

# Judicial Council of California

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## INVITATION TO COMMENT

**W15-04**

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Title	Action Requested
Judicial Branch Education: Court Executive Officers Education	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 10.473	July 1, 2015
Proposed by	Contacts
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### **Executive Summary and Origin**

Rule 10.473 addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be live, face-to-face education.

In June 2012, the Judicial Council's Rules and Projects Committee (RUPRO) asked advisory committees to submit suggestions for changes to rules and forms that could result in cost savings or efficiencies for the courts. As part of that process, various trial court executive officers suggested that rule 10.473 be repealed or amended to reduce training costs to trial courts for required training for court executive officers. The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) propose amending rule 10.473 to accomplish this goal. The TCPJAC and CEAC do not recommend repeal of the rule because of the value of education in the judicial branch.

### **Background**

Effective January 1, 2007, the council adopted rule 10.473 as part of a comprehensive set of rules addressing judicial branch education.

In June 2012, RUPRO asked advisory committees to submit suggestions for changes to rules and forms that could result in cost savings or efficiencies for the courts. Various court executive officers proposed rule changes that could lead to cost savings, including the repeal of rule

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

10.473. The submission stated that repeal of the rule would result in reduced training costs to trial courts for required training for court executive officers who have already had the training, or, based on prior education or experience, do not need the specific training required by the rule. In November 2012, RUPRO referred this proposal to the TCPJAC, the CEAC, and the Center for Judicial Education and Research Governing Committee for future consideration and action.

### **The Proposal**

Rule 10.473 would be amended to provide that the presiding judge of each court has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that the court executive officer is required to complete to meet the continuing education requirement.

Amending the rule to enable the presiding judge to determine the number of in-person hours for continuing education under subdivision (c) would significantly reduce training costs to trial courts without necessitating the repeal of the entire rule. Currently, court executive officers must complete at least 50 percent of their required continuing education via live, face-to-face education (15 hours over three years) and enabling presiding judges to alter this percentage will also give them flexibility in meeting the needs of their individual courts.

The proposed amendment of rule 10.473 parallels the changes in rules 10.491 and 10.474 to the in-person education requirement. Rule 10.491, which addresses Judicial Council employee education, was amended, effective January 1, 2014, to similarly provide that the council's Administrative Director has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that is required of council employees to meet the continuing education requirement.

Rule 10.474, which addresses trial court employee education, was amended, effective January 1, 2015, to provide that the court executive officer of each court has discretion to determine the number of hours, if any, of live, face-to-face education that is required of trial court managers, supervisors, and other personnel to meet the continuing education requirement.

### **Alternatives Considered**

#### **No change to rule 10.473**

No change to rule 10.473 would provide no cost relief to the trial courts and make education requirements for court executive officers inconsistent with those recently amended for trial court employees that provide greater local flexibility.

#### **Repeal of rule 10.473**

Repeal of the rule is not necessary to achieve the desired goal. Other modifications to the rule will be equally effective at providing the desired costs savings. The amendment of the court staff and council staff education rules allows more of the education to be obtained via distance education, which reduces the need for travel and the associated costs.

In addition, repeal of the rule would eliminate an important education component of the rule ((10.473(c)(1)), unique to court executive officers. Amended in 2013, this subdivision introduces an ethics component requiring three hours of ethics education for all court executive officers.

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

The proposal is expected to have positive operational impacts, giving a presiding judge the discretion to allow a court executive officer flexibility with respect to alternatives to live training.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should relaxation of the face-to-face education requirement have a sunset date? If so, when should it end?
- Should the number of hours of education required in subdivision (c)(1) be reduced or otherwise changed?
- Should the length of the compliance period in subdivision (c)(1) be changed?
- Should the orientation required in subdivision (b)(1) count toward the total hours requirement?
- Should the education requirements in the rule be made nonbinding recommendations (“should”) rather than mandatory (“must”)?

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.473, at pages 4–5

Rule 10.473 of the California Rules of Court would be amended, effective July 1, 2015, to read:

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

2  
3 **(a) Applicability**

4  
5 All California trial court executive officers must complete these minimum  
6 education requirements. All executive officers should participate in more education  
7 than is required, related to each individual's responsibilities and in accordance with  
8 the education recommendations set forth in rule 10.479.

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

- 11  
12 (1) Each new executive officer must complete the Presiding Judges Orientation  
13 and Court Management Program provided by the Judicial Council's Center  
14 for Judiciary Education and Research (CJER) within one year of becoming an  
15 executive officer and should participate in additional education during the  
16 first year.  
17  
18 (2) Each executive officer should participate in CJER's Presiding Judges  
19 Orientation and Court Management Program each time a new presiding judge  
20 from his or her court participates in the course and each time the executive  
21 officer becomes the executive officer in a different court.  
22

23 **(c) Hours-based requirement**

- 24  
25 (1) Each executive officer must complete 30 hours of continuing education,  
26 including at least three hours of ethics education, every three years, ~~beginning~~  
27 ~~on the following date:~~

28  
29 ~~(A)~~(2) For a new executive officer, the first three-year period begins on January 1  
30 of the year following completion of the required education for new executive  
31 officers.

32  
33 ~~(B) For all other executive officers, the first three year period began on~~  
34 ~~January 1, 2007.~~

- 35  
36 ~~(2)~~(3) The following education applies toward the required 30 hours of continuing  
37 education:

38  
39 (A) Any education offered by an approved provider (see rule 10.481(a))  
40 and any other education, including education taken to satisfy a statutory  
41 or other education requirement, approved by the presiding judge as  
42 meeting the criteria listed in rule 10.481(b).  
43

1 (B) Each hour of participation in traditional (live, face-to-face) education;  
2 distance education such as broadcasts, videoconferences, and online  
3 coursework; self-directed study; and faculty service counts toward the  
4 requirement on an hour-for-hour basis. ~~Each court executive officer~~  
5 ~~must complete at least half of his or her continuing education hours~~  
6 ~~requirement as a participant in traditional (live, face-to-face) education.~~  
7 ~~The court executive officer may complete the balance of his or her~~  
8 ~~education hours requirement through any other means with no~~  
9 ~~limitation on any particular type of education.~~ The presiding judge has  
10 discretion to determine the number of hours, if any, of traditional (live,  
11 face-to-face) education required to meet the continuing education  
12 requirement.  
13

14 (C) A court executive officer who serves as faculty by teaching legal or  
15 judicial education to a legal or judicial audience may apply education  
16 hours as faculty service. Credit for faculty service counts toward the  
17 continuing education requirement in the same manner as all other types  
18 of education—on an hour-for-hour basis.  
19

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

32 **(e) Record of participation; statement of completion**  
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34 Each executive officer is responsible for:  
35

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