be encouraged but not required. Most judges spend a multitude of hours keeping up-to-date. Occasional new courses on developing subjects, such as diversity, may be required.
- With budget cut backs, it is difficult to meet the in person requirements and education by video should be extended.
- While I believe continuing education is essential for all bench officers, the timing and availability issues do not help the process. It is rarely convenient to attend extended educational programs.
- I am very active in going to and teaching for CJER. We have the best judicial education, from what I have personally observed and participated in. I think that the new structure seems to make a lot of sense. On balance, I think all is well.
- Constitutional Officers like Judges should have more opportunities to progress educationally than are presently offered. As predicted, the minimum education expectations have become the de facto maximum allowable by most PJs. It is very unfortunate that the judicial branch has apparently forgotten that this is primarily an intellectual pursuit, which requires one to constantly update one's knowledge just to stay current. It is discouraging to find that there are insufficient resources and time to pursue worthwhile intellectual pursuits as a result of arbitrary bureaucratic restrictions. It seems that we have forgotten that our mission is to do justice, rather than just to process a quickly increasing caseload.
- It would be helpful if some of the week-long education courses are offered in So. Cal.
- I do not support mandatory judicial education and answered the first three questions in accordance with my position when I realized that the survey itself by using "requirements/expectations" interchangeably is inherently flawed. There is a meaningful distinction depending on which of the two words the survey respondent considers. For example, I strongly disagree that "education requirements are understandable," and I "strongly agree" that "educational expectations are understandable." This is a distinction with a difference. If the issue of mandatory education is again being considered and there is an expectation that this survey will provide empirical data to support such an effort, I question both the inherent bias of the survey itself and the motivation. Finally, the survey does not include any reference to other educational programs such as those offered by local courts or by CJA which I have found generally preferable to those

offered by CJER. Again, my responses would be different depending on the provider and since the survey does not contemplate this distinction, the survey results are rendered relatively meaningless. For example, I would "strongly agree" that the "education expectations" relative to substantive law have made a positive impact when I consider the education that I have received through my local court, however as to CJER, I would "Neither Agree nor Disagree." Whether legitimate or not, there is a perception that CJER classes are generally taught by those who have been selected based on loyalty to the AOC and who advocate for mandatory education. While I am aware that this is not always the case, I would hope that CJER recognizes that the branch needs healing not a survey that reopens the wounds. The rift caused by the controversy now presents a challenge to CJER to work harder on establishing outstanding judicial education. Given the relatively recent and most unpleasant statewide controversy regarding mandatory judicial education, the decision to survey judges statewide at this time is unwise.

- Please do not use anything I have indicated in this survey to convey any notion, inference or support for re-opening the issue of MANDATORY education. Although I exceeded the minimum education EXPECTATIONS in the last period, I would still prefer to be trusted to do what is right without a court rule mandating compliance. Thank you for asking for input.
- LA Superior Court does an excellent job with giving great classes for meeting MCLE. We don't need strict regulation, just the recommendations as the rules currently exist
- All educational programs should be on court time, not on weekends. No other public agency expects or requires their trainees to come in on weekends.
- As elected officials our continuing education goals appear adequate and helpful and should not be "mandated" or "required" as to do so would be unnecessary.
- It is unclear whether publishing articles in legal periodicals and participating in lawyer panels qualify for credit. Judges should be encouraged to do so by giving credits.
- I do not think that the Overview Courses are offered frequently enough to permit mid-year changes or new appointments the opportunity for training
- It is my view that the more education you have the better. It reminds you not only of the important changes in the law and provides a review of existing law--it is a reminder that it is a privilege to serve as a judge.
- When the Legislative and Executive branches of the state are required to undergo continuing education and ethics courses, then it would be fair for the judicial branch to do also. It is not the judicial branch which is caught in questionable personal ethical or financial situations, it is legislators and executives. I do not agree that our branch must be so singled out for continuing education.

- I think that mandatory educational requirements are unnecessary. I don't know any Judge of our court who does not exceed expectations of any suggested continuing education hours. The wording of your survey does not allow me to choose "expectations" instead of "requirements".
- We are Judges who by nature are lifetime learners and our colleagues willingly join together to teach and share. Also while I am on the subject.....the requirement of having to take a class to teach thru CJER or AOC classes is questionable. It should be a suggested course not mandatory. I am a credentialed teacher who teaches teachers and uses every available means of teaching method once I identify the learning modality of my audience(students) etc....I don't have time to take that course which would be a waste of time for me so I am shut out of teaching...it is CJER's loss ....
- The present system of expectations and guidelines (as opposed to mandates) is fine and should not be changed.
- The College was excellent. The NJO was a bit longer than needed. The Overview was excellent.
- It would take the classes or read the materials I need regardless of what you require or expect. Some of the "required" courses are repetitive and without much substance. Though well meaning, this requirement/expectation is needless.
- This entire fiasco is an exercise in big brother-ism. The mandatory/expected material is usually inaccurate or inappropriate for our environment in So Cal.
- I think more educational providers should be allowed/recognized as approved providers such as state and national bar associations that have similar delivery and participation requirements.
- I do not believe that the judiciary should be subject to reporting to the AOC nor to the PJ about the number of hours that a judicial officer has completed. If in fact the hours are expectations as opposed to being mandated, then why report? This requirement makes it appear that the educational hours are mandated. The individual members of the judiciary should keep track of their own hours if they want to, but reporting the amount hours is unnecessary and ill conceived.
- Other than for new judges/new assignment, I strongly believe that continuing education requirements/expectations are inimical to the continuing existence of an independent judiciary and to the concept of California judges being constitutional officers.
- Education is obviously important, but we don't need expectancies imposed from the State, once we get past NJO, Judicial College, and new assignment education. After that each judge should be able to figure out individually what education he or she needs.
- The CJER governing committee should not embark on another ill-considered plan to force mandatory education on the state's judges that will only result in another titanic fight to prevent bureaucratic staff meddling in a system that is not

