

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Dr. Diane Cowdrey
OFFICE NAME	Office of Education/CJER
JUDICIAL COUNCIL DIRECTIVE NUMBER	87
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.
SEC RECOMMENDATION	The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>This recommendation has actually been in effect for some time and will be ongoing.</p> <p>For several years, CJER has promoted and provided local education and training to both the trial and appellate courts and has increased those efforts in the past two years. CJER currently maintains a local training catalogue in judicial education containing over 80 courses and which covers substantive law areas (civil, criminal, family, juvenile, probate and mental health) as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self-represented litigants. Courts can choose to offer a course in their local court either on their own or with nearby courts. CJER pays for faculty expenses to the requesting court(s). A copy of the catalogue is attached. In addition, CJER provides local training and education to both court staff and court management as requested.</p> <p>Also, CJER has established a network of training coordinators at the local trial and appellate courts. They are a critical conduit regarding judicial education and staff training needs. This structure enables CJER to provide support to the courts and for them to share training with one another. CJER has also developed a website, LINC (Linking Individuals and Networking Courts), which enables courts to share educational content amongst themselves as well as post live training opportunities from court to court.</p> <p>CJER supports local training in other ways. To better serve courts with both local and regional training, CJER has identified several locations that serve well as regional locations for training multiple courts. In 2006, some of these courts agreed to serve as regional centers for training, and were enhanced with audio visual equipment, provided by CJER, which greatly improved the learning environment of these rooms. All courts have been equipped with satellite downlink infrastructure which allows them to receive broadcasts from the AOC, and receive valuable education from CJER. Satellite broadcasts are a critical means for providing education, particular to court staff. With the new building projects, CJER continues to work with courts in identifying areas of the state that can serve as regional training centers, and provides technical assistance to ensure these</p>	

large training rooms are built to standards that support local and regional education.

Another way in which CJER supports education and training in local courts is by assisting courts in establishing their own local education programs.

Establishing the Judicial Education Services (JES) program at the Superior Court of Los Angeles

In early 2000, the Superior Court of Los Angeles County contacted CJER and expressed an interest in establishing a local judicial education program modeled after CJER and requested assistance to that end. Specifically, the court asked CJER to work with it to develop policies and procedures for the establishment and maintenance of an education Governing Committee, to assist the court in identifying, developing, and training a pool of qualified judicial faculty, and to train court attorneys to support this Governing Committee and its judicial faculty similar to how CJER attorneys support the CJER Governing Committee and its curriculum committees and judicial faculty. CJER agreed to provide all of these services, and more.

CJER provided, on a regular basis, faculty development training specifically for this court's judicial faculty (CJER paid a consultant to conduct these trainings in Los Angeles). CJER also trained the staff attorneys working with the court's Governing Committee and met with them individually regarding course design as well as detailing the support they were to provide to faculty. For several years, CJER's Managing Attorney for Judicial Education attended every meeting of the court's Governing Committee (usually on a six week cycle) and consulted more frequently via phone calls and emails with the committee and its chair, basically functioning as auxiliary staff to this committee. CJER also assisted the court in developing publicity procedures and in designing brochures and other publicity pieces. CJER also consulted on a variety of other issues and topics (e.g., ways to express appreciation to the faculty, how to deal with videotaping requests and requests for non judicial faculty to attend judicial courses) which CJER itself has to deal with on a regular basis. CJER continues to serve as a consultant for JES.

The following examples illustrate recent local programming developed and delivered over the past year:

Judicial Education in Criminal Realignment

Andrea McCann, Education Attorney, worked with a judicial workgroup to develop education and training for the Criminal Justice Realignment implementation effort. Because of the time sensitive nature of this legislative enactment and the fact that how courts were going to implement it would vary, the training had to be both generic and tailored to address many of the courts' unique situations. Andrea therefore developed regional and local court courses that could be custom designed to fit the needs of particular courts (e.g., identification of local practices, resources, and services).

To date, local court courses have been requested by the Superior Courts in Shasta, San Luis Obispo, San Bernardino, Plumas, and Monterey counties while other local courses have evolved into larger regional offerings (e.g., San Luis Obispo requested their course be held in Santa Barbara County so that adjoining counties could attend). Additional regional courses have been scheduled in San Diego, Santa Clara, Sacramento, and Los Angeles counties. These locations were selected due to interest expressed by judges in those counties or adjoining counties. The First District Appellate Court also requested a local course on this subject and Rod Cathcart, Senior Attorney, complied and the course eventually evolved into a 2-part, statewide video conference for all appellate courts that had to be offered twice to accommodate all the registrants. It was so well received, an update was recently requested and is scheduled for October.

Online Course dealing with the Americans with Disabilities Act (ADA)

Eddie Davis, Sr. Education Specialist, collaborated with a local court to create an online course to satisfy an ADA lawsuit settlement. The content was provided by the court and Eddie created the course that includes video, quizzes, lecture, and several links to websites and documents related to, and referenced in, the Americans With Disabilities training. Eddie provided the technical and education consulting necessary to develop this course. The course is now being modified to be posted to COMET and Serranus for the benefit of all courts.

Computer Classes in Local Courts

Mike Walsh, Senior Education Specialist, is available to provide computer training in local courts, as requested.

Excel Basics (2 sessions) in 6DCA/San Jose
Excel Data Analysts and Word Reports/Forms in 4DCA/Riverside
Excel (multiple) and Access (multiple) in Fresno
Basic Excel (2 sessions) in Sonoma
Advanced Excel (2 sessions) in Sonoma

Leadership Classes for Court Management

Rhonda Sharbono, Senior Education Specialist, has taught courses locally on leadership and supervisory skills. Recently, she developed a course, Preparing for Leadership, in response to a request from the El Dorado court for education on developing staff level employees to take on lead responsibilities or promotion to supervisor positions (El Dorado had recently posted a lead position and none of the staff level clerks who interviewed seemed to understand what the court was looking for or what qualities were important.). She has taught this class twice in El Dorado County for clerks from El Dorado and surrounding counties.

Preparing for Leadership (for staff) in El Dorado
Core Leadership and Training Skills (for Leads/Seniors) in Fresno
Core 40: Basic Training for Supervisors in Orange County



judicial_ed_course_catal
og.pdf
Adobe Acrobat Document
1.48 MB

☐ This directive is forwarded to the Judicial Council with options for consideration:



File Attachment

☐ Other:



File Attachment










File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

Already implemented and ongoing

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div></div> <div>  File Attachment </div>
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div>Please see attached document, above.</div> <div>  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<div>Providing education and training locally is less expensive for the courts because they do not have to expend funds traveling to statewide events as is being able to attend programs sponsored by nearby courts, which CJER facilitates via its LINC website.</div> <div>  File Attachment </div>
<input checked="" type="checkbox"/> COST	<div>CJER pays for judicial faculty to teach local judicial education programs and staff time is expended on working with faculty on these courses and, when they directly teach, to travel to local courts as faculty.</div> <div>  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<div>Training is provided on an as requested basis, so CJER knows that a specific court needs and desires a particular type of training and can deliver that specifically to the court.</div> <div>  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<div>A very high level of service is provided. Convenience to the local court, less expensive for the court, scheduling for the court's convenience, and education tailored to the court's specific needs. Furthermore, the training coordinator network ensures that CJER is aware of local courts needs in a timely manner.</div> <div>  File Attachment </div>
<input type="checkbox"/> OTHER	<div></div> <div>  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 10/19/2012

JUDICIAL EDUCATION COURSE CATALOG



ADMINISTRATIVE OFFICE OF THE COURTS
Education Division/CJER

TABLE OF CONTENTS

Overview	2
Message From Diane E. Cowdrey	3
Governing Committee of CJER	4
Message From Hon. Ronald B. Robie	5
Bringing a Judicial Education Course to Your Court	6
Course Request Form	7
Thank You to Faculty.....	8

COURSE LISTINGS

Access (ADA).....	9
Civil.....	11
Collaborative Courts	13
Computer Training.....	14
Court Security	16
Criminal	17
Domestic Violence.....	26
Fairness.....	29
Family	30
Interdisciplinary.....	32
Judicial Ethics.....	35
Juvenile	36
Probate & Mental Health	39
Self-Represented Litigants	40
Train the Trainer	41
Minimum Education Requirements	42
Alphabetical Course Listings	43



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNING COMMITTEE OF THE CENTER
FOR JUDICIAL EDUCATION AND RESEARCH

GOVERNING COMMITTEE OF THE CENTER FOR JUDICIAL EDUCATION AND RESEARCH

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Third Appellate District

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Attorney, Office of Governmental Affairs
Administrative Office of the Courts

AOC Staff to the Committee

Dr. Diane E. Cowdrey

Director, Education Division/CJER
Administrative Office of the Courts

Mr. Bob Lowney

Senior Manager, Education Division/CJER
Administrative Office of the Courts

Ms. Suzette LaCivita

Executive Secretary, Education Division/CJER
Administrative Office of the Courts

Local Education: Convenient and Fiscally Prudent

Dear Colleagues:

The CJER Governing Committee is pleased to make this second edition of our catalog of courses available to local courts. Severe budget limitations continue and these courses provide high-quality judicial education at less cost. Sending faculty to local courts rather than having participants and faculty travel to a single site is both cost effective and provides small group interactive education.

One of the Judicial Council's highest priorities is to provide high-quality judicial education to ensure that our state maintains a professional judiciary that offers fair and impartial justice to all Californians. The goal is to ensure that, regardless of the court, judge, or type of case, the public will have access to the highest levels of expertise and service in all parts of the state.

