



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 13, 2011

Title	Agenda Item Type
Judicial Branch Education: Content Requirements, Approved Providers, and Choice in Completing Requirements	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Dates
Amend Cal. Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471–10.474, 10.478, 10.481, and 10.491	January 1, 2012 January 1, 2013, for relevant sections of rules 10.461, 10.462, 10.473, and 10.474 January 1, 2014, for relevant sections of rule 10.471
Recommended by	Date of Report
CJER Governing Committee	December 13, 2011
Hon. Ronald B. Robie, Chair	Contact
Hon. Robert L. Dondero, Vice-Chair	Bob Lowney, 415-865-7833 bob.lowney@jud.ca.gov

Executive Summary

As directed by the Judicial Council, the Governing Committee of the Center for Judicial Education and Research (CJER) conducted a comprehensive review of the education rules and recommends certain amendments to simplify and make more flexible some of the compliance requirements and to correct minor language and other typographical errors and omissions.

Recommendation

The CJER Governing Committee recommends that the Judicial Council, effective on the dates indicated above:

1. Amend rule 10.462 of the California Rules of Court to provide that a new judge who previously completed the Judicial College as a new subordinate judicial officer is not required to complete the college again unless the presiding judge determines that the new

judge must complete it again; and that a judge beginning a presiding judge or supervising judge role is not expected to complete presiding or supervising judge education when returning to a similar presiding or supervising judge role after less than two years in another assignment or less than two years after serving in the presiding or supervising judge role.

2. Amend rule 10.481 of the California Rules of Court to simplify the process for adding to or subtracting from the list of approved providers and keeping the list current.
3. Amend rules 10.461, 10.462, 10.471–10.474, and 10.491 of the California Rules of Court to simplify and provide more individual choice and flexibility to the process of determining what and how many hours count toward the continuing education hours requirement or expectation.
4. Amend rules 10.452, 10.461, 10.462, 10.468, 10.469, and 10.478 of the California Rules of Court to make minor corrections and clarifications to the language, correct typographical errors, eliminate a superfluous provision, and make the language consistent with other rules in chapter 8.

Previous Council Action

The Governing Committee of the Center for Judicial Education and Research (CJER) was directed by the Judicial Council in October 2006 to conduct a comprehensive evaluation of the implementation of the education rules during the first three-year period (2007–2009). These proposed amendments to the rules resulted from that comprehensive evaluation.

Rationale for Recommendation

These rule amendments will address some situations that were not anticipated when the rules were initially adopted, as well as simplify the system for judicial branch members. These changes also take into account the feedback the CJER Governing Committee received from the evaluation survey that was sent to judicial officers and court employees earlier in the year. The amendments are intended to make the education rule scheme more responsive to judicial branch member needs and situations.

The suggested amendments to rule 10.481 would provide that the Administrative Office of the Courts, Education Division/CJER is responsible for maintaining a current list of approved providers instead of including the list in the rule. It would also provide that the director of the Education Division/CJER may add or remove organizations from the list of approved providers as appropriate and based on the existing criteria. For consistency, all references in the education rules to the list of approved providers would be changed throughout.

An advisory committee comment to rule 10.481(b) would provide that the director of the Education Division/CJER is available to assist in determining whether education from a non-approved provider meets the education criteria.

Rules 10.461, 10.462, 10.471–10.474, and 10.491 would be amended to simplify and provide more individual choice and flexibility to the process of determining what and how many hours count toward the continuing education hours requirement or expectation, as described below.

Individuals would be required to complete at least half of their education requirement or expectation as participants in traditional (live, face-to-face) education, and there would be no limitations on the delivery method for the balance of the education hours. These changes would be consistent with the committee's stated values that live education programs provide the most benefit and that increased individual choice and flexibility in choosing education is desirable.

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

These same proposed amendments would be made to the rule for each group of judicial officers: appellate justices, judges, subordinate judicial officers, and so on. The committee believes that these particular changes should not be implemented in the middle of a two- or three-year period because of potential confusion and administrative impact and therefore recommends that these changes be effective when the next two- or three-year period begins for each group.

