

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT SPR22-07

<b>Title</b> Judicial Branch Education: Rules Review and Modernization	<b>Action Requested</b> Review and submit comments by May 13, 2022
<b>Proposed Rules, Forms, Standards, or Statutes</b> Amend Cal. Rules of Court, rules 2.812, 2.813, 2.815, 5.340, 10.452, 10.461–10.464, 10.468, 10.469, 10.471–10.474, 10.478, 10.479, 10.481, and 10.491; repeal rule 10.493	<b>Proposed Effective Date</b> January 1, 2023
<b>Proposed by</b> Center for Judicial Education and Research Advisory Committee Hon. Kimberly A. Gaab, Chair	<b>Contact</b> Karene Alvarado, 415-865-7761 karene.alvarado@jud.ca.gov

### Executive Summary

The Center for Judicial Education and Research (CJER) Advisory Committee recommends amending nineteen and repealing one rule of court governing judicial branch education. The amendments are required to recognize new and developing education delivery methods and priorities, adopt current adult education terminology, provide court staff and judicial officers a greater degree of authority and flexibility in meeting their education requirements, resolve education disparities between the appellate and trial courts and between judicial officers and court staff in certain assignments and positions, adopt gender-neutral language, and clarify and simplify existing language in the rules and make other grammatical and typographical corrections.

### Background

The Judicial Council adopted a comprehensive set of rules on judicial branch education in two stages in 2006 and 2007. In 2011, the Judicial Council directed the CJER Governing Committee, the predecessor to the CJER Advisory Committee, to conduct a complete review of the education rules. This review resulted in the CJER Governing Committee proposing a slate of rule amendments to simplify rule language, increase flexibility in rule compliance, and correct minor

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

typographical errors and omissions. The Judicial Council adopted the proposed amendments, effective January 1, 2012.

Following a requested amendment to rule 10.472 from the appellate clerk/executive officers in 2020 and motivated, in part, by lessons learned during the COVID-19 pandemic, the CJER Advisory Committee initiated a follow-up review to consider whether the education requirements and expectations continue to meet the current needs of the judicial branch. This second comprehensive review of the education rules resulted in the following proposal by the committee.

## **The Proposal**

The proposal would amend many of the rules of court related to judicial branch education generally providing greater flexibility and choice to judicial officers and the courts. The amendments fall into five broad categories, summarized below.

### **Recognize new and developing education delivery methods and priorities and adopt current adult education terminology**

The current language in the rules limited the ability of the judicial branch to comply with the education requirements during the COVID-19 pandemic. The following proposals are intended to replace outdated terminology and delivery methods with updated language to reflect changes in technology and acknowledge the increased effectiveness of and greater access provided by remote education.

- Propose amending rules 2.812(c)(1), 2.813 (Advisory Committee Comment), 10.461(c)(2)(B), 10.462(d)(3), 10.468(b)(4) and (c)(7), 10.471(b)(2)(B), 10.472(c)(5), 10.473(c)(3)(B), 10.474(c)(5), 10.478(b)–(g), and 10.491(c)(5) to update the language on acceptable delivery methods for hours-based education requirements. Current language in these rules generally requires specific education to be obtained by participation in “traditional” (live, face-to-face) or “in-person” education, distance education such as broadcasts, videoconferences, and online coursework, and/or self-directed study. The CJER Advisory Committee proposes replacing these restrictions with language that notes participation in education by an approved provider under rule 10.481, including education that is “instructor-led (live remote or in-person),” asynchronous (such as videos and eLearning), and/or self-directed study counts toward hours-based education requirements and expectations within the rules of court. This proposed phrasing reflects current adult education terminology and is broad enough to incorporate future delivery methods as they become available and validated as educationally sound.
- Propose amending rules 10.469(e)(1) and 10.479(c) to include recommendations that fairness and access education for judicial officers and court staff should include consideration of court users with limited economic means and without access to stable housing. These proposals are consistent with the recommendation included in the *Report*

*to the Chief Justice: Work Group on Homelessness* (Nov. 2021) at pages 38–40 (see Link A) (noting that “education on topics relevant to homelessness can reduce misconceptions and biases involving court users who lack stable housing and can lead to a more empathetic approach in serving these court users, ultimately resulting in a more accessible, effective, equitable, and compassionate justice system.”)

### **Provide judicial officers and court staff a greater degree of authority and flexibility in meeting their education requirements**

As the courts continue to respond to the lingering impact the COVID-19 pandemic continues to have on court operations, the CJER Advisory Committee recognized a greater need for court autonomy and flexibility in responding efficiently to each court’s unique situation. The following proposals are intended to provide judicial officers and the courts a greater degree of autonomy to address current circumstances and future challenges.

- Propose amending rules 10.461(d)(1), 10.462(e)(1), 10.472(d)(1), 10.473(d)(1), and 10.491(b)(3) to increase local court authority to extend deadlines for content-based education requirements. Under the existing rules, the local court authority may only extend the deadlines for completion for hours-based requirements. This amendment permits the local courts to deal comprehensively with education requirements, both content-based and hours-based. Extensions granted under this authority are capped at one year.
- Propose amending rule 10.462(c)(2) to remove the requirement that supervising judges participate in a “calendar management overview” course within one year of assuming the role of supervising judge. Calendar management practices vary widely from court to court making a statewide course of limited utility for supervising judges. Education on this topic is best delivered on the local court level.
- Propose amending rule 10.468(b)(3) to expand the number of providers probate judicial officers may utilize. The current rule requires probate judicial officers to receive education from CJER, the California Judges Association (CJA), or the local court. The proposed amendment would allow probate judicial officers the same access to approved providers that is accorded to judges in other assignments. It would also provide them with enhanced flexibility in meeting their education requirements.
- Propose amending rule 10.472(c)(5) and 10.474(c)(5) to permit preapproved self-directed study as an option for appellate and trial court staff to complete their hours-based continuing education requirements. The proposal expands local control and the authority of court leaders to develop educational programs uniquely tailored to the needs of the individual employee. Permitting preapproved self-directed study provides an additional method for court leadership and staff to meet their educational needs.

- Propose amending rule 10.472(c)(7) and (d)(1) to note that the authority to determine whether an appellate court employee must participate in specific education or to grant an extension of time to complete education requirements rests with the administrative presiding justice or the clerk/executive officer. This proposed amendment reflects how the appellate courts currently operate and does not prohibit administrative presiding justices or clerk/executive officers from delegating this authority to managers and supervisors.
- Propose amending rule 10.481(b)(1)(B) to eliminate the requirement that education from entities not on the approved provider list be at least one hour in length in order to be approved for educational credit. This amendment recognizes that education can be obtained in smaller increments, such as webinars and podcasts, offered by providers not expressly listed on the approved provider list under rule 10.481(a).

#### **Resolve education disparities between the appellate and trial courts and between judicial officers and court staff in certain assignments and positions**

In undertaking a comprehensive review of the education rules, the CJER Advisory Committee noted that the education requirements had diverged over time for judicial officers in different assignments and for court staff in different positions. Standards also varied between the appellate and trial courts. The following proposals seek to address this divergence by eliminating certain exclusions and disproportionalities in the education rules while clarifying some requirements and preserving standards.