The courses in this catalog are designed to give you as judges the resources to stay current with the law and procedure relating to your assignment without requiring you to take a lot of time away from the bench.

The Committee thanks the faculty members who give significant time to developing and teaching these courses. Without them we could not offer so many courses of such high quality at such great savings in costs.

As chair of the CJER Governing Committee, I look forward to receiving your comments and suggestions.

Sincerely,



Hon. Ronald B. Robie, Chair
CJER Governing Committee



Hon. Ronald B. Robie
Chair
CJER Governing Committee

OVERVIEW

The Education Division/Center for Judicial Education and Research (CJER) of the Administrative Office of the Courts (AOC) is proud to continue the Local Court Judicial Education Initiative, which we hope enhances your ability to provide high-quality judicial education to your bench officers by partnering with us. Courts can host judicial education classes locally by selecting the course(s) in this catalog and contacting the AOC with a proposed date. The Education Division/CJER recruits the faculty and works with the court to provide written materials for the course. Local courts will typically arrange for an appropriate classroom for the course and handle the participant attendance and registration aspects for the course, unless otherwise requested. As funds allow, the AOC pays for faculty travel expenses and course materials and will provide audiovisual support as requested.

Courses and Faculty

Statewide budget reductions over the past few years have necessitated that the Education Division/CJER offer a number of programs and institutes less frequently. This catalog contains some of the content that would have been provided at statewide events, and represents an alternative way to deliver the material. The courses listed in the catalog were taken from the many classes offered in our statewide programs as well as from some trial court programs and they are uniquely appropriate

for local delivery. The courses offer effective judicial education in substantive areas of law, as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self-represented litigants. The faculty members who teach the courses are very experienced in the areas they teach and they are trained in adult learning principles.

Statewide programs provide invaluable educational experiences and opportunities for interaction and discussions with your colleagues across California. These programs are still being held, but during these difficult budget times, they cannot be scheduled as frequently as in the past. We hope that this partnership between the local courts and the Education Division/CJER to deliver judicial education courses locally will help to bridge the educational gaps caused by the severely reduced statewide program schedule.

Judicial Council of California ▪ Administrative Office of the Courts
455 Golden Gate Avenue, San Francisco, California 94102-3688

www.courts.ca.gov ▪ <http://serranus.courtinfo.ca.gov/education/LocalMaterials.htm>

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Partnering to Enhance Educational Opportunities

I am pleased to present the second edition of the Judicial Education Course Catalog. The Education Division/CJER supports local and regional education so that judges, commissioners, and referees can obtain needed education without travel and time away from the bench. We have found that partnering with local courts allows us to provide education that is cost-effective, timely, and convenient for your bench. All of these courses can be offered at your court, with a certain number of participants. As funds allow, the Education Division/CJER will pay for faculty travel costs as well as provide support for logistics.

We had a good response to this new initiative in its first year. Courses have been held in counties of all sizes from Lake to Los Angeles. I am very pleased to announce that the second edition of the Judicial Education Course Catalog includes 26 new courses. We are extremely grateful to the faculty who volunteer to teach these courses, and appreciative of the many courses in this catalog that were developed by the Los Angeles County Superior Court Judicial Education Seminars (JES) Committee, chaired by Judge Emilie Elias. I also appreciate the work of the CJER Governing Committee members and Justice Ronald Robie, Chair, who have been instrumental in leading the effort to develop local education.

There is extraordinary value in live programs; learning in community offers the opportunity for sharing ideas and practices, learning from others in the class, and having a highly qualified subject matter expert available to answer questions and discuss issues. This catalog offers administrative presiding justices and presiding judges the opportunity to hold a live program in the court without the associated burdens of travel costs and extensive time away from the bench.



Diane E. Cowdrey
Director, Education Division/CJER

We are very excited to be able to continue to offer the courts this educational resource.

Sincerely,

A handwritten signature in dark ink that reads "Diane E. Cowdrey". The signature is fluid and cursive, with a long, sweeping tail on the last name.

Diane E. Cowdrey, Ed.D., Director
Education Division/
Center for Judicial Education & Research

BRINGING A JUDICIAL EDUCATION COURSE TO YOUR COURT

Requesting a Course

Please fill out the Course Request Form (see page 7) and send it to Lina Kravetskiy, Program Coordinator for the Education Division/CJER. The application must be signed by the administrative presiding justice or presiding judge and clerk/administrator or court executive officer. Please submit one application for each course.

Ideally, please give the AOC Education Division/CJER 90 days' advance notice to allow ample time for faculty to be confirmed and for them to schedule time away from court. The minimum class size is 20 unless noted otherwise in the course description. Courts may invite judges and subordinate judicial officers from surrounding counties in order to meet the minimum number.

Courses are designed for a judicial audience, but the course description will indicate if specified court staff may attend the program. Practicing attorneys serving as temporary judges are not eligible to attend these classes.

Applications will be processed on a first-come, first-served basis. The number of courses that can be supported in a fiscal year will depend on budget limitations and the availability of faculty and audiovisual support.

Expenses Related to a Course

The AOC Education Division will pay the costs for faculty to travel to teach the course and will also pay for the production and shipping of the course materials to the course site. Courts will be requested to provide the number of participants to the program coordinator 30 days before the course so that the materials can be reproduced and mailed in a timely fashion. If the county does not have audiovisual support, CJER will also provide an audiovisual support person and equipment.

Costs to the local court should be minimal—expenses for participant travel, the meeting room, and any catering. Local access to a computer classroom is necessary for the computer courses.

Choosing a Course

Please review the course descriptions to determine the best course that meets the needs of your local court. If you would like to discuss the content of the courses or would like help in choosing the best course for your needs, please contact Lina Kravetskiy at 415-865-4548, Lina.Kravetskiy@jud.ca.gov.

Los Angeles Judicial Education Seminars Courses

The Judicial Education Governing Committee for the Los Angeles Judicial Education Seminars (JES) has agreed to include some of the JES courses in this catalog. We thank the Los Angeles Superior Court and the committee for their support of this local court judicial education effort.

COURSE REQUEST FORM

Please provide the following information and send the completed form by e-mail, fax, or mail to: Ms. Lina Kravetskiy, Program Coordinator CJER ■ Education Division/CJER ■ Administrative Office of the Courts CJER ■ 455 Golden Gate Avenue ■ San Francisco, California 94102-3688
415-865-4548 ■ 415-865-4335 fax ■ lina.kravetskiy@jud.ca.gov

Ideally, please give 90 days' advance notice to allow ample time for faculty to be confirmed and for them to schedule time away from court. The minimum number of participants is 20.

Today's Date		
Court		
Contact		
Title		
Address		
City	California	Zip
Phone	Fax	
E-mail		
Course Information (one application for each course)		
Course Title		
Proposed Date(s) & Time*		
Location		
Est. number of participants: (20 minimum)		

Approval of Administrative Presiding Justice OR Presiding Judge and Clerk/Administrator OR Court Executive Officer

The court's administrative presiding justice or presiding judge and clerk/administrator or court executive officer must approve any request for resources for a local judicial education course before the request can be made. I support the provision of resources for local education in my court. We will provide follow-up information about the course as requested by the AOC.

Administrative Presiding Justice OR Presiding Judge (sign)

DATE

PRINT NAME

Clerk Administrator or Court Executive Officer (sign)

DATE

PRINT NAME

* Funding for faculty overnight expenses is not available.

A SPECIAL THANK YOU

We want to thank the faculty who have taught local courses for their hard work and expertise. Without their talent and dedication, the Local Court Judicial Education Initiative would not have been possible.

Judge Steven K. Austin
Superior Court of California, County of Contra Costa

Judge Mark A. Juhas
Superior Court of California, County of Los Angeles

Judge Griffin M. J. Bonini
Superior Court of California, County of Santa Clara

Judge Frances A. Kearney
Superior Court of California, County of Placer

Judge James R. Brandlin
Superior Court of California, County of Los Angeles

Judge Kent M. Kellegrew
Superior Court of California, County of Ventura

Judge Daniel J. Buckley
Superior Court of California, County of Los Angeles

Commissioner Michael Knish
Superior Court of California, County of San Bernardino

Commissioner Michael J. Convey
Superior Court of California, County of Los Angeles

Mr. Bob Lowney
Administrative Office of the Courts

Judge Joyce M. Cram
Superior Court of California, County of Contra Costa

Judge Cynthia Ann Ludvigsen
Superior Court of California, County of San Bernardino

Judge Charles S. Crandall
Superior Court of California, County of San Luis Obispo

Judge William McKinstry (Ret.)
Superior Court of California, County of Alameda

Judge David J. Danielsen
Superior Court of California, County of San Diego

Judge Vernon K. Nakahara
Superior Court of California, County of Alameda

Judge Becky Lynn Dugan
Superior Court of California, County of Riverside

Judge Michael J. Naughton
Superior Court of California, County of Orange

Judge Lynn Duryee
Superior Court of California, County of Marin

Ms. Kimberly Papillon
Administrative Office of the Courts

Commissioner Michelle E. Flurer
Superior Court of California, County of Los Angeles

Judge Richard Edward Rico
Superior Court of California, County of Los Angeles

Judge Donna Groman
Superior Court of California, County of Los Angeles

Justice Paul Turner
Court of Appeal, Second Appellate District, Division Five

Ms. Sherri Gulino
Superior Court of California, County of San Bernardino

Mr. Dennis Winners
Orange County Sheriff's Office

Judge Mary Thornton House
Superior Court of California, County of Los Angeles

ACCESS

AMERICANS WITH DISABILITIES ACT

Access Laws

Learn about the many different laws covering persons with disabilities, including the Americans With Disabilities Act, state statutes, California Rules of Court, and controlling case law. Find out the differences between federal and state laws. Participants will become familiar with disability symbols and will also learn about employee accommodations and the responsibilities of the court as well as accommodations for public court users. There are two versions of the course—one qualifies for ethics elective credit for judges, commissioners, and referees and the other version qualifies for elimination of bias MCLE credit.