broken. Stop trying to justify your existence. We need hardworking judges who know they have to keep current on the substantive law and procedure and do every day. We don't need you!

- Most all education is beneficial in the various ways suggested in the survey questions. However, the education requirements/expectations were not a factor in which courses or the number of courses I attended or completed. I believe the requirements/expectations imposed are unnecessary and serve only as a distraction and a waste of time and expense in monitoring them.
- Good judges will educate themselves and stay current on the law without mandates from anyone. Poor judges will attend mandated classes and still be uninformed and poor judges.
- I think that it is unnecessary to have these education requirements/expectations and to require that we "report" them on a form. The overwhelmingly good and conscientious judges of our state do more than is expected or required to fulfill their obligations with excellence, including staying current on the law.
- The AOC has no right to command or order judges
- The requirement of education for new judges and for judges entering new assignments is essential. Those classes I took as a new judge and those classes that I took as a refresher after being away from trials were very helpful. However, I felt that some of the classes I took were just to fulfill the continuing education requirement and frankly were not very helpful. I think that a reduction in the minimum hours by say 1/3 would be reasonable.
- I believe that judges already participate in relevant educational programs. I am now finding judges attending programs just to accumulate points and then talking or working through the video presentations. These are judges who otherwise keep abreast of the law.
- I was taking courses that I needed in my assignment before any expectation by rule of court, I take some now that I take solely to fulfill that requirement, but I would not say that they enhance my performance as a Judge, they instead take time that I could use for work. I have had to lose a day of trial so I could attend a course that is not best serving the public. I have taught for CJER and for our own court JES, but I will never agree with rules that do not respect the professionalism of Judges, our court is perfectly able to ensure that Judges will be well prepared for their assignments and well informed on new laws and cases that may affect their assignment. I would attend CJER or JES classes which are both excellent without any rule, and I continue to teach for the Los Angeles Bar Association even though I'm told we do not get credit, without jumping thru hoops that I don't have time to do. I am not a fan of these rules, even if they do force some Judges around the state to be more informed then they otherwise would be.
- Orange County developed a program to input attendance. It takes less than two minutes to input, and is very user friendly. Thus, it was not burdensome at all. If those changes, for any reason, e.g., complicated statewide system, paperwork/accounting for classes, etc., my opinion would change. This system is working the way it is. Please do not

tinker with it. Otherwise, you turn people off and give fodder to the Alliance.

- The survey does not address the requirements/expectations for judges who are not new and who are not changing assignments. This is an important issue which should have been included and its absence can be interpreted in a number of ways, including negative ones.
- Questions #7, 8, 9 and 10 are unanswerable in their current form because they assume that the responder participated in educational programs "to complete the education requirements/expectations". I did not participate in those programs for that reason; I participated in those programs because I wanted to and would have done so regardless of whether such participation was required or expected. I taught at some of those programs; I did so because I wanted to, not because it was "required" or "expected". The appropriate answer would have been "not applicable"; since that was not presented as a choice, I answered "Neither agree nor disagree".
- I do NOT think that the actual number of hours for continuing education should be mandated by the AOC! I attend more education than required because I recognize the need to stay current on the legal trends. But to force me to do so is repulsive!
- My problem with these questions is the "required" language. New Judge Orientation & Judicial college are nice to have, but should not be mandatory. The other requirements or "expectations" should be left to the professional judgment of the judges who have administrative responsibility for the Court in question. For example, why mandate new assignment training for a judge who practiced in that area for years. Common sense would tell you that a judge who is getting that assignment & the one who is placing him/her in it are in the best position to know what the judge needs before he/she starts with the new assignment.

We did not become judges by happenstance. We became judges because we were and are professionals. It would be nice if you started treating us like responsible adults & spend your staff money & time on more productive tasks.

- I disagree with requiring continuing education. I think New Judges orientation and judicial college is great and should be required. It particularly galls me that I have to be away from home and pay out of my own pocket to attend these seminars with the inadequate reimbursement provided. I am an elected public official not an employee. Please understand I am not opposed to education and usually have more credits than I need. It is the mandatory/"recommended" nature of it to which I object.
- Requirements are low. Should have more in person training! Long distance learning is ineffective.
- I continue to believe that the 2-week single-block Judicial College is too long to be effective. People are saturated after one week. It would be much more productive to have a one-week initial session - involving a mix of substantive topics and concrete practical suggestions - followed by refresher in 3-6 months that would focus more on exchanging ideas among the participants and w/ more senior judges. What worked, what didn't, what special problems have you

encountered, etc.?

