

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT SPR11-34

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**Title**

Judicial Branch Education: Amendments to the Education Rules Resulting from Evaluation of the First Three-Year Period

**Action Requested**

Review and Submit Comments by June 20, 2011

**Proposed Rules, Forms, Standards, or Statutes**

Amend California Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471, 10.472, 10.473, 10.474, 10.478, 10.481, and 10.491

**Proposed Effective Date**

January 1, 2012; January 1, 2013; and January 1, 2014 (see below)

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**Proposed by**

Governing Committee of the Center for  
Judicial Education and Research  
Hon. Ronald B. Robie, Chair

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**Summary**

The Governing Committee of the Center for Judicial Education and Research (CJER), as directed by the Judicial Council in October 2006, conducted a comprehensive evaluation of the implementation of the education rules—Cal. Rules of Court, rules 10.451–10.469—during the first three-year period (2007–2009). As a result of its evaluation, the committee is proposing some amendments to the education rules.

**Discussion**

The Judicial Council, when it adopted education rules for the trial courts in October 2006, also directed the CJER Governing Committee to conduct a comprehensive evaluation of the implementation of the education rules during the first three-year period (2007–2009) and report back to the Judicial Council in early 2011. The Governing Committee has conducted the evaluation and the committee is proposing some amendments to the education rules. The committee reviewed and considered whether the following are still applicable or satisfactory or should be revised:

- The original policy-level goals and operational objectives for recommending the education rules;
- The educational values reflected in the rules;

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- The level of participation in education by justices and judges (based on statistical data from the aggregate reports);
- The results from two surveys conducted after the first three-year period (one of court leadership and one of all justices and judges);
- The issues and questions raised by users or others during the first three-year period; and
- Analysis of several overarching issues.

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. The committee strongly believed that the education rules have substantially accomplished what they were intended to. The levels of participation by justices and judges during the three-year period were high. Survey results strongly indicated several positive impacts from the education required or expected by the rules and also indicated that the rules did not negatively affect the work of the courts. Some issues and questions (no major ones) were raised during the first three-year period about how the education rules work or what they mean.

The committee is proposing some relatively minor amendments to the education rules, primarily to cover situations not anticipated and to simplify the system.

### **Proposed Amendments to Clarify Application of Content-Based Requirement or Expectation**

Three of the proposed amendments would clarify when a content-based requirement or expectation applies in situations that were not anticipated when the education rules were drafted in 2006:

- Rule 10.462(c)(1) is proposed to be amended to provide that a new judge who completed the Judicial College as a new subordinate judicial officer is *not* required to complete the college again unless the presiding judge determines that the new judge must complete it again.
- Rule 10.462(c)(2) is proposed to be amended to provide that a judge beginning a supervising judge role is *not* expected to complete supervising judge education when returning to a similar supervising judge role after less than two years in another assignment or less than two years after serving in the presiding judge role.
- Rule 10.462(c)(3) is proposed to be amended to provide that a judge beginning a presiding judge role is *not* expected to complete presiding judge education when returning to the presiding judge role after two years or less in another role or assignment.

### **Proposed Amendments Regarding Approved Providers and Approved Education Criteria**

The committee also proposes amending rule 10.481, the rule that covers approved providers and approved education criteria:

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- Rule 10.481(a) is proposed to be amended to simplify the process for adding to or subtracting from the list of approved providers and keeping the list current. The amended rule would provide that the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research (CJER) is responsible for maintaining a current list of approved providers instead of including the list in the rule. It would also provide that the Director of the Education Division/CJER may add or remove organizations from the list of approved providers as appropriate and based on the existing criteria. For consistency, all references in the education rules to the list of approved providers would be changed throughout.
- An Advisory Committee Comment to Rule 10.481(b) is proposed to be added to provide that the Director of the Education Division/CJER is available to assist in determining whether education from a nonapproved provider meets the education criteria.

### **Proposed Amendments Regarding Live Education, Distance Education, and Faculty Service Credit**

The committee also proposes the same amendments to rules 10.461, 10.462, 10.471, 10.472, 10.473, 10.474, and 10.491 to simplify and provide more individual choice and flexibility to the process of determining what and how many hours count toward the continuing education hours requirement or expectation. Each individual would be required to complete at least half of his or her education requirement or expectation as a participant in traditional (live, face-to-face) education, and there would be no limitations on the delivery method for the balance of the education hours. These changes would be consistent with the committee's stated education values for live education programs providing the most benefit and increased individual choice and flexibility in choosing education.

The process also would be simplified by eliminating limitations on online coursework, self-directed study (when applicable), and faculty service and by counting all education hours in the same way. This would mean that credit for faculty service would be counted on an hour-for-hour basis instead of the current 3 hours for each hour of presentation (or 2 hours for each hour for subsequent presentations). The committee felt this change was necessary because the cap on faculty service credit hours would be eliminated. In addition, the proposed amendments would significantly broaden what may be counted toward faculty service credit to all teaching of legal or judicial education for a legal or judicial audience.