1 hour ■ Either 1 hour elimination of bias MCLE credit or 1 hour Qualifying Ethics elective credit depending on audience

How to Communicate and Interact With Persons With Disabilities

Learn the appropriate way to communicate and interact with a person with a disability. How do you talk to someone with a hearing loss? What do you do when you see a person who is blind? Should you kneel when talking to someone in a wheelchair? Find out the answers to these and more in this fun interactive course. Participants will be provided with tip sheets on how to communicate with a person who is hard of hearing and a person who is blind. Participants will also learn the 10 tips for interacting with a person with a mental health disability.

1 hour

How to Have Accessible Meetings

This course is designed to assist judges and subordinate judicial officers and anyone who plans, arranges, or coordinates meetings for the court. How do you know if a conference location is accessible to persons with disabilities? Which table arrangements best accommodate attendees who use a wheelchair or participants with a hearing impairment? What are the alternative formats you could use for participants who are visually impaired? Are there guidelines for speakers? In this course, participants will discuss the answers to these questions and more. Attendees will also learn about the use of assistive listening devices and the TDD/TTY equipment. This course provides participants with the tools and resources to have a successful and accessible meeting for everyone.

2 hours

ACCESS, continued

How to Provide Access to the Courts for Persons With Disabilities

Find out what you must do to provide accommodations for persons with disabilities. Participants will learn about the California Rules of Court and how to complete the Judicial Council form for requesting an accommodation. Learn about the different types of accommodations the court may provide and what accommodations the court may deny.

1 hour ■ 1 hour of elimination of bias MCLE credit

Service and Comfort Animals in Your Court

Learn the difference between service and comfort animals. Find out the different types of animals that may be considered a service or comfort animal. Which ones must be allowed into the courthouse? What questions are you allowed to ask? What questions are you prohibited from asking? When can you remove an animal from your court? May you charge extra fees? Can you separate the animal and owner from others in the court? Participants will learn the answers to these questions and more in this class.

1 hour ■ 1 hour of elimination of bias MCLE credit

CIVIL

Civil Expert Witnesses

Learn about frequently encountered expert witness issues in civil cases, including proper use of *Kelly-Frye* and how to determine whether there is a reasonable basis for an opinion under Evid C §801(b). Other topics may include qualification of witnesses, discovery disputes, and hearsay.

3 hours ■ Los Angeles JES course

Civil Harassment

Explore the Dos, Don'ts, and Best Practices for Civil Harassment Restraining Orders. From the TRO to final orders, learn how to conduct hearings, issue orders, prepare forms, and everything in between. Elder Abuse and Workplace Violence Restraining Orders will also be discussed.

3 hours ■ Los Angeles JES course

Civil Law Update

A legal update on civil law designed to provide experienced civil judges with practical analysis and a discussion on how recent changes in the law affect the trial judge.

1 hour

Issues in Employment Law

This course highlights emerging issues in employment law litigation, such as enforcement of arbitration clauses, wage-and-hour issues, summary judgment issues, issues resulting from layoffs and reduced workweeks, stating wrongful termination claims based on violation of public policy, and proving hostile environment sexual harassment claims.

1.5 hours

Large Topics in Small Claims

Explore both routine and esoteric small claims issues using video vignettes and focused instruction. Share and discuss successful techniques for conducting small claims hearings.

3 hours ■ Los Angeles JES course

Unlawful Detainers

This course arms participants with the knowledge to successfully negotiate the minefield of unlawful detainers. It is a unique area of law characterized by nitpicky details that are better understood in the context of its limited purpose and summary nature. Foreclosure evictions now dominate the unlawful detainer calendar, as well as bankruptcy issues unique to evictions. Specific areas of interest are jurisdiction/venue, notice requirements, habitability defenses, foreclosures, bankruptcy, and postjudgment issues.

1.5 hours

CIVIL, continued

INSURANCE

Insurance Law—Basic

This course reviews various coverage principles and general key issues such as the duty to defend, bad faith, and settlement options.

3 hours

Insurance Law—Advanced

This course for experienced civil law judges focuses on complicated topics such as policy interpretation, multiple years of coverage, additional insured, reservation of rights, stacking, indemnity agreements, accident versus occurrence, and the genuine dispute doctrine.

3 hours

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION (SLAPP)

Recent Developments in SLAPP Motions

This course includes an update on the latest issues affecting Special Motions to Strike under CCP §§425.16 and 425.17, including attorney fees, CCP §425.18, public issues, and the *Noerr-Pennington* doctrine.

1.5 hours

Please also see...

Civil Jury Instructions With LexisNexis HotDocs

See course description under Computer Training, page 14.

Improving Skills and Practices in Cases Involving
Self-Represented Litigants

See course description under Self-Represented Litigants, page 40.

Evidentiary Issues Involving Social Media for the
Trial Court Judge

See course description under Interdisciplinary, page 33.

COLLABORATIVE COURTS

Drug Case Disposition

Discuss practical ways to manage the disposition of drug cases and their impact on your calendar. Learn the mechanics of drug diversion statutes and the continuum of handling drug cases. Topics discussed include alternative case management, assessing a drug program using current treatment protocol, mental health diversion, and community-based and treatment-oriented sentencing.

1.5–2 hours

Incorporating Collaborative Court Principles

Don't want to see the same defendants and clients over and over again throughout your career? Integrate highly effective collaborative court principles and practices into your current assignment and improve the lives of those who come before you while increasing your own personal job satisfaction at the same time.

This course is available in several versions. The full two-day course is for judges and subordinate judicial officers who have not sat in a collaborative justice court. A one-day course is available for judges who have previously sat in a problem-solving court. Additionally, a short 3.5-hour course can be requested to give an overview of the area. Judges in policymaking roles can request a 3.5-hour version that is adapted to their interests and includes an expanded discussion of costs, recidivism, benefits, and current and future trends.

Course length will be determined in consultation with local court.

COMPUTER TRAINING

Civil Jury Instructions With LexisNexis HotDocs

Learn about the Judicial Council's civil jury instructions (CACI) using LexisNexis® HotDocs® software. LexisNexis® has custom-designed its user-friendly HotDocs® program to easily insert names and gender references and to automatically select many other variables. Participants will learn how to use HotDocs® to create a case file, view instruction sets and use notes, assemble a set of jury instructions for a hypothetical civil case, use features of the software to enhance instruction discussions during trial conferences, edit or add instructions as necessary, and print instructions in alternate formats.

3 hours ■ Class size 15–18

Criminal Jury Instructions With LexisNexis HotDocs

Learn about the Judicial Council's criminal jury instructions (CALCRIM) using LexisNexis® HotDocs® software. LexisNexis® has custom-designed its user-friendly HotDocs® program to easily insert names and gender references and to automatically select many other variables. Participants will learn how to use HotDocs® to create a case file, view instruction sets and use notes, assemble a set of jury instructions for a hypothetical criminal case, use features of the software to enhance instruction discussions during trial conferences, edit or add instructions as necessary, and print instructions in alternate formats.

3 hours ■ Class size 15–18

Internet Resources for Legal Information

What began as a research tool for scientists has blossomed into something unanticipated. In a very short time, the Internet has changed the way most of us do business, the way we communicate, and even the way we learn. Participants will become familiar with the basic functions of the Microsoft Internet Explorer® Web browser and will explore the AOC's Serranus Web site and other law-related sites of interest to judges and subordinate judicial officers.

3 hours ■ Class size 15–18

Introduction to Microsoft Word and Windows

Learn the basics of Microsoft Word® and its everyday application to the tasks of judges and subordinate judicial officers. Participants will learn to open and save documents; use toolbar icons and shortcuts to make word-processing tasks easier; move text in a document by cutting and pasting; create a table; and use features like find and replace, autocorrect, and symbols. In addition, participants will become familiar with functions of the Microsoft Windows® environment, including being able to launch programs; create folders; copy, move, and delete files; and employ computer first-aid techniques.

3 hours ■ Class size 15–18

LexisNexis Research

Participants will become familiar with the basic functions of the Lexis® online legal research system and will learn to search legal topics by case names and statutes, as well as by keywords using natural language and term connectors. The faculty are trainers from LexisNexis®.

2 hours ■ Maximum class size 15–18

PowerPoint for Trial Judges

Microsoft PowerPoint® is a powerful software tool that can be used to create professional-looking presentations and slide shows. Participants learn to create slides, insert and edit text, and work with audiovisual elements such as the slide color scheme and adding graphics and video to slides.

Examples of how trial judges use PowerPoint will be shown.

3 hours ■ Class size 15–18

COURT SECURITY

Personal Security and Judicial Privacy Protection

What steps can or should judges take to preserve their personal safety and the safety of their families and court staff, both at and away from the courthouse? In this course, participants will enhance their abilities to assess potential threats and learn avoidance techniques. Participants will also learn about tools to maximize privacy protection in both public records and nonpublic personal records.

1.5 hours

Stalking Cases and Court Security

National events and an increase in the number of cases have heightened awareness about both stalking cases and favorable practices for improving courtroom security. This course identifies stalking behavior, dynamics, and types and includes discussion of case management techniques in stalking cases. Additional issues include threat and violence assessment, cyberstalking, stalking law, firearms and court orders, and evidentiary issues in stalking cases. This course also touches on practical ways to increase court security.