- Mandatory judicial education is not and should not be required. Judges are independently elected officials - not state workers. I am concerned that this "survey" will be used in an attempt to impose mandatory education requirements on judges - an idea that was strongly opposed and ultimately defeated by trial judges.

Instead of reviving this bad idea, the AOC/Judicial Council/CJER would be better advised to spend time cutting the size of the central bureaucracy and eliminating rules and procedures that violate the legislative mandate of decentralized trial courts.

- I disagree with the questions that begin "The education in which I have participated to complete the education requirements / expectations..." (Questions 7, 8, 9, and 10) because the questions assume that I participated in the education because of the expectation. I did not participate "to complete the education requirements / expectations". In fact, I would have participated in these programs with or without the expectation. Overall, my education experiences are very positive.
- Would do it even if not required.
- I agree with mandatory education for new judges and with the number of hours required for continuing education. But all the judges I know willingly educate themselves at the local level and have many more education hours than are required because of their dedication to service.
- The AOC courses are a joke. Most of the local courses I have attended were significantly superior to the AOC classes. Mandatory education is insulting.
- It is very important that judicial education continue to be planned and delivered by judges (with support and assistance from staff). Judges learn from colleagues, and often the less formal education settings are the best. If the reality or perception is that judges are being dictated to by staff, judges will participate grudgingly or, indeed, will leave the bench rather than be treated like bureaucrats instead of constitutional officers.
- The AOC sponsored education programs were not as substantive or helpful as those provided by the local court. Also it is not CJER's role to impose educational requirements
- There should be no requirement for minimum education for independently elected Constitutional Office holders. My concern is with the language "Mandatory." Mandatory judicial education is not and should not be required. Judges are independently elected Constitutional officers - not state workers. However, providing education to judges who can make the determination that they are in need of further education, especially when changing assignments is appreciated. I do not believe there should be mandatory continuing judicial education beyond what is required for Qualifying ethics, new judges, and judges changing assignments. Most of us exceed the requirements anyway, and to impose requirements

debases our independence. This is my 3rd time filling this particular survey out. I think I am in a loop of some kind each time I try and submit it.

- It is hard to have "one size fits all." #1, #2 certainly training in a new assignment, or after several years in an assignment, both make sense. And good if, like ethics, it is general. #4 flexibility in education is desirable.
- The original proposal was ill advised. The rules as adopted are barely tolerable. Modifying the existing rule to make it more mandatory in more situations is unneeded and an insult to hard working and faithful judges and justices.
- The State Constitution sets the only permissible requirements for judges, including "educational" requirements. It is nice to have educational opportunities made available through CJER, but they cannot be mandated - it is unconstitutional to do so. Good judges educate themselves.
- I think the rule is a good tool for ensuring the continuing standard of excellence we desire for our judiciary.
- Too many requirements for "participation" hours. Change in assignment courses not offered frequently enough - more should be available online or in a format that does not require travel and group attendance.
- San Bernardino County Superior Court is extremely busy. It is often difficult to take advantage of educational programs when they are available because of trial schedules and without increasing the burden on the other judges. It would be helpful if excess educational units earned in the last few months of a three year cycle could be applied to the first year of the next cycle.
- I thought the New Assignment program for a Judge returning to a Criminal assignment was too elementary. There should have been a distinction between those Judges who are "new" to an assignment and those who are returning. Expectations and needs are different.
- I believe that either the administration of our respective courts or the AOC should keep track of our participation and hours.
- I speak as a judge who completes hundreds of hours of continuing education each year, both from my law school teaching, self-study, and taking courses. However, I resent having the judicial branch subject to these "nanny government" mandates. There are multiple remedies available against judges who are incompetent to perform his or her duties, or who refuse to keep current with the law.
- Classes are too hard to get in. Limited time, too much red tape i.e. request time off first in the local court, then and only then can one apply, which is generally too late, limited offerings, locations and time when the programs are offered. Travel arrangements are awful, must follow the rules of AOC for travel with very little deviation. Record tracking is a pain, regardless of the internet book keeping. And because of shortage of programs, it is hard to get an education program more than once every 3 years, regardless of changes in the law.

- I wish that judicial college would be all elective - except for the first two days. By the time most judges take the college, they have been on a decent amount of time. So elective courses are more helpful than general evidence and trials, which are covered already in NJO.
- I think that the weeklong programs away from ones jurisdiction are extremely important because it allow you to create greater ties and exchange of ideas between you own bench officers and also between others from other jurisdiction. I think there should be more of these.
- While much of judicial college was very beneficial, it is too long. I would recommend shortening it by approx. three days.
- I am disappointed in the cutbacks on live classes; as judges we tend to become isolated and also fixed in the habits of our own county courts. I greatly miss the former opportunities to meet with judges from around the state and share ideas.
- If the participation was acceptable I would keep it as an expectation and not requirement and avoid WW3
- I find it irritating to presume that judges lack the initiative and motivation to educate themselves and to maintain their subject matter understanding current. The vast majority of the judges were achieved their position because they had the traits which made them outstanding attorneys: honest, responsible, hardworking, diligent, self motivated and driven to do the best job they can. It is insulting to presume that those same individuals throw away those traits when they assume the bench.
- The substance of courses is light weight. If you are serious about this, have professional faculty, engage in testing and performance evaluation and skip the judge volunteers. JMc
- I do not support mandatory education. As a judge who cares about the quality of her work, I have always chosen to take relevant classes. However, without reimbursement for the cost of travel/classes, and in the light of salary donations for furlough days, my participation in voluntary education now may be limited. If courses are offered often, and courts will pay travel claims for attendance, I would always participate voluntarily.
- The biggest problem in my county is that the Presiding Judge makes the assignments too late for people to attend the November courses.
- The survey doesn't address the real issues: the present CJER instructors generally treat us like we are idiots. The format and instruction are condescending and demeaning. The programs are run at a kindergarten level. The previous programs, offered by CJA, were much better and at a level that indicated a respect for who we are and what we do. The education requirements are ridiculous; one size (number of hours) doesn't fit all. Treat us like the professionals we are and stop dumbing down the judiciary!
- I have only been a judge for about 2 months, so I have not experienced much of what was asked in the questions.