Because the education rules were adopted effective in 2007 for the superior courts and in 2008 for the appellate courts and the Administrative Office of the Courts, with some groups having a two-year education period and other groups a three-year education period, the committee recommends that these amendments be effective in the following years:

- 2012 for appellate court staff (rule 10.472) and Administrative Office of the Courts staff (rule 10.491);
- 2013 for justices (rule 10.461), judges (rule 10.462), trial court executive officers (rule 10.473), and trial court staff (rule 10.474); and
- 2014 for appellate court clerk/administrators (rule 10.471).

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

- Rules 10.452(c), 10.462(a), 10.469(a), to update and incorporate references to more recently adopted rules 10.464 and 10.468;
- Rule 10.461(b), to correct the language;
- Rules 10.462(d)(1)(A) and 10.491(c)(4), to clarify the language;
- Rule 10.462(d)(2)(A), to clarify the provision in response to questions received;
- Rules 10.468(c)(3) and 10.481(b), to correct typographical errors;

- Rule 10.468(c)(8), to eliminate a superfluous provision; and
- Rule 10.469(b), to make the language consistent with other rules in chapter 8.

Comments, Alternatives Considered, and Policy Implications

The comment period for these rule amendments ran from April 20, 2011 to June 20, 2011. The committee received six comments in all. Four commentators agreed with the proposed amendments without any modification and without any comments other than indicating their agreement. Two commentators agreed with the proposed amendments if modified.

Altering the formula for crediting faculty service

One commentator, the Superior Court of Monterey County, recommends that the existing calculations for faculty service credit (three hours of credit per one hour of class time for new courses and two hours of credit per one hour of class time for subsequent presentations) not be changed. The commentator feels that the current formula appropriately recognizes the time and effort that is required to research and prepare as faculty for a class and believes that the proposed amendment effectively places a cap on education credit for faculty service. The Governing Committee does not agree with this comment because the proposed amendment actually expands what is eligible as faculty service and increases the overall percentage of faculty service hours that can qualify for continuing education credit. This cap, which has always existed, has been expanded by the proposed amendment and thus does not reflect any diminishment in the value placed on faculty service.

Replacing the term “HREMS” with the term “Learning Management System”

One commentator, an AOC employee from the Information Services Division, recommends that the rule that refers to HREMS as the tracking system for AOC employee compliance be changed to a more generic term because HREMS is a specific software application. This would enable the AOC to change the specific software application at some future date without also having to revise this rule. The Governing Committee agrees with this modification and has incorporated it into rule 10.491(e).

Implementation Requirements, Costs, and Operational Impacts

The proposed amendments have a positive operational impact because they provide more individual choice and flexibility to the process of determining what and how many hours count toward the continuing education hours requirement or expectation. They also simplify the process for adding to or subtracting providers from the approved list and keeping the provider list current.

Relevant Strategic Plan Goals and Operational Plan Objectives

This report furthers Goal V: Education for Branchwide Professional Excellence, specifically by providing relevant and accessible education and professional development opportunities for all judicial officers and court staff.

Attachments

1. Cal. Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471–10.474, 10.478, 10.481, and 10.491, at pages 6–24
2. Chart of comments, at pages 25–27

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

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

3
4 **(a)–(b) *****

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

8
9 The education requirements and expectations set forth in rules 10.461–10.462 and
10 10.471–10.474 are minimums. Justices, judges, and subordinate judicial officers
11 should participate in more judicial education than is required and expected, related to
12 each individual’s responsibilities and particular judicial assignment or assignments
13 and in accordance with the judicial education recommendations set forth in rule
14 10.469. Additional education requirements related to ~~the specific responsibilities of~~
15 ~~hearing family law matters~~ are set forth in rule 10.463 ~~Clerk/administrators, court~~
16 ~~executive officers, and other court personnel should participate in more education~~
17 ~~than is required, related to each individual's responsibilities and in accordance with~~
18 ~~the education recommendations set forth in rule 10.479.~~ (for those hearing family law
19 matters), rule 10.464 (for those hearing domestic violence issues), and rule 10.468
20 (for those hearing probate proceedings).