- Propose amending rules 5.340(1), 10.462(c)(4), 10.463(a)(1), 10.472(b)(1) and (2), 10.474(b)(1) and (2), and 10.491(b)(1) to apply a consistent one-year deadline to complete required orientations. Under the existing requirements, the deadlines to complete orientations vary from six months to one year depending on the assignment or position of the individual. Applying a consistent one-year deadline to orientation courses simplifies compliance and eliminates disparities between judicial officers who sit in certain assignments or hear specific cases and between appellate and trial court staff. However, the requirement that new judges and subordinate judicial officers attend CJER's new judge orientation program within six months of taking their oath of office under rule 10.462(c)(1)(A) will remain unchanged. The proposed amendment also does not impact the timing of the Judicial Council's employment orientations.
- Propose amending rules 10.461(c)(1)(A) and 10.473(c)(2) to insert the phrase "the period provided for" before the word "completion" in relation to content-based orientation courses. Under the existing rules, some individuals have a specific period for completing content-based courses before entering hours-based requirements. Others must actually complete the content-based course before entering the applicable hours-based education cycle. This proposed amendment creates a consistent standard for everyone and a specific, ascertainable date by which orientations and new employee programs must be

completed, based on an individual's oath date or first day of employment. It eliminates the possibility of individuals deferring their entering hours-based education requirements by not completing their content-based orientation requirements.

- Propose amending rule 10.463 to extend family law education requirements to any judicial officer who regularly hears family law matters. The rule currently applies only to those whose formal primary assignment is in a family law department or those who are the “sole” judicial officers at their court who hear family law matters. This proposed amendment extends the requirements of this rule to those who regularly hear family law matters but whose primary assignments may be in another area of the law.
- Propose amending rule 10.468(b)(4) to eliminate individual reporting cycles for judges sitting in a probate assignment. The current rule creates an individual reporting cycle for probate judges based on either the calendar year following the completion of content-based education or the date their probate assignments begin. This individual cycle does not run concurrently with the general three-year education cycle under rule 10.462(d). The proposed amendment would have these cycles run concurrently for probate judges to eliminate a non-substantive administrative tracking and reporting requirement. This proposal does not alter the amount of education judicial officers in probate would need to complete.
- Propose amending rules 10.468(b) and (c) and 10.478(b)–(g) to resolve an education disparity between judicial officers in a probate assignment and specific probate court staff with their counterparts in other departments. The existing requirements for judicial officers and court staff in a probate department are objectively more stringent than the general rules. These include enhanced content-based requirements (i.e., a greater number of hours required for specific subjects), more frequent education cycles (e.g., annual requirements for court staff), and expressly exclude self-directed study as an option for meeting the education requirements. While still preserving education requirements for judges and court staff in probate assignments and positions above and beyond their counterparts in other departments, this proposal seeks to bring the probate rules more in alignment with the other education requirements by reducing the number of hours required each cycle for certain assignments and positions, extending the reporting cycle for court staff from annual to every other year, and permitting self-study.
- Propose amending rules 10.471(b)(2)(B) and 10.472(c)(5) to eliminate the requirement that half of the hours-based education requirements of clerk/executive officers and appellate staff be completed through traditional (live, face-to-face) or instructor-led education. This restriction on delivery method only applies to the appellate courts. By comparison, the trial court presiding judges and court executive officers have discretion to determine the number of hours of instructor-led education that is required for court leadership and employees. Deleting this requirement eliminates this disparity while

simultaneously providing the appellate courts greater flexibility in meeting their education requirements.

- Propose amending rules 10.472(c)(3) and 10.474(c)(3) to permit the appellate and trial court employee orientation to count toward the hours-based education requirements for these employees. Currently only Judicial Council employees are permitted to have their new employee orientation count as credit for their hours-based education. Permitting appellate and trial court employees to have their orientations count toward their hours-based requirements removes this disparity.
- Propose amending rules 10.472(c)(3) and 10.474(c)(3) to eliminate the quarter system for determining when an appellate or trial court employee enters hours-based education requirements. This quarter system has proven difficult to administer. The proposal would simplify and replace this system by using an employee's first date of employment as the standard entry point into the hours-based education cycle. Employees entering mid-cycle would have their number of hours prorated based on how many months are left in the cycle.

#### **Adopt gender-neutral language**

As part of an ongoing Judicial Council effort, the CJER Advisory Committee proposes amending rules 10.452, 10.461, 10.462, 10.464, 10.469, 10.471–10.474, 10.478, 10.479, and 10.491 to eliminate gender-specific language and incorporate plural nouns and gender-neutral pronouns and possessive pronouns where appropriate.

#### **Clarify and simplify existing language in the rules and make other grammatical and typographical corrections**

In addition to the proposal listed above, the CJER Advisory Committee recommends the following clarifications, non-substantive modifications, and corrections:

- Propose amending rules 10.452, 10.461–10.464, 10.468, 10.469, and 10.471–10.474 to replace the terms “period” and “education period” with “education cycle.” Hours-based education requirements and expectations for judicial officers, court staff, and Judicial Council employees operate under consecutive two-year or three-year education cycles. The phrase “education cycle” is more commonly used within the branch and reflects the ongoing nature of the education obligations.
- Propose amending rules 10.461(c)(2)(C), 10.462(d)(4), 10.471(b)(2)(B), 10.472(c)(6), 10.473(c)(3)(C), and 10.474(c)(6) to clarify previous amendments on faculty service in lieu of participation in education programs. Under the existing rules, there is no cap on an individual’s use of faculty service for hours-based education requirements. While the

faculty service must be on a legal or judicial topic for a legal or judicial audience, there is no cap on the number of hours that may be credited in this manner.

- Propose amending rules 10.462(c)(1)–(3) and the Advisory Committee Comment, 10.473(b)(1), and 10.491(b)(1) and (2) to remove proper nouns of specific courses or referenced documents. Currently the rules refer to specific names of courses and documents whose titles have changed over the last decade. By removing their proper nouns from the rules, the programs and documents referenced in this manner will be permitted to change over time yet still be referenced in the rules. The sole exception to this proposed amendment is that B. E. Witkin Judicial College will retain its title within rule 10.462(c)(1)(C).
- Propose amending rules 10.463(b) and 10.464(a) to clarify that a “periodic update” on new developments in family law and procedure for judges who hear cases involving domestic violence must occur at least once every three-year education cycle. Currently, the phrase “periodic update” is undefined.
- Propose amending rules 10.468(a) and 10.478(a) to remove definitions of generally applicable terms. The terms that the CJER Advisory Committee proposes deleting are equally applicable to the other education rules, but they are only included in the specific probate assignment rules. Deleting these terms will make the probate rules consistent with the other education rules.
- Propose amending rules 2.812, 2.815, 10.452, 10.461–10.464, 10.468, 10.469, 10.471–10.474, 10.478, 10.479, 10.481, and 10.491 to simplify sentence structure, reorganize provisions, remove redundant clauses, and correct minor typographical errors.
- Propose repealing rule 10.493. This rule would be rendered redundant if the language in this proposal defining hours-based education delivery methods as “participation in education by an approved provider under rule 10.481(a), including education that is instructor-led (live remote or in-person), asynchronous (such as videos and eLearning), and self-directed study” is adopted.

As a package, the proposed amendments are intended to ensure that the educational needs of the judicial branch continue to be met by providing greater flexibility and clarity to existing requirements and by updating provisions to reflect new and emerging technologies.

## **Alternatives Considered**

The CJER Advisory Committee considered and rejected a proposal that would have eliminated the requirement that judicial officers obtain at least half of their hours-based expectations and requirements through participation in instructor-led education. The committee concluded that it is in the interest of the public and the branch that judicial officers seek out opportunities to

communicate and exchange ideas with other judges and attorneys on legal developments and updates and be exposed to opinions and perspectives from their colleagues in other courts.

The committee also considered proposing an amendment to rule 10.468(c)(2) that would have reduced the number of hours from 9 hours to 6 that are required every three years from probate judges in courts with four or fewer authorized judges. While the committee is proposing that the hours-based requirements for probate judges from courts with five or more authorized judges be reduced from 18 to 12 hours every three years, the committee concluded that 9 hours every three years remains a reasonable amount of education for probate judges from smaller courts.