These same proposed amendments would be made to the rule for each group: appellate justices, judges, subordinate judicial officers, and so on. The committee felt that these particular changes should not be implemented in the middle of a two- or three-year period because of potential confusion and administrative impact; the committee is proposing that these changes be effective when the next two- or three-year period begins for each group. Because the education rules were adopted effective in 2007 (for the superior courts) and 2008 (for the appellate courts and the Administrative Office of the Courts) and some groups have a two-year education period and

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other groups a three-year education period, these proposed amendments are proposed to be effective in the following years: 2012 for appellate court staff (rule 10.472) and Administrative Office of the Courts staff (rule 10.491); 2013 for justices (rule 10.461), judges (rule 10.462), trial court executive officers (rule 10.473), and trial court staff (rule 10.474); and 2014 for appellate court clerk/administrators (rule 10.471).

### **Other Minor Proposed Amendments**

There are also some minor miscellaneous amendments proposed to the education rules. Some of these have resulted from inadvertent omissions, typographical errors, and language inconsistencies. Briefly, these include the following:

- rules 10.452(c), 10.462(a), 10.469(a), to update and incorporate references to more recently adopted rules 10.464 and 10.468;
- rule 10.461(b), to correct the language;
- rules 10.462(d)(1)(A) and 10.491(c)(4), to clarify the language;
- rule 10.462(d)(2)(A), to clarify the provision in response to questions received;
- rules 10.468(c)(3) and 10.481(b), to correct typographical errors;
- rule 10.468(c)(8), to eliminate a superfluous provision; and
- rule 10.469(b), to make the language consistent with other rules in chapter 8 .

The CJER Governing Committee is seeking general comments on these proposed amendments to the education rules.

The text of the proposed rule amendments is attached at pages 5-22.

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**Rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471 to 10.474, 10.478, 10.481, and 10.491 of the California Rules of Court would be amended, effective January 1, 2012, to read:**

1 **Rule 10.452. Minimum education requirements, expectations, and**  
2 **recommendations**

3  
4 **(a)–(b) \*\*\***

5  
6 **(c) Relationship of minimum education requirements and expectations to**  
7 **education recommendations**

8  
9 The education requirements and expectations set forth in rules 10.461–10.462 and  
10 10.471–10.474 are minimums. Justices, judges, and subordinate judicial officers  
11 should participate in more judicial education than is required and expected, related  
12 to each individual’s responsibilities and particular judicial assignment or  
13 assignments and in accordance with the judicial education recommendations set  
14 forth in rule 10.469. Additional education requirements related to ~~the~~ specific  
15 responsibilityies of hearing family law matters are set forth in rule 10.463 (for  
16 those hearing family law matters), rule 10.464 (domestic violence issues), and rule  
17 10.468 (for those hearing probate proceedings).

18  
19 **(d)–(g) \*\*\***

20  
21 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**  
22 **Appeal justices**

23  
24 **(a) \*\*\***

25  
26 **(b) Content-based requirement**

27  
28 Each new Court of Appeal justice, within two years of confirmation of  
29 appointment, must attend a new appellate ~~judge~~ justice orientation program  
30 sponsored by a national provider of appellate orientation programs or by the  
31 Administrative Office of the Courts’ Education Division/Center for Judicial  
32 Education and Research.

33  
34  
35 **(c) Hours-based continuing education**

36  
37 **(1) \*\*\***

38  
39 **(2)** The following education applies toward the required 30 hours of continuing  
40 judicial education:  
41

1 (A) Any education offered by an approved provider listed in (see rule  
2 10.481(a)) and any other education, including education taken to satisfy  
3 a statutory or other education requirement, approved by the Chief  
4 Justice or the administrative presiding justice as meeting the criteria  
5 listed in rule 10.481(b).

6  
7 (B)–(C) \*\*\*  
8

9 **Rule 10.462. Minimum education requirements and expectations for trial court**  
10 **judges and subordinate judicial officers**

11  
12 **(a) Applicability**

13  
14 All California trial court judges must complete the minimum judicial education  
15 requirements for new judges under (c)(1) and are expected to participate in  
16 continuing education as outlined under (d). All subordinate judicial officers must  
17 complete the minimum education requirements for new subordinate judicial  
18 officers under (c)(1) and for continuing education as outlined under (d). All trial  
19 court judges and subordinate judicial officers who hear family law matters must  
20 complete additional education requirements set forth in rule 10.463. All trial court  
21 judges and subordinate judicial officers who hear certain types of matters must  
22 participate in education on domestic violence issues as provided in rule 10.464. All  
23 trial court judges and subordinate judicial officers regularly assigned to hear  
24 probate proceedings must complete additional education requirements set forth in  
25 rule 10.468. All trial court judges and subordinate judicial officers should  
26 participate in more judicial education than is required and expected, related to each  
27 individual’s responsibilities and particular judicial assignment or assignments and  
28 in accordance with the judicial education recommendations set forth in rule  
29 10.469.