21
22 **(d)–(g) *****

23
24 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**
25 **Appeal justices**

26
27 **(a) *****

28
29 **(b) Content-based requirement**

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

36
37 **(c) Hours-based continuing education**

38
39 **(1) *****

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

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

9
10 (B)–(C) ***

11
12 (d)–(e) ***

13
14 **Rule 10.462. Minimum education requirements and expectations for trial court**
15 **judges and subordinate judicial officers**

16
17 (a) **Applicability**

18
19 All California trial court judges must complete the minimum judicial education
20 requirements for new judges under (c)(1) and are expected to participate in
21 continuing education as outlined under (d). All subordinate judicial officers must
22 complete the minimum education requirements for new subordinate judicial
23 officers under (c)(1) and for continuing education as outlined under (d). All trial
24 court judges and subordinate judicial officers who hear family law matters must
25 complete additional education requirements set forth in rule 10.463. All trial court
26 judges and subordinate judicial officers who hear certain types of matters must
27 participate in education on domestic violence issues as provided in rule 10.464. All
28 trial court judges and subordinate judicial officers regularly assigned to hear
29 probate proceedings must complete additional education requirements set forth in
30 rule 10.468. All trial court judges and subordinate judicial officers should
31 participate in more judicial education than is required and expected, related to each
32 individual’s responsibilities and particular judicial assignment or assignments and
33 in accordance with the judicial education recommendations set forth in rule
34 10.469.

35
36 (b) ***

37
38 (c) **Content-based requirements**

39
40 (1) Each new trial court judge and subordinate judicial officer must complete the
41 “new judge education” provided by the Administrative Office of the Courts’
42 Education Division/Center for Judicial Education and Research (CJER) as
43 follows:

1
2 (A)–(B) ***

3
4 (C) The B. E. Witkin Judicial College of California within two years of
5 taking the oath as a judge or subordinate judicial officer ~~For purposes~~
6 ~~of the New Judge Orientation Program, a judge or subordinate judicial~~
7 ~~officer is considered "new" only once, and any judge or subordinate~~
8 ~~judicial officer who has completed the New Judge Orientation~~
9 ~~Program, as required under this rule or under former rule 970, is not~~
10 ~~required to complete the program again. A judge or subordinate judicial~~
11 ~~officer who was appointed, elected, or hired before rule 970 was~~
12 ~~adopted on January 1, 1996, is not required to complete the program,~~
13 unless the new judge completed the Judicial College as a new
14 subordinate judicial officer, in which case the presiding judge may
15 determine whether the new judge must complete it again.

16
17 (2) Each new judge beginning a supervising judge role is expected to complete
18 the following education, unless he or she is returning to a similar supervising
19 judge role after less than two years in another assignment or is beginning a
20 supervising judge role less than two years after serving in the presiding judge
21 role and completing the Presiding Judges Orientation and Court Management
22 Program.

23
24 (A)–(C) ***

25
26 (3) Each judge beginning a new presiding judge role is expected to complete
27 CJER's Presiding Judges Orientation and Court Management Program within
28 one year of beginning the presiding judge role, preferably before beginning
29 the role unless he or she is returning to a presiding judge role after two years
30 or less in another role or assignment.

31
32 (4) ***

33
34 **(d) Hours-based continuing education**

35
36 (1) Each judge is expected to and each subordinate judicial officer must complete
37 30 hours of continuing judicial education every three years, beginning on the
38 dates outlined:

39
40 (A) A new judge or new subordinate judicial officer enters the three-year
41 continuing education period on January 1 of the year following the
42 period provided for completion of the required new judge education;
43 continuing education expectations for judges and requirements for

1 subordinate judicial officers are prorated based on the number of years
2 remaining in the three-year period.

3
4 (B) For all other judges and subordinate judicial officers, the first three-
5 year period begins on January 1, 2007.

6
7 (2) The following education applies toward the expected or required 30 hours of
8 continuing judicial education:

9
10 (A) The content-based courses under (c)(2), (3), and (4) for a new
11 supervising judge, a new presiding judge, and a judge or subordinate
12 judicial officer beginning a new primary assignment (the “new judge
13 education” required under (c)(1) does not apply); and

14
15 (B) Any other education offered by an approved provider listed in (see rule
16 10.481(a)) and any other education, including education taken to satisfy
17 a statutory or other education requirement, approved by the presiding
18 judge as meeting the criteria listed in rule 10.481(b).