- Your "required/expected" language renders the answers nearly meaningless as to whether courses should be required.
- I believe the NJO course needs to be a bit restructured. I understand the concept but feel it should be more practical. I feel the Judicial College program can be trimmed down to 1 - 1.5 weeks.
- Judges should not be required to take continuing education courses. Further, imposing reporting requirements is an infringement on an independent judiciary. I oppose the increasing bureaucracy and attempt to centralize our branch in violation of clear statutory authority to the contrary.
- I find in person educational programs to be most effective. Due to budget constraints, it is much more difficult, if not impossible to attend in person continuing education. These classes are excellent and on line education is just not the same/not as effective. This should be considering when mandating hours/requirements.
- Stop with the centralized judicial educational mandates. How about treating judges like professionals and allow them to not only be independent constitutional officers but also personally responsible.
- This is the only job I have ever had that did not require continuing education; I think requiring the hours are a no-brainer. The courses presented by CJA are more helpful than those coming out of the AOC.
- Superior Court Judges are not Marine recruits. Each of us will obtain education re our assignments without being "required" to do so.
- There should be some experience alternatives to subject matter courses. For example, if a judicial officer is a specialist in a particular field, mandating taking an overview class each time that judicial officer returns to the assignment is problematic. If there are no advanced programs or even intermediate level programs, then there should be ways to provide alternatives to the basic class.
- This is no "survey." "Surveys" do not ask such leading and suggestive questions. This "survey" is obviously designed and promoted by those in favor of REQUIRED education for Judges. I believe in continuing VOLUNTARY education. The vast majority of us on the bench diligently perform our constitutional duties. I resent the notion that the state must impose upon me, a Constitutional officer duly elected to this office, a continuing education requirement. I resent it.
- Mandatory judicial education is not required and should not be required. As constitutional officers, who are elected by their constituency, individual judges can make intelligent decisions and choose the subjects/courses that one may want/benefit from. Any desired courses should be available on line. Expensive meals and lodging should not be offered in connection therewith at taxpayer expense. Most of the courses I have attended have been occasions for the AOC to spend a lot of taxpayer money without a commensurate cognizable benefit to the judges attending. There are better, more efficient, and less costly ways for individual judges to obtain the reference materials and teaching desired. Any effort to impose mandatory requirements would be just another attempt by the AOC to waste taxpayer dollars and create

work for their employees to do so that the AOC can try to justify their continued employment.

### Judges-Medium Courts (N=13)

- The Judicial College while enjoyable was to a great extent an exact duplication of several of the programs at NJO. The materials were even the same. This was a waste. Also I feel some of the social "get to know each other activities were unnecessary and a waste of time.
- It is important not only for judges that we be appropriately educated but that we be accountable to the public whom we serve by way of mandatory education requirements that are monitored and recorded so the public can have confidence in an educated judiciary.
- This survey seems designed, based on the way the questions are asked, to elicit favorable responses. There is a big difference between requirements and expectations yet by using both terms, you seem to intentionally blur the distinction.
- Mandatory judicial education too often smacks of indoctrination, nit education. I believe that judges too often now consult their CJER bench books instead of the hard work of case and statutory analysis. Judicial Education should be voluntary, and should be conducted by judges for judges. The AOC should be out of the picture, and mandatory education eliminated. We are constitutional officers, not children.
- budget shortfalls have made it difficult to enroll in some classes - need to have more classes offered
- Questions 2, 6 and 11 of the survey use the words "requiring" and "requirements" interchangeably with "expecting" and "expectations." I have declined to answer those questions, as I believe any response is ambiguous. I agree completely that all judges should be expected to be current in their education on the law and particularly required to attend new judges orientation and the judicial college at the beginning of their judicial careers. I disagree that judges should be required to thereafter participate in continuing education, except as their own conscience dictates, or as may otherwise be required by the terms of any policy of insurance. As to question 3, therefore, the number of expected hours of continuing education is, in my view, too low. The number of required hours is, however, too high. No hours whatever should be required. I apologize for the long comment.
- Hi Jim. I doubt this was very helpful coming from me...(Kronlund). I am very happy with the education expectations, but really feel they should be requirements. Other professions require mandatory continuing education - why should judges be exempt considering the important impact we have on so many people who appear in our courtrooms? Thank you!