1.5 hours

CRIMINAL

COURTROOM AND TRIAL MANAGEMENT

Contempt

Courtroom control is essential to the administration of justice. Judges have the legal and inherent power to employ all means necessary to maintain order. Contempt is the ultimate tool of control, but must be a tool of last resort. The faculty will discuss sanctions and direct, indirect, and hybrid contempt and when it is appropriate to resort to sanctions or contempt. Using checklists, participants will learn the requirements regarding notice and the opportunity to be heard, and how to hold a contempt hearing, make a record, issue an order, and avoid common errors.

1.5 hours ■ 1 hour Qualifying Ethics elective credit

Disruptive Defendants and Problem Pro Pers

This course provides participants with problem-solving techniques and procedures for handling disruptive defendants and problem pro pers in criminal cases. Participants will be given examples of courtroom situations, suggestions for practical and legal solutions, and relevant case law.

3 hours ■ Los Angeles JES course

Mental Health and the Courts

This is an introductory course about dealing with mentally ill litigants in court. Although focused on criminal law, the class will address issues that occur throughout the justice system. The goal of this course is to increase judges', commissioners', and referees' awareness of the special challenges presented by cases involving mental illness. After a brief examination of the types of mental illness and the differences between the various types of mental health litigation (competency, insanity, civil commitment, etc.), students will explore ways of combating stereotypes and treating the mentally ill effectively and with dignity in the courtroom. The instructors will also discuss resources and programs a court can use to help mentally ill litigants.

3 hours

Mental Health Issues in Criminal Courts

This course is an overview of the contexts in which mental health issues arise in criminal courts. Proceedings under Pen C §1026 (Not Guilty by Reason of Insanity) and Pen C §1367 (Incompetent to Stand Trial) are covered as well as:

- Mentally Disordered Offenders (Pen C §§2960 et seq)
- Mentally Disordered Sex Offenders (Welf & I C §§6300 et seq, repealed 1981)
- Sexually Violent Predators (Welf & I C §§6600 et seq)
- Mental Retardation Commitments (Welf & I C §§6500 et seq)
- CYA Commitments (Welf & I C §§1800 et seq)
- CRC Commitments (Welf & I C §§3050 et seq)
- *Murphy* Conservatorships (Welf & I C §5008h(1)(b))

Course length will be determined in consultation with local court

CRIMINAL, continued

CRIMINAL JUSTICE REALIGNMENT

Criminal Justice Realignment: Judicial Issues Roundtable

During this facilitated roundtable judges and commissioners from neighboring counties will have an opportunity to discuss issues and local strategies relating to felony sentencing and postrelease community supervision. The requesting court may request specific topics be included or may select from the following:

- Felony Sentencing
- Adaptation of
 - Arraignment scripts
 - Plea scripts
 - Plea forms
 - Plea negotiations
- Evidence-based Practices
- Postrelease Community Supervision Revocation
 - Case management
 - Hearing procedures
- The Judge's Role in Determining County Implementation Strategy
 - Identification of judicial interests and ethical quandaries
 - Comparison of various counties' implementation strategies
 - Collaborative courts approach to implementation

Criminal Justice Realignment: Justice Partners Roundtable

A similar facilitated discussion to the one described above but altered to accommodate a combined audience of judicial officers and justice partners. The audience, to be determined by the requesting court, may include Judges, Commissioners, Hearing Officers, District Attorneys, Public Defenders, and Probation Officers from the requesting county and from neighboring counties.

Death Penalty

Advanced Capital Case Roundtable

This course is designed to provide the periodic update recommended by rule 10.469(d) of the California Rules of Court and two hours of qualifying ethics credit. Led by judges with extensive experience in high profile and death penalty cases, this course will consist of roundtable discussion during which participants will share their experiences and discuss effective courtroom practices.

REQUIRED COURSE PREREQUISITES

Eligible applicants must have taken the AOC Education Division's two-day Death Penalty Trials course.

COURSE TOPICS

Case law update

Voir dire—avoiding jury bias and selecting a fair jury

- Jury death qualification

 - Individualized and sequestered questioning

 - Logistics of voir dire and the impact on jurors' comfort and willingness to reveal important information

- Effective procedural practices

 - Use of questionnaires

 - Jury innovations

 - Evaluating hardships

- Unique issues jurors face in a death penalty case and whether this does or should affect the jury selection process.

Difficult defendants

- Pro pers and standby counsel

- Handling disruptive defendants

Courtroom control

- Media and cameras in the courtroom

 - Scope of public right of access and permissible limitations

- Security

 - Personal and courtroom security measures a judge may consider

- Maintaining fairness in process to the attorneys, the families and friends of the parties, the defendant, the victim, and the public.

Ethics

Ethical or moral issues that a judge may struggle with when handling this type of case. Increasingly, electronic evidence is becoming part of a criminal trial. Attorneys want to use technology to enhance their presentations to juries. Evidentiary foundation questions arise regarding the admissibility of information from social networks, e-mails, texts, and other electronic sources. This course examines discovery, pretrial, and trial implications associated with that trend.

1.5 days 2 hours of Qualifying Ethics elective credit

EVIDENCE

Admissibility of Technological Evidence in Criminal Cases

Increasingly, electronic evidence is becoming part of a criminal trial. Attorneys want to use technology to enhance their presentations to juries. Evidentiary foundation questions arise regarding the admissibility of information from social networks, e-mails, texts, and other electronic sources. This course examines discovery, pretrial, and trial implications associated with that trend.

1.5–2 hours

Discovery Issues—Advanced

This course takes an in-depth look at complex discovery issues. Topics include reciprocal discovery under Pen C §§1054 et seq. including impeachment evidence and oral statements of a witness not reduced to writing; the District Attorney's duty to investigate; attorney notes regarding interviews of witnesses; motions to access officer personnel records (*Pitchess*) and for disclosure of confidential informants; sanctions for discovery violations and compliance orders; and issues surrounding subpoenas duces tecum including limited disclosure per *Teal*, claims of privilege, and in camera reviews.

1.5 hours

CRIMINAL, continued

Evidence Hot Topics

Brush up on complex areas of evidence in this fast-paced and interactive course. Topics include the admissibility of evidence of other crimes in sex offense, domestic violence, elder abuse, and child abuse cases (Evid C §§1108, 1109), and the implications of the U.S. Supreme Court's decision in *Melendez–Diaz v. Massachusetts* to the analysis of hearsay and the Sixth Amendment right to confront witnesses.

1.5 hours

Expert Witness Issues in Complex Criminal Cases

Explore evidentiary issues arising in cases involving expert witness testimony. Learn to rule on objections to the admissibility and scope of expert testimony regarding gangs, new scientific techniques or devices, and mental disorders.

3 hours ■ Los Angeles JES course

Forensic DNA Evidence

Forensic DNA testing technologies have presented the criminal justice system with powerful and unique tools in the solution of crime. Small, often invisible, biological material can successfully be obtained from evidence items previously thought to be useless in criminal investigations. The creation of local, state, and national databases of DNA profiles of previously convicted offenders has similarly resulted in the solution of otherwise suspectless cases. Of greater importance is the now-common use of DNA typing technologies to examine older cases in which inmates have frequently served lengthy terms in prisons or penitentiaries. In excess of 240 inmates in the United States have been exonerated by modern DNA analysis of samples seized prior to the availability of DNA testing.

1.5 hours

Search and Seizure

This program provides judges and subordinate judicial officers with an overview of search and seizure law and procedure in California with an emphasis on major U.S. Supreme Court cases in areas such as standing, exceptions to the warrant requirement, temporary detention, good faith, and the evaluation of search warrant applications. It prepares them for not only the responsibility of reviewing a search warrant but also gives them the tools necessary to confidently and correctly rule on motions to suppress evidence pursuant to Penal Code §1538.5.

4–6 hours

Search and Seizure Update

This hypothetical-driven course focuses on recent changes in search and seizure law that directly impact the evaluation of suppression motions and warrant applications.

2 hours

Search Warrant Basics

This course covers the fundamentals of issuing search warrants. The objective of the class is to increase the skill level and confidence of new judges in evaluating search warrant applications. The course will cover the legal structure of search warrant practice, permissible communications with police and prosecutors on an ex parte basis, the components of probable cause, and common types of search warrants. The course is open to all judges, but its content assumes only limited or no prior experience in search warrant practice.

2.5–3 hours

Witness Testimony: Special Issues in Criminal Trials

Unexpected issues concerning witness testimony can derail a trial schedule and create appealable issues difficult to cure. Faculty will introduce effective pretrial conference strategies that can avoid common pitfalls and reduce delays related to witness issues during trial. Topics include the procedure for handling a witness's invocation of the Fifth Amendment right against self-incrimination, use and transactional immunity, witnesses who testify under a plea bargain, marital and spousal privileges, and accomplice testimony.

1 hour

JURY ISSUES

Juror Misconduct

An experienced criminal trial court judge discusses ways that juror misconduct is discovered, effective admonitions that aid in preventing misconduct, and the law controlling the judge's duty to investigate and remedy the situation.

1.5 hours

Jury Selection in Complex Felony Cases

This course focuses on procedural techniques that can increase the efficiency of jury selection in complex felony cases while reducing jury bias. Topics include a discussion of the pros and cons of various procedural practices such as the size of the venire and attorney time limits; the evaluation of hardships and techniques to reduce the number of hardship requests; the use of questionnaires and mini-opening statements; the management of large jury panels and selection of multiple juries; unique issues jurors face in lengthy or high profile trials, or emotionally intense cases and whether this does or should impact the jury selection process; Batson/ Wheeler issues; and procedural techniques that improve jurors' comfort and willingness to reveal important information.