30  
31 **(b) \*\*\***  
32

33 **(c) Content-based requirements**  
34

35 (1) Each new trial court judge and subordinate judicial officer must complete the  
36 “new judge education” provided by the Administrative Office of the Courts’  
37 Education Division/Center for Judicial Education and Research (CJER) as  
38 follows:

39  
40 (A)–(B) \*\*\*  
41

42 (C) The B. E. Witkin Judicial College of California within two years of  
43 taking the oath as a judge or subordinate judicial officer, unless the new

1 judge completed the Judicial College as a new subordinate judicial  
2 officer, in which case the presiding judge may determine whether the  
3 new judge must complete it again.  
4

- 5 (2) Each new judge beginning a supervising judge role is expected to complete  
6 the following education, unless he or she is returning to a similar supervising  
7 judge role after less than two years in another assignment or is beginning a  
8 supervising judge role less than two years after serving in the presiding judge  
9 role and completing the Presiding Judges Orientation and Court Management  
10 Program.

11  
12 (A)–(C) \*\*\*

- 13  
14 (3) Each judge beginning a new presiding judge role is expected to complete  
15 CJER’s Presiding Judges Orientation and Court Management Program within  
16 one year of beginning the presiding judge role, preferably before beginning  
17 the role unless he or she is returning to a presiding judge role after two years  
18 or less in another role or assignment.

19  
20 (4) \*\*\*

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

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

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

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

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

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

1 judicial officer beginning a new primary assignment (the “new judge  
2 education” required under (c)(1) does not apply); and

- 3  
4 (B) Any other education offered by an approved provider listed in (see rule  
5 10.481(a)) and any other education, including education taken to satisfy  
6 a statutory or other education requirement, approved by the presiding  
7 judge as meeting the criteria listed in rule 10.481(b).

8  
9 (3)–(5) \*\*\*

10  
11 (e)–(g) \*\*\*

12  
13 **Rule 10.468. Content-based and hours-based education for superior court judges**  
14 **and subordinate judicial officers regularly assigned to hear probate**  
15 **proceedings**

16  
17 (a)–(b) \*\*\*

18  
19 (c) **Hours-based continuing education**

20  
21 (1)–(2) \*\*\*

- 22  
23 (3) The first continuing education period for judicial officers who were regularly  
24 assigned to hear probate proceedings before the effective date of this rule and  
25 who continue in the assignment after that date is two years, from January 1,  
26 2008, through December 31, 2009, rather than three years. The continuing  
27 education requirements in (1) are prorated for the first continuing education  
28 period under this paragraph. The first full three-year period of continuing  
29 education for judicial officers under this paragraph begins on January 1,  
30 2010.

31  
32 (4)–(5) \*\*\*

- 33  
34 (6) A judicial officer may fulfill the education requirement in (1) or (2) through  
35 AOC-sponsored education, an approved provider listed in (see rule  
36 10.481(a)), or a ~~provider~~ education approved by the judicial officer’s  
37 presiding judge as meeting the education criteria specified in rule 10.481(b).

- 38  
39 (7) The education required in (1) or (2) may be by traditional (live, face-to-face)  
40 or distance-learning ~~means~~, such as broadcasts, videoconferences, or online  
41 coursework but may not be by self-study.  
42

1 (8) ~~A judicial officer who serves as faculty for a California court based audience,~~  
2 ~~as defined in rule 10.462(d)(4), for education required in (1) or (2) may be~~  
3 ~~credited with three hours of participation for each hour of presentation the~~  
4 ~~first time a course is given and two hours for each hour of presentation each~~  
5 ~~subsequent time the course is given.~~

6  
7 (d)–(e) \*\*\*

8  
9 **Rule 10.469. Judicial education recommendations for justices, judges, and**  
10 **subordinate judicial officers**

11  
12 (a) **Judicial education recommendations generally**

13  
14 Each justice, judge and subordinate judicial officer, as part of his or her continuing  
15 judicial education, should regularly participate in educational activities related to  
16 his or her responsibilities and particular judicial assignment or assignments.  
17 Minimum education requirements and expectations related to judicial  
18 responsibilities and assignments are set forth in rules 10.461–10.462. Additional  
19 education requirements related to ~~the specific responsibilityies of hearing family~~  
20 ~~law matters~~ are set forth in rule 10.463 (for those hearing family law matters), rule  
21 10.464 (domestic violence issues), and rule 10.468 (for those hearing probate  
22 proceedings). The following recommendations illustrate for some specific  
23 responsibilities and assignments how justices, judges, and subordinate judicial  
24 officers should participate in more judicial education than is required and expected.