- It has been difficult to reconstruct my attendance record because the AOC does not keep records of participation for individual judges.
- 1. Time and distance to travel to education seminars is difficult for those Judges who are not near a metropolitan area in California. 2. There needs to be better coordination between law schools and CJER regarding judicial education courses. For example, the "Judicial Ethics and Accountability: at Home and Abroad" Program at McGeorge School of Law in April 2010 was not listed as a recognized judicial education or judicial ethics course for California Judges; although it did qualify for MCLE credit for attorneys. Yet, I found this program to be superior to many judicial ethics courses I have attended at CJA Mid Year and Annual Conferences. Otherwise, judges are given an opportunity to list these types of courses by self determination as to whether such courses qualify for judicial education. Thank you.
- Although I usually enjoy the education programs and greatly appreciate the hard work that goes into presenting the programs, I do not think there is a significant impact on the work that I do at the court. I stay current on the law and the classes are nice but the number of hours for senior judges is perhaps unnecessary absent a change in assignment that would require a refresher course. The impact on our court's ability to serve the public is diminished with so many judges away from the court for education
- On line education should be treated equally with in person events.
- The requirements are unnecessary and do nothing to improve the administration of justice or the competency of the judiciary. Conscientious and dedicated judges will take advantage of educational opportunities, including self-study, whether or not required to do so. Those who are not may go through the motions of complying but will get nothing of substance from the experience. Stop treating us like school children and start treating as mature, responsible constitutional officers.
- Some portions of the criminal law overview course I took in 2009 repeated portions of the Judicial College I attended in 2008.

#### **Judges-Small Courts (N=13)**

- It seems like most of the new judicial assignments are held in October, which is not convenient for my schedule. I would like to see additional opportunities for education for newly-held assignments. For judges with a lot of hours handling cases in the courtroom, i.e., with a busy courtroom calendar, education online is one way to satisfy the requirements. However, hours that can be earned in this fashion are limited to only a small amount.
- Minimum education "expectations" for judges does little to advance the core mission of the Judicial Branch: judging in the courtroom. Judges who know their responsibility will get the appropriate education to carry it out. Judges who do not understand that responsibility (if there really are such judges) may attend courses, but what they get out of the classes is questionable.
- I think written/on-line and/or seminar sessions on recognizing bias and demeanor issues should be required each

education period and/or short effective articles provided routinely.

- Allow more hours credit for online study. The online programs are outstanding!
- I believe that judges should be able to have staff keep track of training/education participation. Frankly, I think it is a complete waste of time for a judge to spend time tracking and copying information to submit. I think the rule that a judge must keep track of the information should be eliminated!!
- I have felt that the education I have gotten as a new bench officer has been excellent.
- CJER does a great job with education. Distance learning is not as effective as live programs. Judges get a lot out of meeting with colleagues from around the state and from leaving their courts for a few days to learn new things.
- I do not think that Judges with more than 6 years on the bench should be required to participate in continuing education.
- The Death Penalty course needs to be offered more often. These cases have increased in frequency.
- I am a new judge, and therefore have insufficient experience to offer meaningful input on questions 3 - 13.
- NJO, Judicial College and Presiding Judge orientation are important educational components. (I cannot comment on the need for appellate orientation, but assume it is likewise necessary.) However, in meeting educational needs for new assignments or improving skills in existing assignments, judges should be left with total discretion to choose from a broad array of courses to meet the judge's individual needs. Some judge's shifting to a new assignment might not need the basic assignment orientation, but advanced courses would be helpful. For example, in many cases, instead of basic criminal law orientation, a judge would be better served by courses on jury selection issues, jury instruction issues, search, seizure and warrants, felony sentencing, or death penalty cases (all the things that produce the most issues on appeal. Educational needs should be self-directed, except for NJO and Judicial Collage. All judges would, in my view, meet or exceed the current minimum expectations without these rules, simply as a matter of professional pride and competence. The present rules create artificial limitations on judicial education. Better rules would be to eliminate expectations, while providing incentives for judicial officers to participate in curriculum development, faculty opportunities, and course attendance, and specifically, a commitment on the part of AOC to provide additional assigned judge coverage in order for judges fully participate in educational opportunities.
- While I understand the benefit of mandating education for judges, I personally would seek educational opportunities without the necessity of compulsory rules. Budget deficiencies have limited the availability of educational opportunities and caseload pressure sometimes makes the timely fulfillment of mandatory requirements burdensome. The language of the court rules, particularly concerning the requirements in juvenile court could be more clearly stated. The record keeping requirements have added responsibilities to staff and the judges which could be more productively used elsewhere. Despite those difficulties the CJER programs are excellent and our bench would participate fully whether mandated or not.
- I do not like having to spend days away from my home for educational seminars, as I am a widowed single mother and I

have two school age children. Arranging time away from home is difficult for my family, and given the content of many of the classes there is no reason why I could not attend most seminars via webcam. I would like to attend seminars at the AOC in Sacramento. Additionally, I do not like the way the seminars are organized, where there are mandatory evening/dinner functions as these networking events are costly and not educational.