3.5 hours

PLEAS

Criminal Case Settlement

Explore ethical considerations and learn strategies for settling criminal cases; participants learn techniques for conducting plea bargain negotiations through role-playing, interactive discussion of hypotheticals, and the application of relevant canons of judicial ethics and CJP cases.

3 hours ■ 1 hour of Qualifying Ethics elective credit ■ Los Angeles JES course

Criminal Mediation:

Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining

As opposed to the civil courtroom, plea negotiation and settlement in the criminal courtroom is fraught with ethical land mines. Judges must be diligent in protecting the rights of a defendant, the rights of a victim, and striving to achieve justice while facing the pressures of handling impossible caseloads. Learn techniques that other judges have developed to successfully strike this balance in this roundtable-style course

3 hours ■ 2 hours of Qualifying Ethics elective credit

SENTENCING

Doing More With Less: Sentencing and Probation Considerations in the New Millennium

The parameters of probation reform in SB 678 are analyzed and “evidence based practices” are defined. “Evidence Based” sentencing practices are discussed as well as methods and criteria judges might consider in seeking to implement such practices in their courts.

1 hour

Introduction to Felony Sentencing

This course covers all the basic sentencing concepts you need to know to complete almost every felony sentence. The course begins with an overview of the basic probationary sentence and a single-count state prison sentence. You learn how to conduct a sentencing hearing; determine eligibility for probation; impose an appropriate custody term; and make other necessary fines, assessments, and orders to conclude the sentence. The course also covers multiple count and multiple case sentencing, application of Penal Code §654, calculation of custody credits with multiple cases, indeterminate sentences, sentences after violation of probation, recall of sentences, *Cruz* waivers, and correction or modification of sentences.

6 hours

CRIMINAL, continued

Misdemeanors: Procedures and Sentencing (Including DUI Sentencing)

This course is for judges, commissioners, and referees handling any type of misdemeanor cases. The goal of the course is to provide an understanding of mandates in misdemeanor sentencing, as well as the fundamental principles of effective sentencing. The course starts by covering mandated sentencing in the areas of DUI, drug offenses, and domestic violence. The research on effective behavior modification and how that can be used in misdemeanor sentencing to increase success, reduce recidivism, and increase public safety are also discussed.

2 hours

Sentencing Considerations in Gang Cases

This course teaches judges how to sentence defendants in cases involving gang allegations. Topics include plea bargaining; rights of the victims to be heard; detailed, step-by-step analysis of gang enhancements and sentence calculation; calculation of credits; conditions of probation; and restitution, fines, and fees.

2 hours

Three Strikes

This workshop reviews the basic sentencing structure of this law, with emphasis on the mechanics of imposing a strike sentence. You learn which previous convictions constitute strikes, strike sentencing rules, and what sentencing options are available to the court in applying the law. You gain a working knowledge of the Three-Strikes law through class discussion, written materials, and practical sentencing hypotheticals.

3.5 hours

Treatment-Based Sentencing for Drug Offenders

This course explores the options for diverting drug offenders to treatment-based sentences. Topics include Deferred Entry of Judgment, Proposition 36, probation supervised inpatient or outpatient treatment, Drug Court, and state-level programs through the Department of Corrections. This course provides a continuum of sentencing alternatives available for the drug offenders.

1.5 hours

SPECIAL CRIMES

Assessing Dangerousness in Criminal Domestic Violence Cases

This course features a review of important research conducted by nationally recognized experts on assessing dangerousness and lethality in domestic violence incidents. The course discusses the assessment tools that were developed as part of the research. Building on this research overview, the course uses a sample case file to discuss the practical application of this information. The course highlights and analyzes the judicial decisions that require risk assessment in criminal domestic violence cases. Additional key topics include examining criminal history and other case information, ethical limitations on assessing risk, and using calendar management to enhance safety.

3 hours

Criminal Domestic Violence Cases

This course enables judges and subordinate judicial officers to handle a criminal domestic violence case from the arraignment stage through supervision on probation. Pretrial issues, such as protective orders and witness body attachments, are addressed. The course covers the complex evidentiary problems that often arise when victims are either absent or recanting, including impeachment with prior inconsistent statements; admission of spontaneous statements; use of absent victim statements under Evid C §1370 after *Crawford v Washington*; admission of prior domestic violence incidents under Evid C §1109; Battered Women's Syndrome evidence; and victims' assertion of the Fifth Amendment privilege. The mandatory sentencing provisions for these cases and how they may affect proposed plea dispositions are also covered.

3 hours

Gang Issues in Criminal Cases

Explore strategies for handling legal and practical issues arising in gang cases from arraignment to sentencing. Topics include courtroom security, witness protection, assuring witness attendance, discovery, admissibility of gang evidence and expert testimony, technical requirements of the STEP Act (Pen C §186.22), jury selection, and sentencing.

3 hours ■ Los Angeles JES course

Handling Sexual Assault Cases

Sexual assault cases require the judge to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. The judge must also be aware of and understand the dynamics of sexual assault cases, the needs of the victim and specially mandated accommodations, and myths and misconceptions about sexual assault victims and offenders. This course emphasizes these key issues and guides the judge through managing a sexual assault trial from arraignment through sentencing and postsentencing procedures. The course, or a part of it, may be delivered in one- to two-hour stand-alone modules. Key topics include:

- Voir dire/jury issues
- Experts
- Offender characteristics
- Special protection for victims
- Impact of DNA on sexual assault cases
- Managing the media in high-profile sexual assault cases
- Sentencing
- Postsentencing for sexual violence predators/mentally disordered sex offenders

1-2 hour modules

CRIMINAL, continued

Please also see these courses in the Domestic Violence section...

Adjudication of Stalking Cases, page 26.

Immigration Issues in Criminal Domestic Violence Cases, page 27.

Stalking in Cyberspace: What a Judge Needs to Know, page 27.

Please also see this course in the Court Security section...

Stalking Cases and Court Security, page 16.

Please also see this course in the Computer Training section

Criminal Jury Instructions With LexisNexis HotDocs, page 14.

Please also see these courses in the Interdisciplinary section

Difficult Conversations, page 32.

Mental Health and the Science of Addiction, page 33.

Evidentiary Issues Involving Social Media for the Trial Court Judge, page, 33.

DOMESTIC VIOLENCE

ELDER ABUSE

Handling Elder Abuse Issues

Elder abuse cases can arise in virtually any department of the court. This course helps the judge or subordinate judicial officer become familiar with elder abuse in its various court settings and the relevant underlying law and procedure. The course also provides an awareness and understanding of the dynamics of elder abuse cases, the needs of the victim and appropriate accommodations, and myths and misconceptions about elder abuse victims and offenders. This course emphasizes these key issues and guides the participant through managing the complexities of elder abuse cases. The course contains a series of modules that can be delivered in one- to two-hour workshops that can be combined for longer courses. Key topics include:

- Aging and the dynamics of elder abuse
- Statutory framework in which elder abuse cases arise
- Domestic violence in later life
- Evidence in elder abuse cases
- Decisionmaking skills
- Elder abuse in probate and conservatorship proceedings
- Justice system agencies in elder abuse cases
- Judicial ethics in elder abuse cases

1–2 hours for each segment ■ Segments may be combined for longer courses

Restraining Orders in Elder Abuse Cases

This course focuses on restraining orders designed to protect elders from abuse. Key topics include how to recognize and understand the dynamics of elder abuse, identifying the statutory scheme and the legal requirements for issuing a restraining order under Welf & I C §15657.03; identifying what should be in a proper order under the Welfare and Institutions Code and comparing the results with the Domestic Violence Prevention Act; identifying the gaps in remedies, requirements, and what can be ordered; and discussing suggestions for options to fill the gaps.

1.5 to 3 hours

STALKING

Adjudication of Stalking Cases

This course focuses on a “nuts and bolts” approach to judicial decisionmaking in stalking cases. Topics will include the statutory basis for stalking cases, stalking behavior and dynamics, threats and threat assessment, special evidentiary issues, victim protections, and crafting effective court orders.

1.5 hours

Stalking in Cyberspace: What a Judge Needs to Know

This course provides practical information about the ways in which perpetrators of domestic violence and stalking may use technology, such as global positioning systems (GPS), cell phones, and handheld computers to control or track their victims. The course also focuses on how this issue might affect the terms of restraining and protective orders and other implications for judicial decisionmaking.

1.5 hours

Domestic Violence and Ethics

Judges and commissioners are expected and encouraged to engage in community activities and outreach within the limits of the law and ethical standards. This is especially true in cases involving allegations of domestic violence because of the presence of justice system partners and services. This course provides a forum to discuss these issues in the context of domestic violence cases, using a series of hypotheticals highlighting media inquiries, legislative activities, educational activities, and membership in domestic violence prevention councils. The course also includes an exploration of questions relating to handling cases that often involve self-represented litigants.

2 hours ■ 2 hours of Qualifying Ethics elective credit

Domestic Violence and Fairness Issues

Using a case scenario and practical applications for judges, subordinate judicial officers, and family dispute professionals, this course delineates a methodology for analyzing cultural issues as they occur in domestic violence cases. The goal of the course is not to provide a handy guide to cultural characteristics, but rather to present a practical way of thinking about culture that will assist in mediating and adjudicating cases involving a diverse population.

3 hours

Evaluating the Effects of Domestic Violence on Children

Research reveals that children suffer when they are exposed to domestic violence. This presentation provides an overview of the effects of domestic violence on children and the implications for judicial decisionmaking.