## Fiscal and Operational Impacts

The committee does not anticipate that the proposal will have significant fiscal or operational impacts on the judicial branch. The proposal may result in minor implementation costs as the appellate and trial courts train their staff on the proposed amendments and adapt their education tracking and reporting systems.

### Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Do the terms “asynchronous education” and “eLearning” contained within the proposal require additional definition?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training) or revising processes and procedures (please describe)?
- Would four months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Cal. Rules of Court, rules 2.812, 2.813, 2.815, 5.340, 10.452, 10.461–10.464, 10.468, 10.469, 10.471–10.474, 10.478, 10.479, 10.481, 10.491, and 10.493, at pages 9–48
2. Link A: *Report to the Chief Justice: Work Group on Homelessness*,  
[https://www.courts.ca.gov/documents/hwg\\_work-group-report.pdf](https://www.courts.ca.gov/documents/hwg_work-group-report.pdf)

Rules 2.812, 2.813, 2.815, 5.340, 10.452, 10.461–10.464, 10.468, 10.469, 10.471–10.474, 10.478, 10.479, 10.481, and 10.491 of the California Rules of Court would be amended, and rule 10.493 would be repealed, effective January 1, 2023, to read:

1   **Rule 2.812. Requirements for court appointment of an attorney to serve as a**  
2   **temporary judge**

4   **(a)–(b) \*\*\***

6   **(c) Education and training requirements**

8       The presiding judge may appoint an attorney to serve as a temporary judge only if  
9       the following minimum training requirements are satisfied:

11      (1) *Mandatory training on bench conduct and demeanor*

13       Within three years before appointment, the attorney must have attended and  
14       successfully completed, ~~within the previous three years~~, a course ~~of at least 3~~  
15       hours' duration on the subjects identified in rule 2.813(a) approved by the  
16       court in which the attorney will serve. This course must be of at least three  
17       hours' duration, ~~taken in person~~ instructor-led (live remote or in-person), and  
18       be taught by a qualified judicial officer approved by the court.

20      (2) *Mandatory training in ethics*

22       Within three years before appointment, the attorney must have attended and  
23       successfully completed, ~~within the previous three years~~, a course ~~of at least 3~~  
24       hours' duration on the subjects identified in rule 2.813(b) approved by the  
25       court in which the attorney will serve. This course must be of at least three  
26       hours' duration and may be taken by any means approved by the court,  
27       ~~including in person, by broadcast with participation, or online~~.

29      (3) *Substantive training*

31       Within three years before appointment, the attorney must have attended and  
32       successfully completed, ~~within the previous three years~~, a course on the  
33       substantive law in each subject area in which the attorney will serve as a  
34       temporary judge. These courses may be taken by any means approved by the  
35       court, ~~including in person, by broadcast with participation, or online~~. The  
36       substantive courses have the following minimum requirements:

38       (A) *Small claims*

40       Within three years before appointment, an attorney serving as a  
41       temporary judge in small claims cases must have attended and

1 successfully completed, ~~within the previous three years~~, a course of at  
2 least 3 hours' duration on the subjects identified in rule 2.813(c). The  
3 course must be at least three hours' duration and approved by the court  
4 in which the attorney will serve.

5  
6 (B) *Traffic*  
7

8 Within three years before appointment, an attorney serving as a  
9 temporary judge in traffic cases must have attended and completed,  
10 ~~within the previous three years~~, a course of at least 3 hours' duration on  
11 the subjects identified in rule 2.813(d). The course must be at least  
12 three hours' duration and approved by the court in which the attorney  
13 will serve.

14  
15 (C) *Other subject areas*  
16

17 If the court assigns attorneys to serve as temporary judges in other  
18 substantive areas such as civil law, family law, juvenile law, unlawful  
19 detainers, or case management, the court must determine what  
20 additional training is required ~~and what additional courses are required~~  
21 before an attorney may serve as a temporary judge in each ~~of these~~  
22 subject areas. The training required in each area must be of at least 3  
23 hours' duration. The court may also require that an attorney possess  
24 additional years of practical experience in each substantive area before  
25 being assigned to serve as a temporary judge in that subject area.

26  
27 (D)–(E) \*\*\*  
28

29 (d) **Requirements for retired judicial officers**  
30

31 Commencing five years after the retired judicial officer last served in a judicial  
32 position either as a full-time judicial officer or as an assigned judge, a retired  
33 judicial officer serving as a temporary judge must satisfy all the education and  
34 training requirements of this rule. ~~However, a retired judicial officer serving as a~~  
35 ~~temporary judge in a small claims case must satisfy all the requirements of Code of~~  
36 ~~Civil Procedure section 116.240(b) and the rules in this chapter before serving in~~  
37 ~~the case.~~

38  
39 (e)–(g) \*\*\*  
40

## **Advisory Committee Comment**

The goal of this rule is to ensure that attorneys who serve as court-appointed temporary judges are qualified and properly trained.

### **Subdivision (a). \*\*\***

### **Subdivision (b). \*\*\***

**Subdivision (c).** A court may use attorneys who are not temporary judges to assist in the settlement of cases. For example, attorneys may work under the presiding judge or individual judges and may assist them in settling cases. However, these attorneys may not perform any judicial functions such as entering a settlement on the record under Code of Civil Procedure section 664.6. Settlement attorneys who are not temporary judges are not required to satisfy the requirements of these rules, but they must satisfy any requirements established by the court for attorneys who assist in the settlement of cases.

## **Rule 2.813. Contents of training programs**

(a)-(b) \*\*\*

**(c) Small claims**

Before the court may appoint an attorney to serve as a temporary judge in small claims cases, the attorney must have received training under rule 2.812(c)(3)(A) in the following subjects:

- (1) Small claims procedures and practices;
  - (2) Consumer sales;
  - (3) Vehicular sales, leasing, and repairs;
  - (4) Credit and financing transactions;
  - (5) Professional and occupational licensing;
  - (6) Tenant rent deposit law;
  - (7) Contract, warranty, tort, and negotiable instruments law; **and**
  - (8) The subjects specified in Code of Civil Procedure section 116.240(b); and

(9) Other subjects deemed appropriate by the presiding judge based on local needs and conditions.

In addition, an attorney serving as a temporary judge in small claims cases must be familiar with the publications identified in Code of Civil Procedure section 116.930.

(d) \*\*\*

## **Advisory Committee Comment**

The purpose of this rule is to ensure that all court-appointed temporary judges have proper training in bench conduct and demeanor, ethics, and each substantive area in which they adjudicate cases. Each court is responsible for approving the training and instructional materials for the temporary judges appointed by that court. The training in bench conduct and demeanor must be in person instructor-led (live remote or in-person), but in other areas each court may determine the approved method or methods by which the training is provided. The methods may include in person courses, broadcasts with participation, and online courses. Courts may offer Minimum Continuing Legal Education (MCLE) credit for courses that they provide and may approve MCLE courses provided by others as satisfying the substantive training requirements under this rule. Courts may work together with other courts, or may cooperate on a regional basis, to develop and provide training programs for court-appointed temporary judges under this rule.

### **Rule 2.815. Continuing education**

(a) Continuing education required

Every three years, each attorney appointed as a temporary judge must attend and successfully complete ~~every three years~~ a course on bench conduct and demeanor, an ethics course, and a course in each substantive area in which the attorney will serve as a temporary judge. The courses must cover the same subjects and be of the same duration as the courses prescribed in rule 2.812(c). These courses must be approved by the court ~~that appoints the attorney~~ in which the attorney will serve.

(b) \*\*\*

## **Rule 5.340. Judicial education for child support commissioners**

Every commissioner whose principal judicial assignment is to hear child support matters must attend the following judicial education programs:

1  
2   (1) *Basic child support law education*  
3

4       Within ~~six months one year~~ of beginning an assignment as a child support  
5       commissioner, the judicial officer must attend a basic educational program on  
6       California child support law and procedure designed primarily for judicial officers.  
7       The training program must include instruction on both state and federal laws  
8       concerning child support. A judicial officer who has completed the basic  
9       educational program need not attend the basic educational program again.