25  
26 (b) **Jury trial assignment**

27  
28 Each judge or subordinate judicial officer assigned to jury trials should regularly  
29 use the Administrative Office of the Courts’ Education Division/CJER Center for  
30 ~~Judicial Education and Research (CJER)~~ educational materials or other appropriate  
31 materials and should regularly complete CJER or other appropriate educational  
32 programs devoted to the conduct of jury voir dire and the treatment of jurors.

33  
34 (c)–(e) \*\*\*

35  
36 **Rule 10.471. Minimum education requirements for Supreme Court and Court of**  
37 **Appeal clerk/administrators**

38  
39 (a) \*\*\*

40  
41 (b) **Hours-based requirement**

42  
43 (1) \*\*\*

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

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

(B)–(C) \*\*\*

(c)–(d) \*\*\*

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

(a)–(b) \*\*\*

**(c) Hours-based requirements**

(1)–(3) \*\*\*

(4) Any education offered by an approved provider listed in (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory, rules-based, or other education requirement, that is approved by the clerk/administrator, the managing attorney, or the employee’s supervisor as meeting the criteria listed in rule 10.481(b) applies toward the orientation education required under (b) and the continuing education required under (c)(1) and (2).

(5) Each hour of participation in traditional (live, face-to-face) education, distance education such as broadcast, ~~and~~ videoconference-~~courses~~, and online coursework, and faculty service counts toward the requirement on an hour-for-hour basis. Each managing attorney, supervisor, and other employee must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The managing attorney, supervisor, or other employee may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education. The hours applied for participation in online coursework are limited to a total of 4 hours for managers, supervisors, and appellate judicial attorneys and to a total of 3 hours for other personnel in each two-year period; these limits are prorated

1 for individuals who enter the two-year period after it has begun. Self-directed  
2 study is encouraged for professional development but does not apply toward  
3 the required hours.  
4

- 5 (6) A managing attorney, supervisor, or other employee who serves as faculty by  
6 teaching legal or judicial education for a legal or judicial audience for a  
7 California court-based audience (i.e., justices, judges, subordinate judicial  
8 officers, temporary judges, or court personnel) may apply education the  
9 following hours for the of faculty service, 3 hours for each hour of  
10 presentation the first time a given course is presented and 2 hours for each  
11 hour of presentation each subsequent time that the course is presented. The  
12 hours applied for faculty service are limited to 6 hours for managers,  
13 supervisors, and appellate judicial attorneys and to 4 hours for other  
14 personnel in each two-year period; these limits are prorated for individuals  
15 who enter the two-year period after it has begun. Credit for faculty service  
16 counts toward the continuing education requirement in the same manner as  
17 all other types of education—on an hour-for-hour basis.  
18

19 (d)–(e) \*\*\*  
20

21 **Rule 10.473. Minimum education requirements for trial court executive officers**  
22

23 (a)–(b) \*\*\*  
24

25 (c) **Hours-based requirement**  
26

27 (1) \*\*\*  
28

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

31  
32 (A) Any education offered by an approved provider ~~listed in~~ (see rule  
33 10.481(a)) and any other education including education taken to satisfy  
34 a statutory or other education requirement, approved by the presiding  
35 judge as meeting the criteria listed in rule 10.481(b).  
36

37 (B)–(C) \*\*\*  
38

39 (d)–(e) \*\*\*  
40

41 **Rule 10.474. Trial court managers, supervisors, and other personnel**  
42

43 (a)–(b) \*\*\*

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

3  
4 (1)–(3) \*\*\*

5  
6 (4) Any education offered by an approved provider ~~listed in~~ (see rule 10.481(a))  
7 and any other education, including education taken to satisfy a statutory,  
8 rules-based, or other education requirement, that is approved by the executive  
9 officer or the employee’s supervisor as meeting the criteria listed in rule  
10 10.481(b) applies toward the orientation education required under (b) and the  
11 continuing education required under (c)(1) and (2).

12  
13 (5)–(7) \*\*\*

14  
15 **(d)–(e) \*\*\***

16  
17 **Rule 10.478. Content-based and hours-based education for court investigators,**  
18 **probate attorneys, and probate examiners**

19  
20 **(a) \*\*\***

21  
22 **(b) Content-based requirements for court investigators**

23  
24 (1) \*\*\*

25  
26 (2) A court investigator may fulfill the education requirement in (1) through  
27 AOC-sponsored education, an approved provider ~~listed in~~ (see rule 10.481(a)),  
28 or a ~~provider~~ education approved by the court executive officer or the court  
29 investigator’s supervisor as meeting the education criteria specified in rule  
30 10.481(b).