19
20 (3)–(5) ***

21
22 (e)–(g) ***

23
24 **Rule 10.468. Content-based and hours-based education for superior court judges**
25 **and subordinate judicial officers regularly assigned to hear probate**
26 **proceedings**

27
28 (a)–(b) ***

29
30 (c) **Hours-based continuing education**

31
32 (1)–(2) ***

33
34 (3) The first continuing education period for judicial officers who were regularly
35 assigned to hear probate proceedings before the effective date of this rule and
36 who continue in the assignment after that date is two years, from January 1,
37 2008, through December 31, 2009, rather than three years. The continuing
38 education requirements in (1) are prorated for the first continuing education
39 period under this paragraph. The first full three-year period of continuing
40 education for judicial officers under this paragraph begins on January 1,
41 2010.

42
43 (4)–(5) ***

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

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

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

(d)–(e) ***

Rule 10.469. Judicial education recommendations for justices, judges, and subordinate judicial officers

(a) Judicial education recommendations generally

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

(b) Jury trial assignment

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

1
2 (c)–(e) ***

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

6
7 (a) ***

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

10
11 (1) ***

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

15
16 (A) Any education offered by ~~an~~ an approved provider ~~listed in~~ (see rule
17 10.481(a)) and any other education, including education taken to satisfy
18 a statutory or other education requirement, approved by the Chief
19 Justice or the administrative presiding justice as meeting the criteria
20 listed in rule 10.481(b).

21
22 (B)–(C) ***

23
24 (c)–(d) ***

25
26 **Rule 10.472. Minimum education requirements for Supreme Court and Court of**
27 **Appeal managing attorneys, supervisors, and other personnel**

28
29 (a)–(b) ***

30
31 (c) **Hours-based requirements**

32
33 (1)–(3) ***

34
35 (4) Any education offered by an approved provider ~~listed in~~ (see rule 10.481(a))
36 and any other education, including education taken to satisfy a statutory,
37 rules-based, or other education requirement, that is approved by the
38 clerk/administrator, the managing attorney, or the employee’s supervisor as
39 meeting the criteria listed in rule 10.481(b) applies toward the orientation
40 education required under (b) and the continuing education required under
41 (c)(1) and (2).
42

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

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

30 (d)–(e) ***

31
32 **Rule 10.473. Minimum education requirements for trial court executive officers**
33

34 (a)–(b) ***

35
36 (c) **Hours-based requirement**
37

38 (1) ***

39
40 (2) The following education applies toward the required 30 hours of continuing
41 education:
42

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

5
6 (B)–(C) ***

7
8 (d)–(e) ***

9
10 **Rule 10.474. Trial court managers, supervisors, and other personnel**

11
12 (a)–(b) ***

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

15
16 (1)–(3) ***

17
18 (4) Any education offered by an approved provider ~~listed in~~ (see rule 10.481(a))
19 and any other education, including education taken to satisfy a statutory,
20 rules-based, or other education requirement, that is approved by the executive
21 officer or the employee’s supervisor as meeting the criteria listed in rule
22 10.481(b) applies toward the orientation education required under (b) and the
23 continuing education required under (c)(1) and (2).

24
25 (5)–(7) ***

26
27 (d)–(e) ***

28
29 **Rule 10.478. Content-based and hours-based education for court investigators,
30 probate attorneys, and probate examiners**

31
32 (a) ***

33
34 (b) **Content-based requirements for court investigators**

35
36 (1) ***

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

1 (3)–(4) ***

2

3 **(c) Content-based education for probate attorneys**

4

5 (1) ***

6

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

12

13 (3)–(4) ***

14

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

16

17 (1) ***

18

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

24

25 (3)–(4) ***

26

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

28

29 (1) ***

30

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

36

37 (3)–(4) ***

38

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

40

41 (1) ***

42

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

6

7 (3)–(4) ***

8

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

10

11 (1) ***

12

13 (2) A probate examiner may fulfill the education requirement in (1) through
14 AOC-sponsored education, an approved provider ~~listed in~~ (see rule 10.481(a),
15 or a ~~provider~~ education approved by the court executive officer or the probate
16 examiner’s supervisor as meeting the education criteria specified in rule
17 10.481(b).