10  
11   (2)–(4) \*\*\*  
12  
13

14   **Rule 10.452. Minimum education requirements, expectations, and recommendations**  
15

16   (a) **Purpose**  
17

18       Justices, judges, and subordinate judicial officers are entrusted by the public with  
19       the impartial and knowledgeable handling of proceedings that affect the freedom,  
20       livelihood, and happiness of the people involved. Court personnel assist justices,  
21       judges, and subordinate judicial officers in carrying out their responsibilities and  
22       must provide accurate and timely services to the public. ~~Each Justices, judges, and~~  
23       subordinate judicial officers, and ~~each~~ court staff members ~~is~~ are individually  
24       responsible for maintaining and improving ~~his or her~~ their professional  
25       competence. To assist them in enhancing their professional competence, the  
26       judicial branch will develop and maintain a comprehensive and high-quality  
27       education program, including minimum education requirements, expectations, and  
28       recommendations, to provide educational opportunities for all justices, judges,  
29       subordinate judicial officers, and court personnel.

30  
31   (b) **Goals**  
32

33       The minimum education requirements, expectations, and recommendations ~~set~~  
34       ~~forth stated~~ in rules 10.461–10.479 are intended to achieve two complementary  
35       goals:

- 36  
37       (1) To ensure that ~~both individuals who are new to the bench or the court and~~  
38       ~~those who are experienced on the bench or court but are beginning a new~~  
39       ~~assignment or role~~ all justices, judges, subordinate judicial officers, and court  
40       personnel obtain education on the tasks, skills, abilities, and knowledge  
41       necessary to be successful in ~~the~~ their new court assignments and roles; and  
42

- (2) To establish broad continuing education parameters, based on time multi-year education cycles, for continuing education for experienced individuals who are experienced both on the bench or court and in their assignments or roles, while preserving the ability of the individual these individuals, working with the individual who persons oversees overseeing his or her their work, to determine the appropriate education content and providers.

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

The education requirements and expectations ~~set forth~~ stated in rules 10.461–10.462 ~~10.461, 10.462,~~ and 10.471–10.474 are minimums. Justices, judges, and subordinate judicial officers should participate in more judicial education than is required and expected, related to each individual's responsibilities and ~~particular~~ judicial ~~assignment or~~ assignments and in accordance with the judicial education recommendations ~~set forth~~ stated in rule 10.469. Additional education requirements related to specific responsibilities are ~~set forth~~ stated 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).

**(d) Responsibilities of Chief Justice and administrative presiding justices**

The Chief Justice and each administrative presiding justice:

- (1) Must grant sufficient leave to Supreme Court and Court of Appeal justices, the clerk/executive officer, and the managing attorney to enable them to complete the minimum education requirements stated in rules 10.461, 10.471, and 10.472, respectively;
  - (2) \*\*\*
  - (3) In addition to the educational leave required under (d)(1)–(2), should grant leave to a justice, clerk/executive officer, or managing attorney to serve on education committees and as a faculty member at education programs when the individual's services have been requested for ~~these purposes judicial or legal education by Judicial Council staff, the California Judges Association, or the court. If a court's calendar would not be adversely affected, the court should grant additional leave for a justice, the clerk/executive officer, or the managing attorney to serve on an educational committee or as a faculty member for judicial branch education;~~

- 1                   (4) Should establish an education plan for ~~his or her~~ the court to facilitate the  
2                   involvement of justices, the clerk/executive officer, and the managing  
3                   attorney as both participants and faculty in education activities;  
4  
5                   (5) \*\*\*  
6  
7                   (6) Must retain the records and cumulative histories of participation provided by  
8                   justices. These records and cumulative histories are subject to periodic audit  
9                   by Judicial Council staff. The Chief Justice and the administrative presiding  
10                  justices ~~must report the data from the records and cumulative histories their~~  
11                  courts' compliance with education requirements on an aggregate basis to the  
12                  Judicial Council, on a form provided by the Judicial Council, within six  
13                  months after the end of each three-year period education cycle.  
14

15                  (e) **Responsibilities of presiding judges**

- 16  
17                  Each Presiding judges:  
18  
19                  (1) Must grant sufficient leave to ~~all~~ their judges and subordinate judicial officers  
20                  and to the court executive officer to enable them to complete the minimum  
21                  education requirements and expectations stated in rules 10.462 and 10.473,  
22                  respectively;  
23  
24                  (2) To the extent compatible with the efficient administration of justice, must  
25                  grant to ~~all~~ their judges and subordinate judicial officers and to the court  
26                  executive officer sufficient leave to participate in education programs  
27                  consistent with the education recommendations stated in rules 10.469 and  
28                  10.479. After a judge or subordinate judicial officer has completed the new  
29                  judge education required under rule 10.462, the presiding judge should grant  
30                  each judge and subordinate judicial officer at least eight court days per  
31                  calendar year to participate in continuing education relating to the judge's or  
32                  subordinate judicial officer's responsibilities or current or future court  
33                  assignment;  
34  
35                  (3) In addition to the educational leave required or authorized under rule 10.603  
36                  or (e)(1)–(2), should grant leave to a judge or subordinate judicial officer or  
37                  the executive officer to serve on education committees and as a faculty  
38                  member at education programs when the judicial officer's or executive  
39                  officer's services have been requested for ~~these purposes judicial or legal~~  
40                  education by Judicial Council staff, the California Judges Association, or the  
41                  court. If a court's calendar would not be adversely affected, the presiding  
42                  judge should grant additional leave for a judge or subordinate judicial officer

1                   ~~or executive officer to serve on an educational committee or as a faculty~~  
2                   ~~member for judicial branch education;~~

- 3
- 4         (4) Should establish an education plan for his or her the court to facilitate the  
5                   involvement of judges, subordinate judicial officers, and the executive officer  
6                   as both participants and faculty in education activities and should consult  
7                   with each judge, each subordinate judicial officer, and the executive officer  
8                   regarding their education needs and requirements related to their current and  
9                   future assignments;
- 10
- 11         (5) Should use his or her their assignment powers to enable all judges and  
12                   subordinate judicial officers, ~~particularly those assigned to specific calendar~~  
13                   courts, to participate in educational activities;
- 14
- 15         (6) \*\*\*
- 16
- 17         (7) Must retain the records and cumulative histories of participation provided by  
18                   judges. These records and cumulative histories are subject to periodic audit  
19                   by Judicial Council staff. The presiding judges must report ~~the data from the~~  
20                   records and cumulative histories their courts' compliance with education  
21                   requirements on an aggregate basis to the Judicial Council, on a form  
22                   provided by the Judicial Council, within six months after the end of each  
23                   three-year period education cycle.

24

25         (f) **Responsibilities of Supreme Court and Court of Appeal justices,  
26                   clerks/executive clerk/executive officers, managing attorneys, and supervisors**

27

28                   Each court's Justices, clerk/executive clerk/executive officers, managing attorneys,  
29                   and supervisors:

- 30
- 31         (1)-(2) \*\*\*
- 32
- 33         (3) Should allow and encourage court personnel, in addition to participating as  
34                   students in educational activities, to serve on court personnel education  
35                   committees and as faculty at court personnel education programs when an  
36                   employee's services have been requested for these purposes ~~by Judicial~~  
37                   Council staff or the court;
- 38
- 39         (4) Should establish an education plan for their court to facilitate the involvement  
40                   of court personnel as both participants and faculty in educational activities,  
41                   and should consult with each court staff member regarding ~~his or her~~ their  
42                   education needs and requirements and professional development; and

- (5) Must ensure that ~~supervisors and other~~ court personnel are reimbursed by their court in accordance with the travel policies issued by the Judicial Council for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the Judicial Council; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The clerk/executive officer or the managing attorney may approve reimbursement of travel expenses incurred by ~~supervisors and other~~ court personnel in attending out-of-state education programs as a participant.