31  
32 (3)–(4) \*\*\*

33  
34 **(c) Content-based education for probate attorneys**

35  
36 (1) \*\*\*

37  
38 (2) A court investigator may fulfill the education requirement in (1) through  
39 AOC-sponsored education, an approved provider ~~listed in~~ (see rule 10.481(a)),  
40 or a ~~provider~~ education approved by the court executive officer or the court  
41 investigator’s supervisor as meeting the education criteria specified in rule  
42 10.481(b).

1 (3)–(4) \*\*\*

2

3 **(d) Content-based education for probate examiners**

4

5 (1) \*\*\*

6

7 (2) A court investigator may fulfill the education requirement in (1) through  
8 AOC-sponsored education, an approved provider listed in (see rule 10.481(a),  
9 or a provider education approved by the court executive officer or the court  
10 investigator’s supervisor as meeting the education criteria specified in rule  
11 10.481(b).

12

13 (3)–(4) \*\*\*

14

15 **(e) Hours-based education for court investigators**

16

17 (1) \*\*\*

18

19 (2) A court investigator may fulfill the education requirement in (1) through  
20 AOC-sponsored education, an approved provider listed in (see rule 10.481(a),  
21 or a provider education approved by the court executive officer or the court  
22 investigator’s supervisor as meeting the education criteria specified in rule  
23 10.481(b).

24

25 (3)–(4) \*\*\*

26

27 **(f) Hours-based education for probate attorneys**

28

29 (1) \*\*\*

30

31 (2) A court investigator may fulfill the education requirement in (1) through  
32 AOC-sponsored education, an approved provider listed in (see rule 10.481(a),  
33 or a provider education approved by the court executive officer or the court  
34 investigator’s supervisor as meeting the education criteria specified in rule  
35 10.481(b).

36

37 (3)–(4) \*\*\*

38

39 **(g) Hours-based education for probate examiners**

40

41 (1) \*\*\*

42

1 (2) A court investigator may fulfill the education requirement in (1) through  
2 AOC-sponsored education, an approved provider listed in (see rule 10.481(a),  
3 or a provider education approved by the court executive officer or the court  
4 investigator's supervisor as meeting the education criteria specified in rule  
5 10.481(b).

6  
7 (3)–(4) \*\*\*

8  
9 (h)-(i) \*\*\*

10  
11 **Rule 10.481. Approved providers; approved course criteria**

12  
13 (a) **Approved providers**

14  
15 The Administrative Office of the Courts' Education Division/CJER is responsible  
16 for maintaining a current list of approved providers. The list of approved providers  
17 must include the Administrative Office of the Courts, the California Judges  
18 Association, all California state courts, and should include other reputable national  
19 and state organizations that regularly offer education directed to justices, judges,  
20 and court personnel. The Director of the Education Division/CJER may add or  
21 remove organizations from the list of approved providers as appropriate according  
22 to these criteria. Any education program offered by any of the following approved  
23 providers that is relevant to the work of the courts or enhances the individual  
24 participant's ability to perform his or her job may be applied toward the education  
25 requirements and expectations stated in rules 10.461–10.479, except for the  
26 requirements stated in rules 10.461(b), 10.462(c), and 10.473(b), for which specific  
27 providers are required.

28  
29 ~~(1) California Administrative Office of the Courts;~~

30  
31 ~~(2) California Judges Association;~~

32  
33 ~~(3) Supreme Court of California;~~

34  
35 ~~(4) California Courts of Appeal;~~

36  
37 ~~(5) Superior Courts of California;~~

38  
39 ~~(6) State Bar of California;~~

40  
41 ~~(7) National Judicial College;~~

42  
43 ~~(8) National Center for State Courts;~~

- 1
- 2 ~~(9) National Council of Juvenile and Family Court Judges;~~
- 3
- 4 ~~(10) National Association of Women Judges;~~
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- 6 ~~(11) American Bar Association;~~
- 7
- 8 ~~(12) National Association for Court Management;~~
- 9
- 10 ~~(13) American Judges Association;~~
- 11
- 12 ~~(14) American Academy of Judicial Education;~~
- 13
- 14 ~~(15) Dwight D. Opperman Institute of Judicial Administration;~~
- 15
- 16 ~~(16) National Institute of Justice;~~
- 17
- 18 ~~(17) Law schools accredited by the American Bar Association;~~
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- 20 ~~(18) Accredited colleges and universities;~~
- 21
- 22 ~~(19) Continuing Education of the Bar—California;~~
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- 24 ~~(20) Local California bar associations;~~
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- 26 ~~(21) California Court Association;~~
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- 28 ~~(22) Superior Court Clerks’ Association of the State of California;~~
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- 30 ~~(23) Council of Chief Judges of Courts of Appeal;~~
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- 32 ~~(24) Roscoe Pound Institute, Annual Forum for State Appellate Court Judges;~~
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- 34 ~~(25) National Conference of Appellate Court Clerks;~~
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- 36 ~~(26) AEI—Brookings Joint Center;~~
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- 38 ~~(27) The Rutter Group;~~
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- 40 ~~(28) American Board of Trial Advocates; and~~
- 41
- 42 ~~(29) California Association of Superior Court Investigators.~~
- 43