18

19 (3)–(4) ***

20

21 **(h)–(i) *****

22

23 **Rule 10.481. Approved providers; approved course criteria**

24

25 **(a) Approved providers**

26

27 The Administrative Office of the Courts’ Education Division/CJER is responsible
28 for maintaining a current list of approved providers. The list of approved providers
29 must include the Administrative Office of the Courts, the California Judges
30 Association, and all California state courts and should include other reputable
31 national and state organizations that regularly offer education directed to justices,
32 judges, and court personnel. The director of the Education Division/CJER may add
33 or remove organizations from the list of approved providers as appropriate
34 according to these criteria. Any education program offered by any of the following
35 approved providers that is relevant to the work of the courts or enhances the
36 individual participant’s ability to perform his or her job may be applied toward the
37 education requirements and expectations stated in rules 10.461–10.479, except for
38 the requirements stated in rules 10.461(b), 10.462(c), and 10.473(b), for which
39 specific providers are required.

40

41 ~~(1) California Administrative Office of the Courts;~~

42

43 ~~(2) California Judges Association;~~

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

1 ~~(24) Roscoe Pound Institute, Annual Forum for State Appellate Court Judges;~~

2
3 ~~(25) National Conference of Appellate Court Clerks;~~

4
5 ~~(26) AEI—Brookings Joint Center;~~

6
7 ~~(27) The Rutter Group;~~

8
9 ~~(28) American Board of Trial Advocates; and~~

10
11 ~~(29) California Association of Superior Court Investigators.~~

12
13 **(b) Approved education criteria**

14
15 Education is not limited to the approved providers referred to listed in (a). Any
16 education from another a provider ~~not listed in (a)~~ that is approved by the Chief
17 Justice, the administrative presiding justice, or the presiding judge as meeting the
18 criteria listed below may be applied toward the continuing education expectations
19 and requirements for justices, judges, and subordinate judicial officers or
20 requirements for clerk/administrators or court executive officers. Similarly, any
21 education from another a provider ~~not listed in (a)~~ that is approved by the
22 clerk/administrator, the court executive officer, or the employee's supervisor as
23 meeting the criteria listed below may be applied toward the orientation or
24 continuing education requirements for managers, supervisors, and other employees
25 or the content-based or continuing education requirements for probate court
26 investigators, probate attorneys, and probate examiners in rule 10.478.

27
28 (1)–(2) ***

29
30 **Advisory Committee Comment**

31
32 **Subdivision (b).** The director of the Education Division/CJER is available to
33 assist those authorized to approve a request to apply education offered by a non-approved
34 provider in determining whether the education meets the listed criteria.

35
36 **Rule 10.491. Minimum education requirements for Administrative Office of the**
37 **Courts executives, managers, supervisors, and other employees**

38
39 **(a)–(b) *****

40
41 **(c) Hours-based requirements**

42
43 (1)–(3) ***

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- (4) The first two-year period begins on January 1, 2008. The orientation courses and the compliance courses required for new managers, supervisors, and other employees under (b) do not apply toward the required hours of continuing education. Each new executive enters the two-year continuing education period on the first day of the quarter following his or her appointment, and each new manager, supervisor, and employee enters the two-year continuing education period on the first day of the quarter following the six-month period provided for his or her completion of the orientation courses and the compliance courses required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each executive, manager, supervisor, or employee who enters the two-year continuing education period after it has begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.

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

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

- (7) An executive, manager, supervisor, or employee who serves as faculty by teaching legal or judicial education to a legal or judicial audience courses at the AOC or on behalf of the AOC at another location may apply education the following hours of as faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis. 3 hours for each hour of presentation the first time a given course is presented and 2 hours for each

1 hour of presentation each subsequent time that the course is presented. The
2 hours applied for faculty service are limited to 15 hours for executives, 9
3 hours for managers and supervisors, and 6 hours for other personnel in each
4 two-year period; these limits are prorated for individuals who enter the two-
5 year continuing education period after it has begun.

6
7 (8) ***

8
9 (d)***

10
11 **(e) Records of participation**

12
13 (1) An employee's completion of any course listed in the learning management
14 system ~~Human Resources Education Management System (HREMS)~~ is
15 automatically tracked in HREMS.

16
17 (2) An employee's completion of specified online training is automatically tracked
18 as well in HREMS.

19
20 (3) Each employee is responsible for tracking completion of any training that is not
21 automatically tracked in the learning management system HREMS. After
22 completion of the training, the employee must enter it in the employee's
23 individual record in the learning management system HREMS.