**(g) Responsibilities of trial court executive officers, managers, and supervisors**

Each Trial court's executive officers, managers, and supervisors:

- (1)–(2) \*\*\*

  - (3) Should allow and encourage court personnel, in addition to participating as students in education activities, to serve on court personnel education committees and as faculty at court personnel education programs when an employee's services have been requested for these purposes ~~by Judicial Council staff or the court;~~
  - (4) Should establish an education plan for their court to facilitate the involvement of court personnel as both participants and faculty in educational activities, and should consult with each court staff member regarding ~~his or her~~ their education needs and requirements and professional development; and
  - (5) Must ensure that ~~managers, supervisors, and other~~ court personnel are reimbursed by their court in accordance with the Trial Court Financial Policies and Procedures Manual for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the Judicial Council; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The court executive officer may approve reimbursement of travel expenses incurred by ~~managers, supervisors, and other~~ court personnel in attending out-of-state education programs as a participant.

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

1       **(a)–(b) \*\*\***

2

3       **(c) Hours-based continuing education**

- 4
- 5           (1) Each justice must complete 30 hours of continuing judicial education every  
6           three years, beginning on the dates outlined:
- 7
- 8              (A) A new Supreme Court justice enters the three-year continuing  
9              education ~~period cycle~~ on January 1 of the year following confirmation  
10             of appointment, and a new Court of Appeal justice enters the three-year  
11             continuing education ~~period cycle~~ on January 1 of the year following  
12             the ~~period provided for~~ completion of the required new justice  
13             ~~education orientation program~~; continuing education requirements are  
14             prorated based on the number of years remaining in the three-year  
15             ~~period education cycle~~.
- 16
- 17              (B) For all other justices, the first continuing education ~~period cycle~~ begins  
18             January 1, 2008.
- 19
- 20              (C) The first continuing education ~~period cycle~~ for Supreme Court and  
21             Court of Appeal justices is for two years from January 1, 2008, through  
22             December 31, 2009, rather than three years. The continuing education  
23             requirements and limitations in (c) are consequently prorated for this  
24             two-year ~~period education cycle~~. The first three-year ~~period education~~  
25             cycle then begins January 1, 2010.
- 26
- 27           (2) The following education applies toward the required 30 hours of continuing  
28             judicial education:
- 29
- 30              (A) Any education offered by an approved provider (see under rule  
31             10.481(a)) and any other education, ~~including education taken to satisfy~~  
32             ~~a statutory or other education requirement~~, approved by the Chief  
33             Justice or the administrative presiding justice as meeting the criteria  
34             listed in rule 10.481(b).
- 35
- 36              (B) Each hour of participation in ~~traditional (live, face to face) education; distance education such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service education by an approved provider under rule 10.481, including education that is~~  
37             ~~instructor-led (live remote or in-person), asynchronous (such as videos and eLearning), and self-directed study,~~ counts toward the continuing  
38             education requirement on an hour-for-hour basis. ~~Each Justice~~ must  
39             complete at least half of ~~his or her~~ their continuing education hours

1 requirement as a participant in traditional (live, face-to-face) instructor-  
2 led (live remote or in-person) education. ~~The Justices~~ may complete the  
3 balance of his or her their education hours requirement through any  
4 other means with no limitation on any particular type of education.  
5

- 6 (C) A justice who serves as faculty by teaching legal or judicial education  
7 to a legal or judicial audience may apply faculty service as continuing  
8 education hours as faculty service. There is no restriction on the  
9 number or percentage of hours that a justice may claim as faculty  
10 service. Credit for faculty service counts toward the continuing  
11 education requirement on an hour-for-hour basis in the same manner as  
12 all other types of education—on an hour-for-hour basis.

13 **(d) Extension of time**

- 14 (1) Upon request and for good cause, the Chief Justice or the administrative  
15 presiding justice may grant a justice a one-year extension of time to complete  
16 the continuing education requirement in (e) this rule.
- 17 (2) If the Chief Justice or the administrative presiding justice grants a request for  
18 an extension of time, the justice, in consultation with the Chief Justice or the  
19 administrative presiding justice and the justice, should also pursue interim  
20 means of obtaining relevant educational content.
- 21 (3) An extension of time to complete the hours-based continuing education  
22 requirement does not affect what is required in the next three-year period  
23 education cycle.

24 **(e) Records and summaries of participation for justices**

25 Each Justices is are responsible for:

- 26 (1) Tracking his or her their own participation in education and keeping a record  
27 of participation for three years after each course or activity that is applied  
28 toward the requirements, on a form provided by the Chief Justice for the  
29 Supreme Court or by the administrative presiding justice for each appellate  
30 district of the Court of Appeal. The form must include the information  
31 regarding a justice's participation in education that is needed by the Chief  
32 Justice or the administrative presiding justice to complete the aggregate form  
33 required by rule 10.452(d)(6);
- 34 (2) At the end of each year, giving the Chief Justice or the administrative  
35 presiding justice a copy of his or her their record of participation in education

1 for that year, on the form provided by the Chief Justice or the administrative  
2 presiding justice; and

- 3
- 4 (3) At the end of each three-year period education cycle, giving the Chief Justice  
5 or the administrative presiding justice a copy of his or her their record of  
6 participation in education for that year and a cumulative history of  
7 participation for that three-year period cycle, on the form provided by the  
8 Chief Justice or the administrative presiding justice.
- 9

10 **Advisory Committee Comment**

11

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

14

15 Judicial Council staff have developed ~~both a manual format and an automated format of the~~  
16 ~~individual justice's recording and reporting form referenced in an individual reporting form that~~  
17 ~~justices may use in tracking their own participation in education as required by rule 10.461(e)(1)~~.  
18 ~~that gathers all the information needed by the Chief Justice or the administrative presiding justice~~  
19 ~~to complete the aggregate report to the Judicial Council required under rule 10.452(d)(6). The~~  
20 ~~form is available from the council's Center for Judicial Education and Research.~~ The Chief  
21 Justice ~~or~~ and the administrative presiding justices may determine which form should be used in  
22 ~~his or her their~~ court and may provide the ~~manual or automated format of council-developed form~~  
23 ~~(available from the council's Center for Judicial Education and Research)~~ or ~~may provide~~ another  
24 appropriate form that has been developed by ~~his or her their~~ court or by another court that gathers  
25 all the information needed by the Chief Justice or the administrative presiding justice to complete  
26 the aggregate report to the Judicial Council.