1.5 hours

Immigration Issues in Criminal Domestic Violence Cases

Immigration issues increasingly affect judicial decisionmaking, the nature of the information presented to the court, and safety issues in criminal domestic violence cases. This course provides a broad overview of the elements of immigration law that may affect decisionmaking in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties. Course topics include immigration concerns of immigrant victims of domestic violence; myths about immigration status; basic elements of immigration law relevant to adjudication of criminal domestic violence cases; consequences of adult criminal convictions; and protective orders and their impact on the safety of immigrant victims.

3 hours

DOMESTIC VIOLENCE, continued

Restraining Orders in Multiple Court Settings

This course focuses on the nuts and bolts of issuing restraining and protective orders in multiple court settings. It provides an overview of the statutory requirements relating to these orders and compares and contrasts the underlying statutory provisions. Using a series of both common and complex fact patterns, participants will distinguish among the various types of orders, analyze difficult or borderline cases, and discuss how to craft clear and enforceable orders.

1.5–3 hours

Domestic Violence-related courses in other sections...

- Assessing Dangerousness in Criminal Domestic Violence Cases, page 23.
- Criminal Domestic Violence Cases, page 24.
- Domestic Violence and Custody—Assessing the Risk, page 31.
- Domestic Violence Issues in Family Law Cases, page 31.
- Domestic Violence Issues in Juvenile Cases, page 36.
- Ethics and Self-Represented Litigants in Domestic Violence Cases, page 40.
- Handling Sexual Assault Cases, page 24.
- Reasonable Efforts in Dependency Cases Involving Domestic Violence, page 37.
- Science of Aging, page 34.
- Stalking Cases and Court Security, page 16.
- Use of Technology in Domestic Violence Cases, page 31.

FAIRNESS

A Crash Course on Fairness in the Courts

Learn to recognize access and fairness issues in the court and implement practical solutions and strategies for dealing with them. This interactive small-group seminar uses thought-provoking clips from the Academy Award-winning movie *Crash* to raise issues and stimulate discussion.

3 hours ■ 2 hours of Qualifying Ethics elective credit ■ Los Angeles JES course

Micro-Aggressions and Fairness

This highly interactive course explores the ways in which unconscious bias manifests in verbal communications and nonverbal behavior. The course demonstrates scientifically proven methods for dismantling this bias.

2 hours ■ 2 hours of Qualifying Ethics elective credit

The Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor

In this interactive course, judges and subordinate judicial officers are provided with information on emerging research on how physiological and unconscious processes affect credibility assessments, and related conclusions that we draw about the character, veracity, and proclivity to engage in behavior. The course explores social cognition, in-group/out-group interactions as well as verbal and nonverbal communication. The course explains how Magnetic Resonance Imaging (MRI) of the brain may show instantaneous assessments of people as threatening or benign. The exercises and studies also add insight into the ways in which our courts interact with court users. The course provides tools for increasing the public's trust and confidence in the courts.

3 hours ■ 2 hours of Qualifying Ethics elective credit

Sexual Orientation Curriculum

This interactive course provides judges and subordinate judicial officers with tools to increase the public's trust and confidence in the courts, as well as effective communication with lesbian, gay, bisexual, and transgender court users. The course uses the latest research on fairness in decisionmaking, including neuroscientific and psychological studies. The course reviews interesting statistics and thoughtful discourse on avoiding pitfalls in communication.

3 hours

Please also see...

Domestic Violence and Fairness Issues

See course description under Domestic Violence, page 27.

FAMILY

Attacks on the Judgment in Family Law

This course is designed for the less experienced family law judge or subordinate judicial officer. It also serves as a refresher for those more experienced in family law. This course explores the various means used to set aside, modify, or reverse judgments and orders short of the appellate process.

1.5 hours

Attorneys Fees and Costs

This course reviews the recent changes to the law regarding attorney fees, including: the findings required when there is a disparity in access to funds to retain counsel, new forms and how they are likely to be used by self-represented litigants, how to assess the adequacy of a request for attorney fees, and factors to consider in awarding attorney fees.

2.5 hours

Basic Income Issues: Earning Capacity and Imputing Income

This course is designed for the less experienced family law judge or subordinate judicial officer. It also serves as a refresher for those more experienced in family law. This course examines the statutory and case law basis for allowing the court to use an income amount, other than a party's actual income, in setting support and making an order for attorney fees and costs; when and under what circumstances it is appropriate to impute income or a capacity to earn; and imputing income from various assets.

1.5 hours

Basic Spousal Support

This seminar is designed for family law judicial officers who have already completed the Family Law Primary Assignment Orientation. The faculty will review the Family Code 4320 factors using hypothetical case scenarios and explore in depth the factors that are particularly problematic given the current economy and the rise in self-represented litigants, who may be unfamiliar with burdens of proof or admissible evidence when seeking to establish or modify spousal support.

2.5 hours

Claims of Exemption and Defenses to Enforcement of Support Orders

This course examines ways to enforce support orders, deal with claims of exemption and defenses to enforcement, and handle requests that are not made in the proper form or procedure.

1.5 hours

Difficult Custody Modifications and the Role of the Court

Requests for modifications of custody and visitation can be challenging and difficult. In a discussion format, this course examines difficult case scenarios as a way of exploring how to think about and resolve the toughest cases. Topics include requests to separate siblings and to modify out-of-state orders, cases involving military families and deployment, and more.

1.5 hours

FAMILY, continued

Domestic Violence and Custody—Assessing the Risk

This course, designed for judges, subordinate judicial officers, and family court services professionals, presents an analytical process for assessing risk in custody cases in which domestic violence is a factor. Using a series of case scenarios that reflect a variety of domestic violence fact patterns arising in different contexts, the course focuses on the role of family court services, the role of the court, and statutory requirements and considerations. The course includes an interactive discussion about how to determine what is actually happening in the family and what the court should do.

1.5–3 hours

Domestic Violence Issues in Family Law Cases

This course alerts judges and subordinate judicial officers about the domestic violence issues that arise in family law cases. Topics emphasized are the statutory presumption based on a history of domestic violence under Fam C §3044 and crafting custody and visitation orders in the best interest of the child when domestic violence is an issue.

1.5–3 hours

Family-Centered Case Resolution

A discussion of best practices for using the new family law forms, implementing new case management rules, and other tips for resolving the issues presented in family law courts.

1.5 hours

Live Testimony at Hearings

Under new Family Code §217, absent a stipulation of the parties or finding of good cause, the court must receive any live, competent testimony that is relevant and within the scope of the Order to Show Cause or notice of motion hearing and the court may ask questions of the parties. This course examines how this can be done given the high volume of cases in our courts.

1.5 hours

Use of Technology in Domestic Violence Cases

This course will focus on the use of technology as an element of abuse in family law cases when domestic violence is alleged. Topics relating to social media and others methods of electronic communication will be addressed. Faculty will also discuss the evidentiary issues raised by the use of technology, making a record in these cases, and the role of the judge when the parties are not represented by counsel.

1.5 hours

Please also see...

Evaluating the Effects of Domestic Violence on Children

See course description under Domestic Violence, page 27.

Improving Skills and Practices in Cases Involving Self-Represented Litigants

See course description under Self-Represented Litigants, page 40.

Difficult Conversations

See course description under Interdisciplinary, page 32.

INTERDISCIPLINARY

Cognitive Fallacies—Fundamental Errors in Decision-Making

Classical economics assumes logical, rational behavior in decision making. However over the past 30 years, a new field has developed known as behavioral economics which observes that many of our decisions are not, in fact, rational. The focus of this course is on cognitive fallacies—errors our minds make as we reach decisions. These errors are based on the brain’s structure, and generally all people (including judges) are subject to them. We tend to make up stories to explain connections among events that are unconnected (narrative fallacy). We believe more expensive goods, such as wines, taste better in blind taste tests, and often consider only evidence that supports previously made decisions (cognitive dissonance). We believe that our success is a result of our talent and our failures are explained by other reasons (attribution bias). We tend to make judgments of value (such as prices of goods or settlements) based on entirely unrelated “priming” numbers we were exposed to just before making the decision (anchoring). Experiments discussed in the course reveal that many decisions are made entirely unconsciously, and the conscious mind is often employed in creating post hoc rationalizations of these decisions.

This course is useful for judges handling settlement conferences, helping them to evaluate why parties take certain positions and helping them to modify the parties’ behavior. It is also designed for those wishing to be sensitive to their unconscious biases in their approach to people, and in decision-making generally. Participants will learn techniques to evaluate the decisions of lawyers and the testimony of witnesses, including eyewitnesses. The course includes in-class work with the participants, allowing them to observe themselves falling prey to some of these fallacies. This course is open to research attorneys and judicial officers.

1-2 hours, as requested

Difficult Conversations

This course provides participants with problem-solving techniques for handling difficult litigants and lawyers in a variety of cases, including civil, criminal, and family, as well as in a variety of settings, both in and outside of court. Common personality disorders are discussed as well as techniques for identifying those traits and communicating with people who have them. Contempt adjudication is included but the goal of the course is to provide participants with tools for maintaining the decorum of the court (and the sanity of the judge) without contempt.

1.5 hours ■ 1 hour of Qualifying Ethics elective credit

E-business

Learn about the various successful e-business projects that are in place across California courts and become familiar with how these implementations have improved access to justice for justice partners and the public. These new electronic ways of doing business create efficiencies while providing judicial officers, justice partners and the public greater access to critical information in a timely and effective manner. In this course, the attendees will also learn about many different statutes and rules that define court electronic business such as electronic filing, servicing, and access, and find out how these rules and statutes differ from paper based court operations.