24
25 (f) ***

26
27 Rules 10.461, 10.462, 10.473, and 10.474 of the California Rules of Court are amended,
28 effective January 1, 2013, to read:

29
30 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**
31 **Appeal justices**

32
33 (a)–(b) ***

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

36
37 (1) ***

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

41
42 (A) ***

1 (B) Each hour of participation in traditional (live, face-to-face) education;
2 distance education such as broadcasts, ~~and~~ videoconferences, ~~courses,~~
3 and online coursework; self-directed study; and faculty service counts
4 toward the continuing education requirement on an hour-for-hour basis.
5 ~~The hours applied for participation in online coursework and self-~~
6 ~~directed study are limited to a combined total of 7 hours in each three-~~
7 ~~year period; this limit is prorated for individuals who enter the three-~~
8 ~~year period after it has begun. Each justice must complete at least half~~
9 ~~of his or her continuing education hours requirement as a participant in~~
10 ~~traditional (live, face-to-face) education. The justice may complete the~~
11 ~~balance of his or her education hours requirement through any other~~
12 ~~means with no limitation on any particular type of education.~~

13
14 (C) A justice who services as faculty by teaching legal or judicial education
15 to a legal or judicial audience for a California court-based audience
16 (i.e., justices, judges, subordinate judicial officers, temporary judges, or
17 court personnel) may apply the education following hours as of
18 faculty service: 3 hours for each hour of presentation the first time a
19 given course is presented and 2 hours for each hour of presentation
20 each subsequent time that course is presented. The hours applied for
21 faculty service are limited to 15 in each three year period, this limit is
22 prorated for individuals who enter the three year period after it has
23 begun. Credit for faculty service counts toward the continuing
24 education requirement in the same manner as all other types of
25 education—on an hour-for-hour basis.

26
27 (d)–(e) ***

28
29 **Rule 10.462. Minimum education requirements and expectations for trial court**
30 **judges and subordinate judicial officers**

31
32 (a)–(c) ***

33
34 (d) **Hours-based continuing education**

35
36 (1)–(2) ***

37
38 (3) Each hour of participation in traditional (live, face-to-face) education,
39 distance education, such as broadcasts, ~~and~~ videoconferences ~~courses,~~ and
40 online coursework; self-directed study; and faculty service counts toward the
41 continuing education expectation or requirement on an hour-for-hour basis.
42 Each judge and subordinate judicial officer must complete at least half of his
43 or her continuing education hours expectation or requirement as a participant

1 in traditional (live, face-to-face) education. The judge or subordinate judicial
2 officer may complete the balance of his or her judicial education hours
3 expectation or requirement through any other means with no limitation on
4 any particular type of education. The hours applied for participation in online
5 coursework and self-directed study are limited to a combined total of 7 hours
6 in each three-year period; this limit is prorated for individuals who enter the
7 three-year period after it has begun.

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

21

22 (5) ***

23

24 (e)–(g) ***

25

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

27

28 (a)–(b) ***

29

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

31

32 (1) ***

- 33
- 34 (2) The following education applies toward the required 30 hours of continuing
35 education:

36

37 (A) ***

- 38
- 39 (B) Each hour of participation in traditional (live, face-to-face) education;
40 distance education such as broadcasts, ~~and~~ videoconferences, and
41 online coursework; self-directed study, and faculty service counts
42 toward the requirement on an hour-for-hour basis. ~~The hours applied~~
43 ~~for participation in online coursework and self-directed study are~~

1 limited to a combined total of 7 hours in each three-year period. Each
2 court executive officer must complete at least half of his or her
3 continuing education hours requirement as a participant in traditional
4 (live, face-to-face) education. The court executive officer may
5 complete the balance of his or her education hours requirement through
6 any other means with no limitation on any particular type of education.
7

8 (C) A court executive officer who serves as faculty by teaching legal or
9 judicial education to a legal or judicial audience for a California court-
10 based audience (i.e., justices, judges, subordinate judicial officers,
11 temporary judges, or court personnel) may apply education the
12 following hours as of faculty service: 3 hours for each hour of
13 presentation the first time a given course is presented and 2 hours for
14 each hour of presentation each subsequent time that course is presented.
15 The hours applied for faculty service are limited to 15 in each three-
16 year period. Credit for faculty service counts toward the continuing
17 education requirement in the same manner as all other types of
18 education—on an hour-for-hour basis.
19