27

28

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

31

32 (a)-(b) \*\*\*

33

34 (c) **Content-based requirement**

- 35
- 36 (1) ~~Each~~ New trial court judges and subordinate judicial officers must complete  
37 the "new judge education" curriculum provided by the Judicial Council's  
38 Center for Judicial Education and Research (CJER) as follows:

- 39
- 40 (A) The new judge orientation program within six months of taking the  
41 oath as a judge or subordinate judicial officer. For purposes of the new  
42 judge orientation program, a judge or subordinate judicial officer is  
43 considered "new" only once, and any judge or subordinate judicial

- 1                   officer who has completed the new judge orientation program, as  
2                   required under this rule or under former rule 970, is not required to  
3                   complete the program again. A judge or subordinate judicial officer  
4                   who was appointed, elected, or hired before rule 970 was adopted on  
5                   January 1, 1996, is not required to complete the program.;
- 6
- 7                   (B) An orientation course in ~~his or her~~ their primary assignment (civil,  
8                   criminal, family, juvenile ~~delinquency justice~~ or dependency, probate,  
9                   or traffic) within one year of taking the oath as a judge or subordinate  
10                  judicial officer; and
- 11
- 12                  (C) The B. E. Witkin Judicial College of California within two years of  
13                  taking the oath as a judge or subordinate judicial officer, ~~unless the If a~~  
14                  new judge previously completed the Judicial College as a new  
15                  subordinate judicial officer, ~~in which case then~~ the presiding judge may  
16                  determine whether the new judge must complete it again.
- 17
- 18                  (2) ~~Each Judges~~ beginning a supervising judge role ~~is are~~ expected to complete  
19                  the following education, CJER's supervising judge orientation program  
20                  within one year of beginning the supervising judge role, preferably before  
21                  beginning the role. This expectation does not apply ~~unless he or she is if they~~  
22                  are returning to a similar supervising judge role after less than two years in  
23                  another assignment or ~~is are~~ beginning a supervising judge role less than two  
24                  years after serving in the presiding judge role and completing the ~~Presiding~~  
25                  ~~Judges Orientation and Court Management Program~~ CJER's presiding judge  
26                  and court executive officer orientation program.
- 27
- 28                  (A) ~~For a judge who has administrative responsibility, CJER's Supervising~~  
29                  ~~Judges Overview course within one year of beginning the supervising~~  
30                  ~~judge role, preferably before beginning the role;~~
- 31
- 32                  (B) ~~For a judge who has calendar management responsibility, a calendar~~  
33                  ~~management overview course, provided either by the local court or by~~  
34                  ~~CJER, within one year of beginning the supervising judge role,~~  
35                  ~~preferably before beginning the role;~~
- 36
- 37                  (C) ~~For a judge who has both administrative and calendar management~~  
38                  ~~responsibility, both overview courses within one year of beginning the~~  
39                  ~~role.~~
- 40
- 41                  (3) ~~Each Judges~~ beginning a presiding judge role ~~is are~~ expected to complete  
42                  CJER's ~~Presiding Judges Orientation and Court Management Program~~  
43                  presiding judge and court executive officer orientation program within one

1 year of beginning the presiding judge role, preferably before beginning the  
2 role. This expectation does not apply unless he or she is if they are returning  
3 to a presiding judge role after two years or less in another role or assignment.  
4

- 5 (4) Each judge Judges is are expected to and each subordinate judicial officer  
6 officers must, if beginning a new primary assignment (unless he or she is  
7 they are returning to an assignment after less than two years in another  
8 assignment), complete a course on the new primary assignment, provided by  
9 CJER, the California Judges Association (CJA), or the local court, within six  
10 months one year of beginning the new assignment. CJER is responsible for  
11 identifying content for these courses and will share the identified content with  
12 CJA and the local courts.

13 **(d) Hours-based continuing education**

- 14 (1) Each judge is expected to and each subordinate judicial officer must complete  
15 30 hours of continuing judicial education every three years, beginning on the  
16 dates outlined:  
17  
18 (A) A new judge or new subordinate judicial officer enters the three-year  
19 continuing education period cycle on January 1 of the year following  
20 the period provided for completion of the required new judge  
21 education; continuing education expectations for judges and  
22 requirements for subordinate judicial officers are prorated based on the  
23 number of years remaining in the three-year period education cycle.  
24  
25 (B) For all other judges and subordinate judicial officers, the first three-  
26 year period education cycle begins on January 1, 2007.  
27  
28 (2) The following education applies toward the expected or required 30 hours of  
29 continuing judicial education:  
30  
31 (A) The content-based courses under (c)(2), (3), and (4) for a new  
32 supervising judge, a new presiding judge, and a judge or subordinate  
33 judicial officer beginning a new primary assignment (the “new judge  
34 education” required under (c)(1) does not apply); and  
35  
36 (B) Any other education offered by an approved provider (see under rule  
37 10.481(a)) and any other education, including education taken to satisfy  
38 a statutory or other education requirement, approved by the presiding  
39 judge as meeting the criteria listed in rule 10.481(b).  
40  
41

- (3) Each hour of participation in traditional (live, face-to-face) education; distance education, such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service education by an approved provider under rule 10.481, including education that is instructor-led (live remote or in-person), asynchronous (such as videos and eLearning), and self-directed study, counts toward the continuing education expectation or requirement on an hour-for-hour basis. Each Judge and subordinate judicial officers must complete at least half of his or her their continuing education hours expectation or requirement as a participant in traditional (live, face-to-face) instructor-led (live remote or in-person) education. The Judges or subordinate judicial officers may complete the balance of his or her their judicial education hours expectation or requirement through any other means with no limitation on any particular type of education.

(4) A judge or subordinate judicial officer who serves as faculty by teaching legal or judicial education for a legal or judicial audience may apply faculty service as continuing education hours as faculty service. There is no restriction on the number or percentage of hours that a judge may claim as faculty service. Credit for faculty service counts toward the continuing education expectation or requirement on an hour-for-hour basis in the same manner as all other types of education—on an hour-for-hour basis.

(5) \*\*\*

**Extension of time**

(1) Upon request and for good cause, a presiding judge may grant a judge or subordinate judicial officer an extension of time, up to a one year, to complete the education expectations or requirements in (e)(2)-(4) and the continuing education expectation or requirement in (d) as follows: this rule.

(A) A time extension to complete the content-based expectations or requirements in (e)(2)-(4) is limited to the original time period provided for completion—that is, one year, one year, or six months, respectively.

(B) A time extension to complete the hours-based continuing education expectation or requirement in (d) is limited to one year.

(2) If the presiding judge grants a request for an extension of time, the presiding judge and the judge or subordinate judicial officer, in consultation with the presiding judge, should also pursue interim means of obtaining relevant educational content.

- (3) An extension of time to complete the hours-based continuing education expectation or requirement does not affect what is expected or required in the next three-year period education cycle.

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

Each Judge is are responsible for:

- (1) Tracking ~~his or her~~ their own participation in education and keeping a record of participation 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~~ their record of participation in education for that year, on the form provided by the presiding judge; and
  - (3) At the end of each three-year ~~period~~ education cycle, giving the presiding judge a copy of ~~his or her~~ their record of participation in education for that year and a cumulative history of participation for that three-year ~~period~~ education cycle, on the form provided by the presiding judge.

**(g) Records of participation for subordinate judicial officers**

- (1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its subordinate judicial officers.
  - (2) ~~Each~~ Subordinate judicial officers must keep records of ~~his or her~~ their own participation for three years after each course or activity that is applied toward the requirements.

## **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 Temporary Assigned Judges Program. Retired judges who seek to serve in the Temporary Assigned Judges Program must comply with the education requirements included in the program's standards and guidelines established by the Chief Justice's Standards and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

1 Judicial Council staff have developed both a manual format and an automated format of the  
2 individual judge's recording and reporting form referenced in an individual reporting form that  
3 judges may use in tracking their own participation in education as required by rule 10.462(f), that  
4 gathers all the information needed by the presiding judge to complete the aggregate report to the  
5 Judicial Council required under rule 10.452(e)(7). The form is available from the council's Center  
6 for Judicial Education and Research. The Presiding judges may determine which form should be  
7 used in his or her their court and may provide the manual or automated format of the council-  
8 developed form (available from the Judicial Council's Center for Judicial Education and  
9 Research) or may provide another appropriate form that has been developed by his or her their  
10 court or by another court that gathers all the information needed by the presiding judge to  
11 complete the aggregate report to the Judicial Council.