#### **Judges-Smallest Courts (N=4)**

- As a two judge court, we have found it difficult to get the required Dependency training to fit into our schedules. Possibly adding an additional session would help. We both cannot attend at the same time.
- It would be nice to have a required standard form for the annual and three-year reporting to the PJ, and the option of also forwarding a copy to the AOC
- In my experience, and I have had occasion to serve in half-dozen other counties during my 9 years on the bench, there is a need for more practices/clinical education, i.e. "how we do it" courses in which several judges describe their policies and practices in day-to-day handling of matters in their assigned fields, rather than simply repetitive substantive law programs. Regarding the "how we do it", I have benefited greatly from my exposure to the practices of other judges and courts while on assignment, and have adapted my home court and personal practices to achieve greater efficiencies, consistency, and, I hope, greater public satisfaction with the system. Substantive knowledge is essential, but I don't think there is enough of the other in the current system.
- The rules present significant challenges to "generalist" judges in small rural courts who preside over multiple case types. Especially now with an inadequate allocation of assigned judges, most of us simply can't be away from our courts for the amount of time (including travel) required to attend all the courses we technically should and/or would like to attend. The Cow County Judges Institute should be held every year. I think we still need to better use technology and increase distance learning opportunities.

## Issues and Questions Raised by Users and Others

### Rule 10.462(c)(2) – Education for New Supervising Judges

Issue: Should the expectation of education for new supervising judges be subject to an “unless returning after less than two years” clause? What about a new supervising judge who was the presiding judge within the last two years?

Analysis: Because there is no exception in the supervising judges education rule similar to that in rule 10.462(c)(4) for judges beginning a new assignment that they are not expected to take a course on the new primary assignment if they are returning to it after less than two years in another assignment, a supervising judge would technically be expected under the current rule to complete the supervising judge course if there was any length of break in between and even if they had just served as presiding judge. These situations were not anticipated when the rules were drafted in 2006.

Committee Recommendation: Amend rule 10.462(c)(2) as follows:

“(2) Each new judge beginning a supervising judge role is expected to complete the following education (unless he or she is returning to a similar supervising judge role after less than two years in another assignment or unless he or she is beginning a supervising judge role less than two years after serving in the presiding judge role and completing the Presiding Judges Orientation and Court Management Program):”

Rule 10.462(c)(3) – Education for New Presiding Judges

Issue: Should the expectation for new presiding judges be subject to a “when returning after more than two years” clause?

Analysis: Because there is no exception in rule 10.462(c)(3) similar to that in rule 10.462(c)(4), a presiding judge would technically be expected under the current rule to complete the presiding judges course each time he or she rotated back into a presiding judge role if there was any length of break in between. This situation was not anticipated when the rules were drafted in 2006. It occurs in the smallest courts.

Committee Recommendation: Amend rule 10.462(c)(3) as follows:

“(3) Each ~~new~~ judge beginning a presiding judge role is expected to complete CJER’s Presiding Judges Orientation and Court Management Program within one year of beginning the presiding judge role, preferably before beginning the role (including when he or she is returning to a presiding judge role after more than two years in another role or assignment).

Rule 10.462(c)(1) – New Judge Education

Issue: Should a new judge who as a new subordinate judicial officer completed the Judicial College be required to complete it again?

Analysis: Rule 10.462(c)(1) provides that a new judge who took the New Judge Orientation Program (NJO) as a new subordinate judicial officer is not required to complete it again. Should this be extended to apply to the Judicial College in some way as well?

Committee Recommendation: Amend rule 10.462(c)(1)(C), as follows:

“(C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer, unless the individual’s presiding judge determines that the new judge has already completed the Judicial College as a new subordinate judicial officer. Even if the new judge has previously completed the Judicial College, the presiding judge may also determine that the new judge should complete it again.”

Live Education, Online Education, and Limits on Online Education

Issue: Should the limits on distance education be changed? Is a webcast/WebEx training with live instruction a “live” program or an online program (subject to limitation)? What is a recording of such a webcast that is posted online? Is a studio-created video a live program or subject to the limit on online coursework? How is this different from a tape of a broadcast?

Analysis: The current rules (rule 10.462(d)(3) and parallel provisions) provide that the hours applied toward continuing education requirements/expectations for participation in online coursework and self-directed study are limited. Other kinds of education—traditional (face-to-face) education and distance education, such as broadcast and videoconference courses—are not subject to this limit. The Guidelines for Implementation provide some definitions for online coursework (designed for individual, self-paced learning) and self-directed study (learning goals determined by learner, not by faculty). The Guidelines further provide that because there is no limit on hours from broadcast education, there likewise is no limit on reproductions of broadcasts (such as video tape or DVD). This focus on the delivery method of the original education course leads to some seemingly illogical results. For example, a studio-created video is not a live program and is therefore subject to the limit on online coursework, while a video of a live program is not subject to the limit. The use of new technologies to deliver education also raises difficult issues about whether the limit on online coursework applies. It may make sense to move away from a focus on the delivery method to a focus on whether the learning was individual learning or was learning in community.

This change would be consistent with two of the Governing Committee’s stated education values: (a) that live programs (group learning) provide benefits not as readily available from online coursework or self-directed study (individual learning), and (b) that individuals have choice and flexibility in choosing a particular delivery method. Furthermore, there were several comments from the “Survey on the Implementation of the Education Rules” that expressed a desire for fewer restrictions on online education given the reduction by about one-third in live programming in 2009 to 2010 and 2010 to 2011, and given that the Education Division/CJER has increased production of distance education.