1 **(b) Approved education criteria**

2  
3 Education is not limited to the approved providers referred to listed in (a). Any  
4 education from another a provider ~~not listed in (a)~~ that is approved by the Chief  
5 Justice, the administrative presiding justice, or the presiding judge as meeting the  
6 criteria listed below may be applied toward the continuing education expectations  
7 and requirements for justices, judges, and subordinate judicial officers or  
8 requirements for clerk/administrators or court executive officers. Similarly, any  
9 education from another a provider ~~not listed in (a)~~ that is approved by the  
10 clerk/administrator, the court executive officer, or the employee's supervisor as  
11 meeting the criteria listed below may be applied toward the orientation or  
12 continuing education requirements for managers, supervisors, and other employees  
13 or the content-based or continuing education requirements for probate court  
14 investigators, probate attorneys, and probate examiners in rule 10.478.

15  
16 (1)–(2) \*\*\*

17  
18 **Advisory Committee Comment**

19  
20 **Subdivision (b).** The Director of the Education Division/CJER is available to  
21 assist those authorized to approve a request to apply education offered by a nonapproved  
22 provider in determining whether the education meets the listed criteria.

23  
24 **Rule 10.491. Minimum education requirements for Administrative Office of the**  
25 **Courts executives, managers, supervisors, and other employees**

26  
27 **(a)–(b) \*\*\***

28  
29 **(c) Hours-based requirements**

30  
31 (1)–(3) \*\*\*

32  
33 (4) The first two-year period begins on January 1, 2008. The orientation courses  
34 and the compliance courses required for new managers, supervisors, and  
35 other employees under (b) do not apply toward the required hours of  
36 continuing education. Each new executive enters the two-year continuing  
37 education period on the first day of the quarter following his or her  
38 appointment, and each new manager, supervisor, and employee enters the  
39 two-year continuing education period on the first day of the quarter following  
40 the six-month period provided for his or her completion of the orientation  
41 courses and the compliance courses required under (b); the quarters begin on  
42 January 1, April 1, July 1, and October 1. Each executive, manager,  
43 supervisor, or employee who enters the two-year continuing education period

1 after it has begun must complete a prorated number of continuing education  
2 hours for that two-year period, based on the number of quarters remaining in  
3 it.

4  
5 (5) Any education offered by an approved provider listed in (see rule 10.481(a))  
6 and any other education, including education taken to satisfy a statutory,  
7 rules-based, or other education requirement, that is approved by the  
8 employee's supervisor as meeting the criteria listed in rule 10.481(b) applies  
9 toward the continuing education required under (c)(1)–(3).

10  
11 (6) Each hour of participation in traditional (live, face-to-face) education,  
12 distance education such as broadcast, ~~and~~ videoconference courses, and  
13 online coursework, and faculty service counts toward the requirement on an  
14 hour-for-hour basis. Each executive, manager, supervisor, and employee  
15 must complete at least half of his or her continuing education hours  
16 requirement as a participant in traditional (live, face-to-face) education. The  
17 individual may complete the balance of his or her education hours  
18 requirement through any other means with no limitation on any particular  
19 type of education. The hours applied for participation in online coursework  
20 and self-directed study are limited to a total of 10 hours for executives, 6  
21 hours for managers and supervisors, and 4 hours for other employees in each  
22 two-year period; these limits are prorated for individuals who enter the two-  
23 year period after it has begun.

24  
25 (7) An executive, manager, supervisor, or employee who serves as faculty by  
26 teaching legal or judicial education to a legal or judicial audience ~~courses at~~  
27 ~~the AOC or on behalf of the AOC at another location~~ may apply education  
28 ~~the following hours of for the~~ faculty service. Credit for faculty service  
29 counts toward the continuing education requirement in the same manner as  
30 all other types of education—on an hour-for-hour basis. 3 hours for each hour  
31 of presentation the first time a given course is presented and 2 hours for each  
32 hour of presentation each subsequent time that the course is presented. The  
33 hours applied for faculty service are limited to 15 hours for executives, 9  
34 hours for managers and supervisors, and 6 hours for other personnel in each  
35 two-year period; these limits are prorated for individuals who enter the two-  
36 year continuing education period after it has begun.