12

13

14 **Rule 10.463. Education requirements for family court judges and subordinate**  
15 **judicial officers**

16

17 Each judge or subordinate judicial officer whose primary assignment is to hear family  
18 law matters, or who is the sole judge hearing regularly hears family law matters  
19 regardless of their primary assignment, must complete the following education:

20

21 **(a) Basic family law education**

- 22
- 23 (1) Within six months one year of beginning a family law assignment, or within  
24 one year of beginning a family law assignment in courts with five or fewer  
25 judges, the judge or subordinate judicial officer must complete a basic  
26 educational program on California family law and procedure designed  
27 primarily for judicial officers. A judge or subordinate judicial officer who has  
28 completed the basic educational program need not complete the basic  
29 educational program again.
- 30
- 31 (2) All other judicial officers who regularly hear family law matters, including  
32 retired judges who sit on court assignment, must complete appropriate family  
33 law educational programs.

34

35 **(b) Continuing family law education**

36

37 The judge or subordinate judicial officer must complete a periodic update on new  
38 developments in California family law and procedure at least once each education  
39 cycle.

40

41 (c) \*\*\*

42

43 **Advisory Committee Comment**

In determining what constitutes “appropriate” education, judges and subordinate judicial officers should determine the number of hours of education on family law matters that is adequate for their assignment, taking into account the size of the court, the nature of their assignment, the mix of assignments, and other factors.

**Rule 10.464. Education requirements and expectations for judges and subordinate judicial officers on domestic violence issues**

**(a) Judges and subordinate judicial officers hearing specified matters**

Each Judge or subordinate judicial officers who hears criminal, family, juvenile delinquency justice, juvenile dependency, or probate matters must participate in appropriate education on domestic violence issues as part of his or her their hours-based continuing education requirements and expectations under rule 10.462(d) each education cycle. Each judge or subordinate judicial officer whose primary assignment is in one of these areas also must participate in a periodic update on domestic violence as part of these requirements and expectations at least once each education cycle.

**(b) Specified courses to include education on domestic violence issues**

The education provider must include education on domestic violence issues at the Judicial College under rule 10.462(c)(1)(C) and in courses for primary assignments in criminal, family, juvenile ~~delinquency justice~~, juvenile dependency, or probate under rule 10.462(c)(1)(B) or (c)(4).

## **Advisory Committee Comment**

In determining what constitutes “appropriate” education, each judges or and subordinate judicial officers should determine the number of hours of education on domestic violence that is adequate for his or her their assignment, taking into account the size of the court, the nature of his or her their assignment, the mix of assignments, and other factors.

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

### (a) Definitions

As used in this rule, the following terms have the meanings stated below:

1                         (1) "Judge" means a judge of the superior court.

2                         (2) "Subordinate judicial officer" has the meaning specified in rule 10.701(a).

3                         (3) "Judicial officer" means a judge or a subordinate judicial officer.

4                         (4)(1) "Probate proceedings" are decedents' estates, guardianships and  
5                         conservatorships under division 4 of the Probate Code, trust proceedings  
6                         under division 9 of the Probate Code, and other matters governed by  
7                         provisions of that code and the rules in title 7 of the California Rules of  
8                         Court.

9                         (5)(2) A judicial officer "regularly assigned to hear probate proceedings" is a  
10                         judge or subordinate judicial officer who is:

- 11                         (A) Assigned to a dedicated probate department where probate proceedings  
12                         are customarily heard on a full-time basis;
- 13                         (B) Responsible for hearing most of the probate proceedings filed in a court  
14                         that does not have a dedicated probate department; or
- 15                         (C) Responsible for hearing probate proceedings on a regular basis in a  
16                         department in a branch or other location remote from the main or  
17                         central courthouse, whether or not he or she the judicial officer also  
18                         hears other kinds of matters in that department and whether or not there  
19                         is a dedicated probate department in the main or central courthouse; or
- 20                         (D) Designated by the presiding judge of a court with four or fewer  
21                         authorized judges.

22                         (6) "CJER" is the Judicial Council's Center for Judicial Education and Research.

23                         (7) "CJA" is the California Judges Association.

24                         **(b) Content-based requirements**

- 25                         (1) Each judicial officers beginning a regular assignment to hear probate  
26                         proceedings after the effective date of this rule-, unless he or she is they are  
27                         returning to this assignment after less than two years in another assignment-,  
28                         must complete, as soon as possible but not to exceed six months from the  
29                         assignment's commencement date, 6 six hours of education on probate

1                   guardianships and conservatorships, including court-supervised fiduciary  
2                   accounting, within one year of starting the assignment.

- 3
- 4                   (2) The education required in (1) is in addition to the New Judge Orientation  
5                   program for new judicial officers and the B. E. Witkin Judicial College  
6                   required under rule 10.462(e)(1)(A) and (C) and may be applied toward  
7                   satisfaction of the 30 hours-based of continuing education expected of judges  
8                   and required of subordinate judicial officers under rule 10.462(d).
- 9
- 10                  (3) The education required in (1) must be provided by CJER, CJA, or the judicial  
11                  officer's court. CJER is responsible for identifying content for this education  
12                  and will share the identified content with CJA and the courts the Center for  
13                  Judicial Education and Research (CJER), an approved provider under rule  
14                  10.481(a), or education approved by the judicial officer's presiding judge as  
15                  meeting the education criteria specified in rule 10.481(b).
- 16
- 17                  (4) The education required in (1) may be by traditional (face to face) instructor-  
18                  led (live remote or in-person), asynchronous (such as videos and eLearning),  
19                  or self-directed study or distance learning means, such as broadcasts,  
20                  videoconferences, or online coursework, but may not be by self-study.
- 21
- 22

23                  (c) **Hours-based continuing education**

24

- 25                  (1) In a court with five or more authorized judges, each judicial officers regularly  
26                  assigned to hear probate proceedings must complete 18 12 hours of  
27                  continuing education every three years three-year education cycle, with a  
28                  minimum of six hours required in the first year, on probate guardianships and  
29                  conservatorships, including court-supervised fiduciary accounting. The three-  
30                  year period begins on January 1 of the year following the judicial officer's  
31                  completion of the education required in (b)(1) or, if he or she is exempt from  
32                  that education, on January 1 of the year the assignment commenced after the  
33                  effective date of this rule.
- 34
- 35                  (2) In a court with four or fewer authorized judges, each judicial officers  
36                  regularly assigned to hear probate proceedings must complete nine hours of  
37                  continuing education every three years three-year education cycle, with a  
38                  minimum of three hours per year, on probate guardianships and  
39                  conservatorships, including court-supervised fiduciary accounting. The three-  
40                  year period begins on begins on January 1 of the year following the judicial  
41                  officer's completion of the education required in (b)(1) or, if he or she is  
42                  exempt from that education, on January 1 of the year the assignment  
43                  commenced after the effective date of this rule.

1  
2       (3) ~~The first continuing education period for judicial officers who were regularly~~  
3       ~~assigned to hear probate proceedings before the effective date of this rule and~~  
4       ~~who continue in the assignment after that date is two years, from January 1,~~  
5       ~~2008, through December 31, 2009, rather than three years. The continuing~~  
6       ~~education requirements in (1) are prorated for the first continuing education~~  
7       ~~period under this paragraph. The first full three year period of continuing~~  
8       ~~education for judicial officers under this paragraph begins on January 1,~~  
9       ~~2010. The three-year education cycle begins on and runs concurrently with~~  
10      ~~the dates specified in rule 10.462(d)(1).~~

11  
12      (4)–(5) \*\*\*

13  
14      (6) A Judicial officers may fulfill the education requirement in (1) or (2) through  
15       council-sponsored education, an approved provider (see under rule  
16       10.481(a)), or education approved by the judicial officer's presiding judge as  
17       meeting the education criteria specified in rule 10.481(b).

