### Invitations to Comment

**Title**  Judicial Branch Education: Minimum Education Requirements and Expectations—Justices’ and Judges’ Individual Recording and Reporting Form (amend Cal. Rules of Court, rules 10.461 and 10.462)

**Summary** The proposed amendments to the rules would change the current requirement that the form used by individual justices and judges to record and report their judicial education participation must be one provided by the Judicial Council, in order to allow courts to develop and use other appropriate forms that include all the required information.

**Source** Governing Committee of the Center for Judicial Education and Research (CJER)

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**Discussion**

The Judicial Council recently approved two major rules proposals regarding minimum education requirements for the judicial branch. The first proposal, adopted by the council in 2006, addressed minimum education requirements and expectations in the trial courts, and the second proposal, adopted by the council in 2007, addressed minimum education requirements in the appellate courts and the Administrative Office of the Courts.

As part of those proposals, the council adopted rules 10.461 and 10.462, which currently require justices and judges to record and report their judicial education participation on a form provided by the Judicial Council. The individual recording and reporting forms are used to gather the data that the Chief Justice, administrative presiding justices, and presiding judges use to provide an aggregate report to the Judicial Council, on a separate, council-provided form, as required under rule 10.452(d)(6) and (e)(7).

The Executive Committee of the Trial Court Presiding Judges Advisory Committee has expressed concern about the requirement that judges record and report their judicial education participation on a form provided by the Judicial Council. For various technical reasons, the automated format of the individual judges’ recording and reporting form approved by the Judicial Council’s Executive and Planning Committee, on behalf of the council, did not function well for several courts.
To address this concern, the Governing Committee of the Center for Judicial Education and Research is proposing amendments to rules 10.461 and 10.462 to change the current requirement that the form used by individual justices and judges to record and report their judicial education participation must be one provided by the Judicial Council, in order to allow courts to use other appropriate forms that include all the required information. The proposed rule amendments would provide that justices and judges must use a recording and reporting form provided by the Chief Justice, the administrative presiding justice, or the presiding judge that includes the information regarding a justice’s or judge’s participation in education that is needed by the Chief Justice, the administrative presiding justice, or the presiding judge to comply with rule 10.452(d)(6) or (e)(7) (completion of the aggregate report to the Judicial Council on a council-provided form).

These proposed amendments are intended to authorize the Chief Justice, administrative presiding justices, and presiding judges to determine what recording and reporting form should be used in their court. They may determine that their court should use the manual or the automated form provided by the Judicial Council, but may also determine that their court should use another appropriate form that has been developed by their court or another court, as long as the form includes all the required information.

The purposes of the proposed amendments are to enable (1) individual justices and judges to more effectively record and report their judicial education participation, (2) the Chief Justice, administrative presiding justices, and presiding judges to more effectively facilitate and monitor judicial education participation in their courts, and (3) all justices and judges to more easily and effectively demonstrate their compliance with the education requirements and expectations in the rules.

The committee intends to recommend that the proposed amendments to the rules be effective immediately, upon adoption by the Judicial Council.
Rules 10.461 and 10.462 of the California Rules of Court would be amended, effective August 15, 2008, to read:

Rule 10.461. Minimum education requirements for Supreme Court and Court of Appeal Justices

(a)–(d) ***

(e) Records and summaries of participation for justices

Each justice is responsible for:

1. Tracking his or her own participation in education and keeping a record of participation, on a form provided by the Judicial Council, for three years after each course or activity that is applied toward the requirements, on a form provided by the Chief Justice for the Supreme Court and by the administrative presiding justice for each appellate district of the Court of Appeal. The form must include the information regarding a justice’s participation in education that is needed by the Chief Justice or the administrative presiding justice to complete the aggregate form required by rule 10.452(d)(6);

2. At the end of each year, giving the Chief Justice or the administrative presiding justice a copy of his or her record of participation in education for that year, on a form provided by the Chief Justice or the administrative presiding justice Judicial Council; and

3. At the end of each three-year period, giving the Chief Justice or the administrative presiding justice a copy of his or her record of participation in education for that year and a cumulative history of participation for that three-year period, on a form provided by the Chief Justice or the administrative presiding justice Judicial Council.

Advisory Committee Comment

The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed, are carried forward without change in rule 10.461(b).

The Administrative Office of the Courts (AOC) has developed both a manual format and an automated format of the individual justice’s recording and reporting form referenced in subdivision (e) that gathers all the information needed by the Chief Justice or the administrative presiding justice to complete the aggregate report to the Judicial Council required under rule 10.452(d)(6). The Chief Justice or the administrative presiding justice may determine which form should be used in his or her court and may provide the manual or automated format of the AOC-developed form or may provide another appropriate form that has been developed by his or her court or by another court that gathers all the information needed by the Chief Justice or the administrative presiding justice to complete the aggregate report to the Judicial Council.
Rule 10.462. Minimum education requirements and expectations for trial court judges and subordinate judicial officers

(a)–(e) ***

(f) Records and cumulative histories of participation for judges

Each judge is responsible for:

(1) Tracking his or her own participation in education and keeping a record of participation, on a form provided by the Judicial Council, for three years after each course or activity that is applied toward the requirements and expectations, on a form provided by the presiding judge. The form must include the information regarding a judge’s participation in education that is needed by the presiding judge to complete the aggregate form required by rule 10.452(e)(7);

(2) At the end of each year, giving the presiding judge a copy of his or her record of participation in education for that year, on the form provided by the presiding judge Judicial Council; and

(3) At the end of each three-year period, giving the presiding judge a copy of his or her record of participation in education for that year and a cumulative history of participation for that three-year period, on the form provided by the presiding judge Judicial Council.

(g) ***

Advisory Committee Comment

The minimum judicial education requirements in rule 10.462 do not apply to retired judges seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who seek to serve in the Assigned Judges Program must comply with the Chief Justice’s Standards and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

The Administrative Office of the Courts (AOC) has developed both a manual format and an automated format of the individual judge’s recording and reporting form referenced in subdivision (f) that gathers all the information needed by the presiding judge to complete the aggregate report to the Judicial Council required under rule 10.452(e)(7). The presiding judge may determine which form should be used in his or her court and may provide the manual or automated format of the AOC-developed form or may provide another appropriate form that has been developed by his or her court or by another court that gathers all the information needed by the presiding judge to complete the aggregate report to the Judicial Council.
Item SP08-06  Response Form

Title: Judicial Branch Education: Minimum Education Requirements and Expectations—Justices’ and Judges’ Individual Recording and Reporting Form (amend Cal. Rules of Court, rules 10.461 and 10.462)

☐ Agree with proposed changes
☐ Agree with proposed changes if modified
☐ Do not agree with proposed changes

Comments: ____________________________________________________________

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Name: ___________________________ Title: _________________________________

Organization: ________________________________

☐ Commenting on behalf of an organization

Address: ______________________________________________________________

City, State, Zip: _________________________________________________________

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

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DEADLINE FOR COMMENT:  5:00 p.m., Friday, June 13, 2008

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee.
All comments will become part of the public record of the council’s action.