2 hours

Evidentiary Issues Involving Social Media for the Trial Court Judge

During this fast-paced, hypothetical-driven evidence course designed for both civil and criminal trial judges, faculty will delve into issues surrounding electronic evidence. Topics will include discovery issues and the admissibility and foundational issues associated with Facebook, Twitter, and other social network evidence.

3 hours

Improving on Excellence: Enhancing Your Judicial Skills for the Next Decade

This highly interactive course allows judges and subordinate judicial officers to identify their skill sets as judges. The course defines ways to enhance those skills sets so that judges can effectively and efficiently use their analytical skills on the bench.

1.5 hours

Mental Health and the Science of Addiction

Substance use disorders as well as other mental health concerns are implicated in the vast majority of criminal cases, a large majority of child abuse and neglect cases, and are found in numerous other cases before the court. As a result of this course you will be better able to craft court orders to increase compliance and reduce violations. We explore a basic understanding of alcohol and other drug use as well as mental health diagnoses the court is likely to see. Understanding addiction and addressing recovery as well as medication compliance lead to more effective judging.

3.5 hours

Myers-Briggs Type Indicator for Judges, Commissioners, and Referees

What is the MBTI and what can it do for judges? Knowledge of one's own personality type and key concepts of the MBTI can be useful when they are applied to fact-finding and decision-making, communication style, leadership, and other aspects of a judge's role in the courtroom. Judges, commissioners, and referees will be able to take the MBTI and receive a detailed report and analysis. After taking the course, participants will understand why different people such as attorneys, judges, parties, and staff, interact and react differently. There is a participant cost to take the MBTI (please contact CJER to discuss the number of participants and the associated cost.)

2 hours

The Pleasures of Case Flow Management

Regional California judicial workshops and site visits since 2005 have generated practical information about the principles of case flow management in criminal, family, and civil courts, and techniques for applying them. In one medium-sized county (Solano) these applications resulted in estimated local annual savings of \$50,000 to \$100,000.00 in family law alone, plus other clear benefits, including reduced trips to court for litigants. This course will focus on the principles of case flow management and the application of these principles to courts with an eye to cost savings. The content of this course can be tailored by the requesting court or region to include criminal, family, or civil law, or any combination of those areas.

1.5 hours

INTERDISCIPLINARY, continued

Science of Aging

Elders, particularly those over 85, are the fastest growing segment of our society. They are susceptible to personal and financial abuses that are directly related to their diminishing capacities and their inability to protect and manage themselves and their affairs. This course focuses on the science of aging and the types of issues that come before the courts due to the vulnerabilities of the aging population.

1.5 hours

JUDICIAL ETHICS

Qualifying Ethics Core Course

All experienced judges and subordinate judicial officers must take the three-hour Qualifying Ethics core course as part of their Qualifying Ethics training requirement. The course has a set curriculum that covers a wide range of judicial ethics issues. The QE4 cycle runs through 2012. The minimum enrollment for this class is 20 judges and subordinate judicial officers.

3 hours

Social Networking and Judicial Ethics

Online social networking is changing the way millions of people communicate with each other. This course will introduce you to the basics of social networking sites. Learn the risks, benefits and ethical issues that arise if a judge or subordinate judicial officer chooses to participate in an online social community.

2 hours ■ 1 hour of Qualifying Ethics elective credit

Qualifying Ethics Electives

The following courses qualify for judicial ethics elective credit. Please see the course descriptions under the designated category.

Access

- Access Laws, page 9.

Criminal Law

- Contempt, page 17.
- Criminal Case Settlement, page 22.
- Criminal Mediation—Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining, page 22.

Domestic Violence

- Domestic Violence and Ethics, page 27.

Fairness

- Crash Course on Fairness in the Courts, page 29.
- The Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor, page 29.

Interdisciplinary

- Difficult Conversations, page 32.

Probate

- Judicial Ethics in Probate, page 39.

Self-Represented Litigants

- Ethics and Self-Represented Litigants in Domestic Violence Cases, page 40.
- Improving Skills and Practices in Cases Involving Self-Represented Litigants, page 40.

JUVENILE

Dependency Jurisdiction

This course will take an in-depth look at the role current risk plays in jurisdictional analyses. Participants will discuss cases in which appellate courts have differed in their interpretations of current risk. Specifically, the class will examine situations such as: the current risk to the surviving children when the parents have caused the death of a sibling; whether boy children are at risk when a perpetrator has molested the female siblings; what current risk might look like in a contentious family court custody battle; whether medicinal marijuana use can be a basis to find current risk; and what role a parent might play in creating current risk to a teenager who is out of control. At the conclusion of the course, participants will understand how to analyze current risk as it applies to the cases that come before them.

2.5 hours

Domestic Violence Issues in Juvenile Cases

This course is designed for judges and subordinate judicial officers who hear juvenile dependency or juvenile delinquency matters. The course focuses on ways in which domestic violence arises in juvenile cases both overtly as a disclosed issue in the case and as an underlying issue that may affect the lives of the children who come before the court. Course topics include understanding domestic violence and its prevalence in families; the effects of domestic violence on children; restraining and exit orders; dispositions; the role of the juvenile court and the juvenile court judge; safe procedures, services, and orders; and crossover issues relating to the family court.

1.5 hours

In-Depth Delinquency Dispositional Hearings

This class will provide an in-depth analysis of the case law and practices related to disposition hearings as well as a discussion of frequently used placement options and the use of "evidence-based practices" in formulating disposition orders. The course is meant to assist judges and subordinate judicial officers, regardless of assignment experience or access to programs and resources, in learning legal nuances, evaluating assessment information, and formulating individualized disposition orders for offenders across the risk/need spectrum.

2.5 hours

Issues Regarding Incarcerated Parents

This course discusses existing law concerning incarcerated parents and statewide programs available at the California Department of Corrections regarding issues of visitation, transportation, case plans, and services.

1.5 hours

Primer on Fitness Hearings

After taking this course, participants will be able to conduct a fitness hearing and render appropriate findings. Two case studies are used to examine the fitness criteria and whether the burden of proof is met or rebutted.

1.5 hours

JUVENILE, continued

Reasonable Efforts in Dependency Cases Involving Domestic Violence

This course presents a new tool for dependency court judges and others who participate in the dependency court system, to assist in identifying factors that should be considered when making reasonable efforts determinations in cases involving domestic violence. The course focuses on the importance of understanding domestic violence when handling dependency cases, the family context of these cases, how domestic violence affects parenting, the interrelationships between domestic violence and mental health and substance abuse, the legal framework for making reasonable efforts findings, the types of reasonable efforts that should be made in dependency cases involving domestic violence, and suggestions to help improve the availability and quality of services for families experiencing domestic violence.

1.5 hours

Ruling on Welf & I C §827 Motions

This course examines how to balance the interests of the minor with those of the public, and how to promote more effective communication between juvenile courts and other interested persons and entities.

1.5 hours

Tools for Dealing With Teen Parents

Participants learn effective ways to connect and communicate with both dependent and delinquent teens, and their parents and caretakers, on issues of reproductive health, pregnancy, and parenting; what tools are available to assist dependency and delinquency judges to address these issues; and who are the stakeholders who should be included in these considerations.

1.5 hours

Understanding Education Rights in Juvenile Court

This course provides a basic overview of educational rights, including the nuts and bolts of educational representative appointment, followed by a single case study. Participants will learn what the minor's attorney, Court Appointed Special Advocate (CASA), agency, parents, and courts need to do to ensure that a minor's education rights are being met. The case study deals with transfer of rights, transfer of records (ensuring all earned school credits are recorded), and best practices for handling JV 535s.

1.5 hours

What You Can Do to Expand Services for Minors

California Rules of Ct, Standards of J Admin 5.40 encourages juvenile court judges to be proactive in working with social service agencies, mental health agencies, justice partners, and the community to develop and coordinate services for youth. This course provides information about expanding services through grants and partnerships with community service providers. Participants will also learn about AOC resources available to find grants administered by the AOC and other state and federal agencies.

1.5 hours

JUVENILE, continued

Please also see...

Evaluating the Effects of Domestic Violence on Children

See the course description under Domestic Violence, page 27.

Difficult Conversations

See course description under Interdisciplinary, page 32.

PROBATE & MENTAL HEALTH

Basic Accountings

This course provides a basic overview of the probate court's review of accounts filed by guardians, conservators, personal representatives, and trustees under Prob C §§1060 et seq. Topics include the filing of inventory and appraisals, the role of the probate referee, the purpose and format of accountings, and judicial remedies when fiduciaries fail to comply. Participants will learn both qualitative and quantitative techniques for revealing any problems and red flags. This course qualifies for education credit under Cal Rules of Ct 10.468 pertaining to judges and subordinate judicial officers regularly assigned to hear probate proceedings and qualifies for education credit under Cal Rules of Ct 10.478 pertaining to probate attorneys and probate examiners.

3.25 hours

Judicial Ethics in Probate

This course examines judicial ethics issues that probate judges, commissioners, attorneys, and examiners encounter, including ex parte communications, dealing with self-represented litigants, confidentiality, contempt, interpreters, judicial appointments, and cultural issues. This course is open to judges, commissioners, probate attorneys, and probate examiners.

2 hours ■ 2 hours of Qualifying Ethics elective credit

LPS Holds and Conservatorships

This course provides an introduction and overview of commitment laws. Topics include a discussion of the Lanterman-Petris-Short Act, LPS holds and conservatorship procedures, *Murphy* conservatorships, *Hop* and *Riese* hearings, and writs of habeas corpus. This course is open to judges, commissioners, and hearing officers assigned to LPS cases.