20 (d)–(e) ***

21
22 **Rule 10.474. Trial court managers, supervisors, and other personnel**
23

24 (a)–(b) ***

25
26 (c) **Hours-based requirements**
27

28 (1)–(4) ***

29
30 (5) Each hour of participation in traditional (live, face-to-face) education;
31 distance education such as broadcasts, and videoconferences courses, and
32 online coursework; and faculty service counts toward the requirement on an
33 hour-for-hour basis. The hours applied for participation in online coursework
34 are limited to a total of 4 hours for managers and supervisors and to a total of
35 3 hours for other personnel in each two-year period; these limits are prorated
36 for individuals who enter the two-year period after it has begun. Each
37 manager, supervisor, and employee must complete at least half of his or her
38 continuing education hours requirement as a participant in traditional (live,
39 face-to-face) education. The individual may complete the balance of his or
40 her education hours requirement through any other means with no limitation
41 on any particular type of education. Self-directed study is encouraged for
42 professional development but does not apply toward the required hours.
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(6) A manager, supervisor, or employee who serves as faculty ~~for a~~ by teaching legal or judicial education to a legal or judicial audience ~~California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel)~~ may apply education ~~the following~~ hours as of faculty service: 3 hours for each hour of presentation the first time a given course is presented and 2 hours for each hour of presentation each subsequent time that the course is presented. ~~The hours applied for faculty service are limited to 6 hours for managers and supervisors and to 4 hours for other personnel in each two-year period; these limits are prorated for individuals who enter the two-year period after it has begun.~~ Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis.

(7) ***

(d)–(e) ***

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

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

6
7 (a) ***

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

10
11 (1) ***

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

15
16 (A) ***

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

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

41
42 (c)–(d) ***

SPR11-34**Judicial Branch Education: Amendments to the Education Rules Resulting from Evaluation of the Implementation of the Education Rules for the First Three-Year Period** (amend Cal. Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471, 10.472, 10.473, 10.474, 10.478, 10.481, and 10.491)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Superior Court of Amador County By Laura Hertlein Court Clerk II	A	No specific comment	No response required.
2.	Orange County Bar Association By John Hueston, President	A	No specific comment	No response required.
3.	Superior Court of Monterey County by Nona Medina Administrative Analyst	AM	Since the changes to CRC 10.462(d)(3) would still require 15 out of the 30 hours of continuing education to be satisfied through face-to-face training opportunities, it would in effect place a cap on the amount of faculty hours used to satisfy the remaining 15 hours. Providing faculty service is an invaluable component of the training opportunities provided at both the CJER and local levels. There is a great deal of time dedicated to the research and preparation for faculty service, which is typically provided without personal compensation. Credit for faculty service should count as 2 hours for each hour of presentation, to compensate for the time devoted to the research and preparation necessary prior to the faculty's presentation. The individuals providing faculty service typically become subject matter experts and are utilized repeatedly and for well in excess of 15 hours during a 3-year period. Faculty service should be recognized beyond the hour for hour applied to online coursework or self-directed study, since there is much	The committee does not agree with this comment because the proposed amendment actually expands what is eligible for faculty service and increases the overall percentage of faculty service hours that can qualify for continuing education credit. This cap, which has always existed, has been expanded by the proposed amendment and thus does not reflect any diminishment in the value placed on faculty service.

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

SPR11-34**Judicial Branch Education: Amendments to the Education Rules Resulting from Evaluation of the Implementation of the Education Rules for the First Three-Year Period** (amend Cal. Rules of Court, rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471, 10.472, 10.473, 10.474, 10.478, 10.481, and 10.491)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			more involved in the research and preparation.	
4.	Superior Court of San Diego County By Mike Roddy, CEO	A	No specific comment	No response required.
5.	Hon. Arthur A. Wick Superior Court of Sonoma County	A	No specific comment	No response required.
6.	Scott York Senior Business Systems Analyst Administrative Office of the Courts	AM	<p>The rules of court governing Education Rules refers to HREMS as the tracking system for employee compliance to the rules. HREMS refers to a specific software program called Oracle PeopleSoft. The AOC may in fact transition to a different software program called SAP and we would subsequently take Oracle PeopleSoft offline.</p> <p>In the event that we would change the system as described, one recommendation is that the rule be amended to adjust all references of “Human Resources Education Management System” or “HREMS” to a more generic term such as a “Learning Management System”.</p>	The committee agrees with this comment and has incorporated it into Rule 10.491(e).