

Invitation 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)
Staff	James M. Vesper, Assistant Director Education Division/CJER 415-865-7797 jim.vesper@jud.ca.gov
Discussion	<p>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.</p> <p>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).</p> <p>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.</p>

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.

Attachment

Rules 10.461 and 10.462 of the California Rules of Court would be amended, effective August 15, 2008, to read:

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

3
4 **(a)–(d) *****

5
6 **(e) Records and summaries of participation for justices**

7
8 Each justice is responsible for:

- 9
10 (1) Tracking his or her own participation in education and keeping a record
11 of participation, ~~on a form provided by the Judicial Council~~, for three
12 years after each course or activity that is applied toward the
13 requirements, on a form provided by the Chief Justice for the Supreme
14 Court and by the administrative presiding justice for each appellate
15 district of the Court of Appeal. The form must include the information
16 regarding a justice’s participation in education that is needed by the
17 Chief Justice or the administrative presiding justice to complete the
18 aggregate form required by rule 10.452(d)(6);
19
20 (2) At the end of each year, giving the Chief Justice or the administrative
21 presiding justice a copy of his or her record of participation in
22 education for that year, ~~on the a form provided by the Chief Justice or~~
23 the administrative presiding justice~~Judicial Council~~; and
24
25 (3) At the end of each three-year period, giving the Chief Justice or the
26 administrative presiding justice a copy of his or her record of
27 participation in education for that year and a cumulative history of
28 participation for that three-year period, ~~on the a form provided by the~~
29 Chief Justice or the administrative presiding justice~~Judicial Council~~.

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31 **Advisory Committee Comment**

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33 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,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

35
36 The Administrative Office of the Courts (AOC) has developed both a manual format and an
37 automated format of the individual justice’s recording and reporting form referenced in
38 subdivision (e) that gathers all the information needed by the Chief Justice or the administrative
39 presiding justice to complete the aggregate report to the Judicial Council required under rule
40 10.452(d)(6). The Chief Justice or the administrative presiding justice may determine which
41 form should be used in his or her court and may provide the manual or automated format of the
42 AOC-developed form or may provide another appropriate form that has been developed by his or
43 her court or by another court that gathers all the information needed by the Chief Justice or the
44 administrative presiding justice to complete the aggregate report to the Judicial Council.

1
2 **Rule 10.462. Minimum education requirements and expectations for trial**
3 **court judges and subordinate judicial officers**

4
5 (a)–(e) ***

6
7 (f) **Records and cumulative histories of participation for judges**

8
9 Each judge is responsible for:

- 10
11 (1) Tracking his or her own participation in education and keeping a record
12 of participation, ~~on a form provided by the Judicial Council~~, for three
13 years after each course or activity that is applied toward the
14 requirements and expectations, on a form provided by the presiding
15 judge. The form must include the information regarding a judge’s
16 participation in education that is needed by the presiding judge to
17 complete the aggregate form required by rule 10.452(e)(7);
18
19 (2) At the end of each year, giving the presiding judge a copy of his or her
20 record of participation in education for that year, on the a form
21 provided by the presiding judge~~Judicial Council~~; and
22
23 (3) At the end of each three-year period, giving the presiding judge a copy
24 of his or her record of participation in education for that year and a
25 cumulative history of participation for that three-year period, on the a
26 form provided by the presiding judge~~Judicial Council~~.

27
28 (g) ***

29
30 **Advisory Committee Comment**

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

36
37 The Administrative Office of the Courts (AOC) has developed both a manual format and an
38 automated format of the individual judge’s recording and reporting form referenced in
39 subdivision (f) that gathers all the information needed by the presiding judge to complete the
40 aggregate report to the Judicial Council required under rule 10.452(e)(7). The presiding judge
41 may determine which form should be used in his or her court and may provide the manual or
42 automated format of the AOC-developed form or may provide another appropriate form that has
43 been developed by his or her court or by another court that gathers all the information needed by
44 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: _____

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.*