3.5 hours

Selected Issues in Probate Proceedings

This program covers a wide array of topics, such as estate distributions without administration, minor's compromises, special needs trusts, blocking and bonding, HIPAA, contracts to make a will, *Heggstad* petitions, and enforcing orders to account. This course qualifies for education credit under Cal Rules of Ct 10.468 pertaining to judges and subordinate judicial officers regularly assigned to hear probate proceedings and qualifies for education credit under Cal Rules of Ct 10.478 pertaining to probate attorneys and probate examiners. This course is open to judges, commissioners, probate attorneys, and probate examiners.

2 hours

Please also see...

Handling Elder Abuse Issues

See the course description under Domestic Violence, page 26.

Science of Aging

See the course description under Interdisciplinary, page 34.

Difficult Conversations

See course description under Interdisciplinary, page 32.

Mental Health and the Science of Addiction

See course description under Interdisciplinary, page 33.

SELF-REPRESENTED LITIGANTS

Ethics and Self-Represented Litigants in Domestic Violence Cases

This course focuses on both general judicial ethics issues that arise in domestic violence cases such as disqualification, disclosure, ex parte communication and community outreach, as well as application of the canons in the context of the increasing numbers of self-represented litigants that judges and subordinate judicial officers are seeing in domestic violence cases. New commentary to Cal Rules of Ct, Code of Judicial Ethics, Canon 3B(8) provides that when a litigant is self-represented, the judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard.

Half or full day ■ 2 hours of Ethics elective credit

Improving Skills and Practices in Cases Involving Self-Represented Litigants

Regardless of assignment, judges and subordinate judicial officers are seeing increasing numbers of self-represented litigants. New commentary to Cal Rules of Ct, Code of Judicial Ethics, Canon 3B(8) provides that when a litigant is self-represented, the judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard. This course provides judges and subordinate judicial officers with an opportunity to develop skills and practices designed to give self-represented litigants the same access to justice as represented parties.

Half or full day ■ 2 hours of Ethics elective credit

Please also see...

Difficult Conversations

See course description under Interdisciplinary, page 32.

TRAIN-THE-TRAINER

Model Curriculum for Temporary Judges on Bench Conduct and Demeanor (Updated Summer 2009)

In this course participants will learn how to teach the 3-hour live course that temporary judges must complete per CRC 2.812(c)–(d), 2.813, 2.815. Judges and subordinate judicial officers who serve as faculty are eligible for 2 hours of qualifying ethics elective credit. During this highly interactive workshop, participants will become familiar with a model curriculum for temporary judge education on ethical obligations relating to fairness, demeanor, and self-represented litigants. Participants will be encouraged to adapt the curriculum to their individual teaching styles. They will learn methods for making the course the one they have “always wanted to teach.”

6.5 hours ■ 2 hours of Ethics elective credit

MINIMUM EDUCATION EXPECTATIONS AND REQUIREMENTS for California Justices, Judges, and Subordinate Judicial Officers

NEW COURT OF APPEAL JUSTICES

- New Appellate Judge Orientation Program (within six months)
Provider: National provider or Education Division/CJER

NEW JUDGES & SUBORDINATE JUDICIAL OFFICERS

- New Judge Orientation (within six months)
- Primary Assignment Orientation ¹ (within one year)
- Judicial College (within two years)
Provider: Education Division/CJER

CHANGE TO PRIMARY ASSIGNMENT

- Experienced judges (expected)
- Subordinate judicial officers (required) (within six months)
- Orientation or Refresher Course in New Assignment ²
Provider: Local court, the CJA, or Education Division/CJER

NEW SUPERVISING JUDGE

- Orientation to Administrative Role (within one year)
Provider: Education Division/CJER
- Orientation to Calendar Management (if determined appropriate by local court)
Provider: Local court or Education Division/CJER

NEW PRESIDING JUDGE

- Presiding Judges Orientation and Court Management Program (within one year)
Provider: Education Division/CJER

CONTINUING EDUCATION

- Experienced justices (required)
- Experienced judges (expected)
- Subordinate judicial officers (required)
- 30 hours of continuing education in a three-year cycle ³
Provider: multiple providers

Notes

¹ Assignments are defined as civil, criminal, family, juvenile dependency, juvenile delinquency, probate, and traffic.

² If new to the assignment or returning to that assignment after two years or more.

³ Includes any hours earned in overview or refresher courses regarding a new assignment, supervising judge orientation, and presiding judge orientation.

COURSE LISTINGS, ALPHABETICAL

Access Laws	9	Doing More With Less: Sentencing and Probation Considerations in the New Millennium	22
Adjudication of Stalking Cases	26	Domestic Violence and Custody— Assessing the Risk	31
Admissibility of Technological Evidence in Criminal Cases	19	Domestic Violence and Ethics	27
Advanced Capital Case Roundtable.....	18	Domestic Violence and Fairness Issues	27
Assessing Dangerousness in Criminal Domestic Violence Cases.....	23	Domestic Violence Issues in Family Law Cases.....	31
Attacks on the Judgment in Family Law.....	30	Domestic Violence Issues in Juvenile Cases.....	36
Attorneys Fees and Costs.....	30	Drug Case Disposition.....	13
Basic Accountings.....	39	E-Business.....	32
Basic Income Issues: Earning Capacity and Imputing Income.....	30	Ethics and Self-Represented Litigants in Domestic Violence Cases.....	40
Basic Spousal Support.....	30	Evaluating the Effects of Domestic Violence on Children	27
Civil Expert Witnesses	11	Evidence Hot Topics	20
Civil Harassment.....	11	Evidentiary Issues Involving Social Media for the Trial Court Judge.....	33
Civil Jury Instructions With LexisNexis HotDocs.	14	Expert Witness Issues in Complex Criminal Cases	20
Civil Law Update	11	Family-Centered Case Resolution	31
Claims of Exemption and Defenses to Enforcement of Support Orders	30	Forensic DNA Evidence	20
Cognitive Fallacies-Fundamental Errors in Decision- Making.....	32	Gang Issues in Criminal Cases.....	24
Contempt	17	Handling Elder Abuse Issues	26
Crash Course on Fairness in the Courts, A.....	29	Handling Sexual Assault Cases	24
Criminal Case Settlement	22	How to Communicate and Interact With Persons With Disabilities	9
Criminal Domestic Violence Cases.....	24	How to Have Accessible Meetings	9
Criminal Jury Instructions With LexisNexis HotDocs	14	How to Provide Access to the Courts for Persons With Disabilities	10
Criminal Justice Realignment: Judicial Issues Roundtable	18	Immigration Issues in Criminal Domestic Violence Cases.....	27
Criminal Justice Realignment: Justice Partners Roundtable	18	Improving on Excellence: Enhancing Your Judicial Skills for the Next Decade.....	33
Criminal Mediation: Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining	22	Improving Skills and Practices in Cases Involving Self-Represented Litigants.....	40
Dependency Jurisdiction	36	In-Depth Delinquency Dispositional Hearings	36
Difficult Conversations.....	32	Incorporating Collaborative Court Principles.....	13
Difficult Custody Modifications and the Role of the Court	30	Insurance Law—Advanced.....	12
Discovery Issues—Advanced.....	19	Insurance Law—Basic.....	12
Disruptive Defendants and Problem Pro Pers	17	Introduction to Felony Sentencing	22
		Introduction to Microsoft Word and Windows	14
		Internet Resources for Legal Information.....	14

(Continued on page 44)

COURSE LISTINGS, ALPHABETICAL, continued

Issues in Employment Law	11	Reasonable Efforts in Dependency	
Issues Regarding Incarcerated Parents	36	Cases Involving Domestic Violence.....	37
Judicial Ethics in Probate	39	Recent Developments in SLAPP Motions	12
Juror Misconduct	21	Restraining Orders in Elder Abuse Cases	26
Jury Selection in Complex Felony Cases.....	21	Restraining in Multiple Court Settings	28
Large Topics in Small Claims	11	Ruling on Welf & I C §827 Motions.....	37
LexisNexis Research.....	15	Science of Aging	34
Live Testimony at Hearings	31	Search and Seizure	20
LPS Holds and Conservatorships	39	Search and Seizure Update	20
Mental Health and the Courts	17	Search Warrant Basics	21
Mental Health and the Science of Addiction	33	Selected Issues in Probate Proceedings.....	39
Mental Health Issues in Criminal Courts	17	Sentencing Considerations in Gang Cases.....	23
Micro-Aggressions and Fairness	29	Service and Comfort Animals in Your Court.....	10
Misdemeanors: Procedures and Sentencing		Sexual Orientation Curriculum	29
(Including DUI Sentencing)	23	Social Networking and Judicial Ethics.....	35
Model Curriculum for Temporary Judges on Bench		Stalking Cases and Court Security	16
Conduct and Demeanor		Stalking in Cyberspace: What a Judge	
(Updated Summer 2009)	41	Needs to Know	27
Myers-Briggs Type Indicator for Judges,		Three Strikes	23
Commissioners, and Referees	33	Tools for Dealing With Teen Parents.....	37
Neuroscience and Empirical Psychology of		Treatment-Based Sentencing for Drug Offenders .	23
Decisionmaking, Credibility Assessment, and		Understanding Education Rights	
Demeanor, The.....	29	in Juvenile Court.....	37
Personal Security and Judicial Privacy		Unlawful Detainers	11
Protection	16	Use of Technology in Domestic Violence Cases	31
Pleasures of Case Flow Management.....	33	What You Can Do to Expand	
Primer on Fitness Hearings.....	36	Services for Minors.....	37
PowerPoint for Trial Judges	15	Witness Testimony: Special Issues in	
Qualifying Ethics Core Course.....	35	Criminal Trials.....	21
Qualifying Ethics Electives	35		