The committee recommends a simpler approach to the question of limits on certain types of education, based on delivery method. Based on the stated value of live, face-to-face education, judges and others would be required to obtain at least one-half of their continuing education requirement or expectation in this manner. This would mean attending, as a participant, a live, face-to-face program or course, held locally, regionally, statewide, or nationally. All other continuing education hours could be achieved by any other delivery method (broadcast, video, web conference, videoconference, online courses, etc.) or by faculty service. In this way, judges would have more flexibility and choice in how they obtain education, and the Governing Committee’s value for live, face-to-face education would also be honored.

Committee Recommendation

Rewrite rule 10.462(d)(3) (and other similar provisions) in the following way:

Each hour of participation in traditional (live, face-to-face) education, distance education such as broadcast and videoconference courses, online coursework, self-directed study, and faculty service counts toward the continuing education expectation or requirement on an hour-for-hour basis. At least one-half of the total number of continuing education hours required or expected in the three-year period must be completed, as a participant, through live, face-to-face education. The remaining hours can be completed through any other means such as distance education, self-study, or faculty service. Any combination of these would be limited to one-half of the total required or expected hours.

Because of possible confusion over changing the way hours are calculated midperiod and because it would require that the individual recording and reporting forms be revised (and that everyone transfer their records to the new form), it is recommended that these changes be proposed to be effective in 2013, when the next three-year period begins.

### Faculty Service Credit

Issue: Should the limitation on faculty service credit for service to a California court-based audience be changed and broadened? If so, should the method of calculating faculty service credit be changed?

Analysis: Rule 10.462(d)(4) (and other parallel provisions) covers continuing education credit for faculty service; the rule limits this credit for faculty service to that provided for “a California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel).” The Governing Committee discussed faculty credit and limitations on faculty credit at length in formulating the model and then in its recommendation to the Judicial Council in 2006. As stated at that time, the committee wanted to especially encourage faculty service to California court-based audiences and wanted to require that individuals take a significant portion of their education as a participant rather than as faculty. When the education rules for the appellate courts were circulated for public comment in 2007, six commentators raised issues with the provisions in the rules on credit for serving as faculty. After discussion, the committee reaffirmed its policies on faculty credit and declined to modify the provisions on faculty credit. The issue was raised again by a Court of Appeal justice in 2008. It was extensively analyzed and discussed again by the committee, and the committee decided again to reaffirm its policies on faculty credit and declined to modify the rule provisions at that time. The committee agreed that the issue would be reevaluated after the education participation data is in at the end of the first three-year period. In the “Survey on the Implementation of the Educational Rules,” there were several comments related to faculty service. These comments were in favor of decreasing the limitations for faculty service.

One of the considerations in the original iteration of this rule was to encourage individuals to teach for California court-based audiences. However, it cannot be determined that the rule does encourage such faculty service, or that judges (and others) would teach less often for California-based audiences if the rule was less limiting. The CJER Governing Committee values faculty service, and the Education Division/CJER will continue its efforts to attract and maintain a qualified pool of faculty. The committee recommends changing the limitation on faculty service for only California court-based audiences to encourage judges to teach in other venues and to a variety of audiences. The committee also recommends changing faculty service credit to an hour-for-hour basis instead of granting additional hours for preparation time.

These changes are consistent with the values of (a) individual choice and flexibility and (b) encouraging faculty service.

Committee Recommendation: Rewrite rule 10.462(d)(4) (and other parallel provisions) in the following way:

A judge or subordinate judicial officer who serves as faculty may apply education hours for teaching legal or judicial education to any legal or judicial audience. Credit for faculty

service is calculated in the same manner as all other types of education credit, on an hour-for-hour basis.

Because of possible confusion over changing the way hours are calculated midperiod and because it would require that the individual recording and reporting forms be revised (and that everyone transfer their records to the new form), it is recommended that these changes be proposed to be effective in 2013, when the next three-year period begins.

### Education Credit for Public Outreach Work

Issue: Should justices and judges get education credit for public outreach work (“K–12 civics and law-related education”)? The Commission for Impartial Courts in its report and recommendations to the Judicial Council in December 2009 included Recommendation 43, which provides generally that every child in the state should receive a quality civics education, and judges, courts, teachers, and school administrators should be supported in their efforts to educate students about the judiciary and its function in a democratic society. Recommendation 43(d) goes on to specifically provide that “Presiding justices and presiding judges should be encouraged to grant continuing education (CE) credits to judicial officers and court executive officers who conduct K–12 civics and law-related education.”

Analysis: Rule 10.462(d)(4) (and other parallel provisions) covers continuing education credit for faculty service; the rule limits this credit for faculty service to that provided for “a California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel).” This limitation would exclude K–12 civics and law-related education for students. Under the current rules, presiding justices and presiding judges are not authorized to grant continuing education credit for these public-outreach activities. The committee would agree with the commission that civics and law-related education for students is important and that judges and others should be encouraged to conduct such education. Whether receiving education credit would encourage more public outreach work is unknown. The committee’s decision on the faculty service credit issue above may affect the analysis and decision on this issue.

Committee Recommendation: The education rules should allow faculty service credit only for teaching legal or judicial education to legal or judicial audiences. That policy is more in alignment with the Governing Committee’s policy-level goals of maintaining and improving the professional competency of judicial officers and court personnel. This recommendation has been provided to the Commission for Impartial Courts.