37  
38 (8) \*\*\*

39  
40 (d)–(f) \*\*\*

1 Rules 10.461, 10.462, 10.473, and 10.474 of the California Rules of Court would be  
2 amended, effective **January 1, 2013**, to read:

3  
4 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**  
5 **Appeal justices**

6  
7 **(a)–(b) \*\*\***

8  
9 **(c) Hours-based continuing education**

10  
11 (1) \*\*\*

12  
13 (2) The following education applies toward the required 30 hours of continuing  
14 judicial education:

15  
16 (A) \*\*\*

17  
18 (B) Each hour of participation in traditional (live, face-to-face) education,  
19 distance education such as broadcast, and videoconference, courses,  
20 online coursework, and self-directed study, and faculty service counts  
21 toward the continuing education requirement on an hour-for-hour basis.  
22 ~~The hours applied for participation in online coursework and self-~~  
23 ~~directed study are limited to a combined total of 7 hours in each three-~~  
24 ~~year period; this limit is prorated for individuals who enter the three-~~  
25 ~~year period after it has begun. Each justice must complete at least half~~  
26 of his or her continuing education hours requirement as a participant in  
27 traditional (live, face-to-face) education. The justice may complete the  
28 balance of his or her education hours requirement through any other  
29 means with no limitation on any particular type of education.

30  
31 (C) A justice who services as faculty by teaching legal or judicial education  
32 to a legal or judicial audience for a California court-based audience  
33 (i.e., justices, judges, subordinate judicial officers, temporary judges, or  
34 court personnel) may apply the education following hours for the of  
35 faculty service: 3 hours for each hour of presentation the first time a  
36 given course is presented and 2 hours for each hour of presentation  
37 each subsequent time that course is presented. The hours applied for  
38 faculty service are limited to 15 in each three year period, this limit is  
39 prorated for individuals who enter the three year period after it has  
40 begun. Credit for faculty service counts toward the continuing  
41 education requirement in the same manner as all other types of  
42 education—on an hour-for-hour basis.

1 (d)–(e) \*\*\*

2  
3 **Rule 10.462. Minimum education requirements and expectations for trial court**  
4 **judges and subordinate judicial officers**

5  
6 (a)–(c) \*\*\*

7  
8 **(d) Hours-based continuing education**

9  
10 (1)–(2) \*\*\*

11  
12 (3) Each hour of participation in traditional (live, face-to-face) education,  
13 distance education, such as broadcast, ~~and~~ videoconference ~~courses~~, and  
14 online coursework, self-directed study, and faculty service counts toward the  
15 continuing education expectation or requirement on an hour-for-hour basis.  
16 Each judge and each subordinate judicial officer must complete at least half  
17 of his or her continuing education hours expectation or requirement as a  
18 participant in traditional (live, face-to-face) education. The judge or  
19 subordinate judicial officer may complete the balance of his or her judicial  
20 education hours expectation or requirement through any other means with no  
21 limitation on any particular type of education. The hours applied for  
22 participation in online coursework and self-directed study are limited to a  
23 combined total of 7 hours in each three-year period; this limit is prorated for  
24 individuals who enter the three-year period after it has begun.

25  
26 (4) A judge or subordinate judicial officer who serves as faculty by teaching  
27 legal or judicial education for a legal or judicial audience for a California  
28 court-based audience (i.e., justices, judges, subordinate judicial officers,  
29 temporary judges, or court personnel) may apply the education following  
30 hours for the of faculty service; Credit for faculty service counts toward the  
31 continuing education expectation or requirement in the same manner as all  
32 other types of education—on an hour-for-hour basis. 3 hours for each hour of  
33 presentation the first time a given course is presented and 2 hours for each  
34 hour of presentation each subsequent time that course is presented. The hours  
35 applied for faculty service are limited to 15 in each three-year period; this  
36 limit is prorated for individuals who enter the three-year period after it has  
37 begun.

38  
39 (5) \*\*\*

40  
41 (e)–(g) \*\*\*

1 **Rule 10.473. Minimum education requirements for trial court executive officers**

2  
3 (a)–(b) \*\*\*

4  
5 (c) **Hours-based requirement**

6  
7 (1) \*\*\*

8  
9 (2) The following education applies toward the required 30 hours of continuing  
10 education:

11  
12 (A) \*\*\*

13  
14 (B) Each hour of participation in traditional (live, face-to-face) education,  
15 distance education such as broadcast, ~~and~~ videoconference courses,  
16 online coursework, and self-directed study, and faculty service counts  
17 toward the requirement on an hour-for-hour basis. ~~The hours applied~~  
18 ~~for participation in online coursework and self-directed study are~~  
19 ~~limited to a combined total of 7 hours in each three-year period. Each~~  
20 ~~executive officer must complete at least half of his or her continuing~~  
21 ~~education hours requirement as a participant in traditional (live, face-~~  
22 ~~to-face) education. The executive officer may complete the balance of~~  
23 ~~his or her education hours requirement through any other means with~~  
24 no limitation on any particular type of education.