Approved Provider/Approved Education Criteria

Issue: Should any changes be made to the approved provider/approved education criteria system in rule 10.481?

Rule 10.481(a) includes a list of entities that are deemed to be approved providers and provides that any education program offered by an approved provider 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. Rule 10.481(b) provides that education "is not limited to the approved providers listed in (a)." It also sets forth approved education criteria that are to be used to determine whether education presented by an entity not listed in (a) may be applied toward the education requirements and expectations. In summary, the list of approved providers is not intended to be exhaustive and education is not limited to the approved providers listed.

In 2007, six commentators on the appellate courts education proposal suggested adding an organization to the list of approved providers. The Governing Committee declined to add any of those additional providers because the list includes the major state and national education providers, the list is not exhaustive, and specific education from a non-approved provider may be approved on a case-by-case basis.

Questions have also been raised about applying the approved education criteria to education offered by a non-approved provider. The rule states that this determination is to be made by the Chief Justice, the administrative presiding justice, or the presiding judge when a justice, judge, clerk/administrator, or court executive officer requests approval of a course; the individual's supervisor makes the determination when a branch employee requests approval of a course. It might assist the courts if they could refer the more difficult of these requests for approval to a neutral education professional. The director of the AOC's Education Division/CJER would possess the expertise and neutrality at an appropriate level.

Committee Recommendation: It is recommended to amend rule 10.481(a) so that the AOC's Education Division/CJER would be responsible for maintaining a current list of approved providers instead of including the list in the rule. Any education program offered by an approved provider that is relevant to the work of the courts or enhances an individual participant's ability to perform his or her job may be applied toward the education requirements and expectations. The rule should also provide that the list of approved providers should include the AOC, all California state courts, and other reputable national and state organizations that regularly offer education directed to judicial officers or court personnel. Finally, the rule should provide that the Director of the AOC's Education Division/CJER is authorized to add or remove organizations from the list of approved providers, as appropriate, based on stated criteria.

It is also recommended to amend 10.481(b) to add the following provision: "A court may refer a request for approval of education offered by a non-approved provider to the director

of the AOC's Education Division/CJER for an opinion on whether the education meets the criteria listed below."

Education on Mental Illness

Issue: Should Rule 10.469 be amended to encourage judicial officers to participate in education on mental illness and best practices for adjudicating cases involving defendants who have a mental illness or co-occurring disorder?

Analysis: The Task Force for Criminal Justice Collaboration on Mental Health Issues is circulating its draft recommendations for public comment. Among the draft recommendations is one that states that rule 10.469 should be amended as indicated above. Rule 10.469 contains judicial education recommendations for justices, judges, and subordinate judicial officers in several subject areas. Education recommendations are distinguished from education requirements (“must”) and education expectations (“expected”) by being phrased with “should.” The subject areas currently included in rule 10.469 (for example, juvenile dependency and capital cases) were carried over from the Standards of Judicial Administration in response to the Judicial Council’s direction to incorporate relevant key provisions of the standards on education into the education rules in order to gather all provisions on education into one place. The relevant key provisions in the standards on education were incorporated as “recommendations” in the rules without substantive change, and no new responsibilities or assignments were added.

Rule 10.469(a) provides that each justice, judge, and subordinate judicial officer should regularly participate in education related to his or her responsibilities and particular judicial assignment or assignments. The specific recommendations included in rule 10.469(b)–(e) are intended to illustrate, for some responsibilities and assignments, how individuals should participate in more judicial education than is required and expected. Only the most important subject area recommendations should be included in rule 10.469; otherwise, the list of subject areas will get too long and will become unduly burdensome. Adding this subject area itself to those included in the rule would not seem too long or unduly burdensome, but it might to some extent “open the gates” to additional recommendations from other task forces and advisory committees.

Committee Recommendation: It is recommended that rule 10.469 not be amended to add education on mental illness as an education recommendation for judicial officers. This recommendation has been provided to the Task Force for Criminal Justice Collaboration on Mental Health Issues.

Sexual Harassment Training; Ethics Training

Issue: Should sexual harassment prevention training for justices and judges be added to the education rules? Should ethics training for justices and judges be added to the education rules?

Analysis: See Government Code section 12950.1, which requires an employer to provide sexual harassment training to all new supervisory employees within six months of their assuming their position and to each supervisory employee once every two years thereafter. The training must consist of at least two hours of classroom or other effective interactive training. The AOC Office of the General Counsel opined in 2005 that justices and judges are covered by this statute.

See Government Code section 68088, which should now prevail over section 12950.1 and which provides that the “Judicial Council may provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training” for judges and subordinate judicial officers.

Currently, justices and judges who choose to receive coverage under the Judicial Council’s master insurance policy for the defense of judicial officers in proceedings before the Commission on Judicial Performance must complete, per Council policy, the Qualifying Ethics education program every three years.

Committee Recommendation: The sources of the requirement for sexual harassment training for justices and judges should be in the Rules of Court rather than in a statute. Then the Judicial Council can determine the appropriate type and frequency of training. The training should be on the same three-year cycle as that of the education rules. Several judges noted in their written survey responses the overlap between sexual harassment training and ethics training. The source of the requirement for ethics training should also be in the education rules.