25  
26 (C) An executive officer who serves as faculty by teaching legal or judicial  
27 education to a legal or judicial audience for a California court-based  
28 audience (i.e., justices, judges, subordinate judicial officers, temporary  
29 judges, or court personnel) may apply education the following hours for  
30 the of faculty service: ~~3 hours for each hour of presentation the first~~  
31 ~~time a given course is presented and 2 hours for each hour of~~  
32 ~~presentation each subsequent time that course is presented. The hours~~  
33 ~~applied for faculty service are limited to 15 in each three-year period.~~  
34 Credit for faculty service counts toward the continuing education  
35 requirement in the same manner as all other types of education—on an  
36 hour-for-hour basis.

37  
38 (d)–(e) \*\*\*

39  
40 **Rule 10.474. Trial court managers, supervisors, and other personnel**

41  
42 (a)–(b) \*\*\*

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

2  
3 (1)–(4) \*\*\*

4  
5 (5) Each hour of participation in traditional (live, face-to-face) education,  
6 distance education such as broadcast, and videoconference courses, and  
7 online coursework, and faculty service counts toward the requirement on an  
8 hour-for-hour basis. ~~The hours applied for participation in online coursework~~  
9 ~~are limited to a total of 4 hours for managers and supervisors and to a total of~~  
10 ~~3 hours for other personnel in each two-year period; these limits are prorated~~  
11 ~~for individuals who enter the two-year period after it has begun. Each~~  
12 ~~manager, supervisor, and employee must complete at least half of his or her~~  
13 ~~continuing education hours requirement as a participant in traditional (live,~~  
14 ~~face-to-face) education. The individual may complete the balance of his or~~  
15 ~~her education hours requirement through any other means with no limitation~~  
16 ~~on any particular type of education. Self-directed study is encouraged for~~  
17 ~~professional development but does not apply toward the required hours.~~

18  
19 (6) A manager, supervisor, or employee who serves as faculty ~~for a~~ by teaching  
20 legal or judicial education to a legal or judicial audience ~~California court-~~  
21 ~~based audience (i.e., justices, judges, subordinate judicial officers, temporary~~  
22 ~~judges, or court personnel) may apply~~ education the following hours for the  
23 ~~of faculty service: 3 hours for each hour of presentation the first time a given~~  
24 ~~course is presented and 2 hours for each hour of presentation each subsequent~~  
25 ~~time that the course is presented. The hours applied for faculty service are~~  
26 ~~limited to 6 hours for managers and supervisors and to 4 hours for other~~  
27 ~~personnel in each two-year period; these limits are prorated for individuals~~  
28 ~~who enter the two-year period after it has begun. Credit for faculty service~~  
29 ~~counts toward the continuing education requirement in the same manner as~~  
30 ~~all other types of education—on an hour-for-hour basis.~~

31  
32 (7) \*\*\*

33  
34 (d)–(e) \*\*\*

1 Rule 10.471 of the California Rules of Court would be amended, effective **January 1,**  
2 **2014**, to read:

3  
4 **Rule 10.471. Minimum education requirements for Supreme Court and Court of**  
5 **Appeal clerk/administrators**

6  
7 (a) \*\*\*

8  
9 (b) **Hours-based requirement**

10  
11 (1) \*\*\*

12  
13 (2) The following education applies toward the required 30 hours of continuing  
14 judicial education:

15  
16 (A) \*\*\*

17  
18 (B) Each hour of participation in traditional (live, face-to-face) education,  
19 distance education such as broadcast, and videoconference courses, and  
20 online coursework, faculty service, and self-directed study counts  
21 toward the requirement on an hour-for-hour basis. Each  
22 clerk/administrator must complete at least half of his or her continuing  
23 education hours requirement as a participant in traditional (live, face-  
24 to-face) education. The clerk/administrator may complete the balance  
25 of his or her education hours requirement through any other means with  
26 no limitation on any particular type of education. The hours applied for  
27 participation in online coursework and self-directed study are limited to  
28 a combined total of 7 hours in each three-year period.

29  
30 (C) A clerk/administrator who serves as faculty by teaching legal or  
31 judicial education to a legal or judicial audience for a California court-  
32 based audience (i.e., justices, judges, subordinate judicial officers,  
33 temporary judges, or court personnel) may apply education the  
34 following hours for the of faculty service: 3 hours for each hour of  
35 presentation the first time a given course is presented and 2 hours for  
36 each hour of presentation each subsequent time that course is presented.  
37 The hours applied for faculty service are limited to 15 in each three-  
38 year period. Credit for faculty service counts toward the continuing  
39 education requirement in the same manner as all other types of  
40 education—on an hour-for-hour basis.

41  
42 (c)–(d) \*\*\*

## Item SPR11-34 Response Form

**Title:** **Judicial Branch Education: Amendments to the Education Rules Resulting from Evaluation of the Implementation of the Education Rules for the First Three-Year Period** (amend Cal. Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471, 10.472, 10.473, 10.474, 10.481, and 10.491)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: [www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

Email: [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

Mail: Ms. Camilla Kieliger  
Judicial Council, 455 Golden Gate Avenue  
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

<b>DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011</b>
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*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*