18  
19      (7) The education required in (1) or (2) may be ~~by traditional (face to face)~~  
20       ~~instructor-led (live remote or in-person), asynchronous (such as videos and~~  
21       ~~eLearning), or self-directed study broadcasts, videoconferences, or online~~  
22       ~~coursework, but may not be by self study.~~

23  
24      (d)–(e) \*\*\*

25  
26      **Rule 10.469. Judicial Education recommendations for justices, judges, and**  
27      **subordinate judicial officers**

28  
29      **(a) Judicial education recommendations generally**

30       Each Justices, judges, and subordinate judicial officers, as part of ~~his or her~~ their  
31       continuing judicial education, should regularly participate in educational activities  
32       related to ~~his or her~~ their responsibilities and particular judicial assignment or  
33       assignments. Minimum education requirements and expectations related to judicial  
34       responsibilities and assignments are set forth stated in rules 10.461–10.462.

35       Additional education requirements related to specific responsibilities are set forth  
36       stated in rule 10.463 (for those hearing family law matters), rule 10.464 (for those  
37       hearing domestic violence issues), and rule 10.468 (for those hearing probate  
38       proceedings). The following recommendations illustrate for some specific  
39       responsibilities and assignments how justices, judges, and subordinate judicial  
40       officers should participate in more judicial education than is required and expected.

1       **(b) Jury trial assignment**

2  
3       Each Judges or subordinate judicial officers assigned to jury trials should regularly  
4       use refer to the Judicial Council CJER educational materials or other appropriate  
5       educational materials and should regularly complete CJER or other appropriate  
6       educational programs devoted to the conduct of jury voir dire and the treatment of  
7       jurors.

8  
9       **(c) Hearing of juvenile dependency matters**

10  
11      Each Judges or subordinate judicial officers who hears juvenile dependency  
12      matters, including retired judges who sit on court assignment, should regularly use  
13      refer to appropriate educational materials and should annually complete appropriate  
14      education programs on juvenile dependency law and procedure, consistent with the  
15      requirements in Welfare and Institutions Code section 304.7.

16  
17      **(d) Capital case assignment**

18  
19      Each Judges assigned to hear a capital case should complete, before the  
20      commencement of the trial, a comprehensive education program on California law  
21      and procedure relevant to capital cases provided by CJER the Center for Judicial  
22      Education and Research (CJER). A judge with a subsequent assignment to a capital  
23      case should complete a periodic update course within two years before the  
24      commencement of the trial. The periodic update may be provided through actual  
25      classroom instruction or through video, audio, or any other media as determined by  
26      CJER.

27  
28      **(e) Fairness and access education**

- 29  
30      (1) In order to achieve the objective of assisting judicial officers in preserving  
31      the integrity and impartiality of the judicial system through the prevention of  
32      bias, each justice, judge, and subordinate judicial officer should regularly  
33      participate in education on fairness and access. The education should include  
34      the following subjects: race and ethnicity; gender; sexual orientation; and  
35      persons with disabilities; persons with limited economic means; and persons  
36      without stable housing.
- 37  
38      (2) Each justice, judge, and subordinate judicial officer must participate in  
39      education on unconscious bias, as well as the prevention of harassment,  
40      discrimination, retaliation, and inappropriate workplace conduct. This  
41      education must be taken at least once every three-year continuing education  
42      period cycle as determined by rules 10.461(c)(1) and 10.462(d).

1  
2     **Rule 10.471. Minimum education requirements for Supreme Court and Court of**  
3         **Appeal ~~clerks/executive clerk~~/executive officers**

4  
5     (a) \*\*\*

6  
7     (b) **Hours-based requirement**

8  
9         (1) ~~Each clerk/executive Clerk/executive officers~~ must complete 30 hours of  
10         continuing education every three years beginning on the following dates:

11  
12             (A) For ~~a new~~ clerk/executive officers, the first three-year ~~period cycle~~  
13             begins on January 1 of the year following ~~his or her~~ their hire.

14  
15             (B) For all other ~~clerks/executive clerk~~/executive officers, the first three-  
16             year ~~period cycle~~ begins on January 1, 2008.

17  
18         (2) The following education applies toward the required 30 hours of continuing  
19         education:

20  
21             (A) Any education offered by an approved provider (see under rule  
22             10.481(a)) and any other education, ~~including education taken to satisfy~~  
23             ~~a statutory or other education requirement~~, approved by the Chief  
24             Justice or the administrative presiding justice as meeting the criteria  
25             listed in rule 10.481(b).

26  
27             (B) Each hour of participation in ~~traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; faculty service; education by an approved provider under rule 10.481, including education that is instructor-led (live remote or in-person), asynchronous (such as videos and eLearning), and self-directed study,~~ counts toward the continuing education requirement on an hour-for-hour basis. ~~Each clerk/executive officer must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The clerk/executive officer 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 Chief Justice or the administrative presiding justice has discretion to determine the number of hours, if any, of instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~

- (C) A clerk/executive officer who serves as faculty by teaching legal or judicial education to a legal or judicial audience may apply education hours as faculty service. There is no restriction on the number or percentage of hours that a clerk/executive officer may claim as faculty service. Credit for faculty service counts toward the continuing education requirement on an hour-for-hour basis in the same manner as all other types of education—on an hour-for-hour basis.

**(c) Extension of time**

- (1) Upon request and for good cause, the Chief Justice or the administrative presiding justice may grant a one-year extension of time a clerk/executive officer an extension of time, up to one year, to complete the education requirements in (b).
  - (2) If the Chief Justice or the administrative presiding justice grants a request for an extension of time, the Chief Justice or the administrative presiding justice and the clerk/executive officer, in consultation with the Chief Justice or the administrative presiding justice, must also pursue interim means of obtaining relevant educational content.

**(d) Record of participation; statement of completion**

Each Clerk/executive officers is are responsible for:

- (1) Tracking ~~his or her~~ their own participation in education and keeping a record of participation for three years after each course or activity that is applied toward the requirements;
  - (2) At the end of each year, giving the Chief Justice or the administrative presiding justice a copy of ~~his or her~~ their record of participation in education for that year; and
  - (3) At the end of each three-year period, giving the Chief Justice or the administrative presiding justice a signed statement of completion for that three-year period.

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

1       (a) \*\*\*

2

3       **(b) Content-based requirements**

4

5           (1) Each new managing attorney or supervisor must complete orientation courses  
6           within ~~six months~~ one year of becoming a managing attorney or supervisor,  
7           unless the individual's supervisor determines that the new managing attorney  
8           or supervisor has already completed these orientation courses or courses  
9           covering equivalent content. The courses must include orientation about:

- 10
- 11              (A) The judicial branch of California;  
12  
13              (B) The local court; and  
14  
15              (C) Basic management and supervision.

16

17           (2) Each new court employee who is not a managing attorney or supervisor must  
18           complete orientation courses within ~~six months~~ one year of becoming a court  
19           employee, unless the employee's supervisor determines that the new court  
20           employee has already completed these orientation courses or courses  
21           covering equivalent content. The courses must include orientation about:

- 22
- 23              (A) The judicial branch of California;  
24  
25              (B) The local court;  
26  
27              (C) Basic employee issues, such as sexual harassment and safety; and  
28  
29              (D) The employee's specific job.

30

31           (3) \*\*\*

32

33        **(c) Hours-based requirements**

34

35           (1)-(2) \*\*\*

36

37           (3) The ~~first~~ two-year period education cycle for all managing attorneys,  
38           supervisors, and other personnel begins on January 1, ~~2008~~ of each even-  
39           numbered year. The orientation education required for new managing  
40           attorneys, supervisors, and other personnel under (b) ~~does not apply~~ applies  
41           toward the required hours of continuing education ~~because it must be~~  
42           ~~completed before they enter the two-year period. Each~~ New managing  
43           attorneys~~s~~, supervisors~~s~~, or employees~~s~~ enters the two-year continuing education

1           period cycle on the first day of the quarter following his or her completion of  
2           the orientation education required under (b); the quarters begin on January 1,  
3           April 1, July 1, and October 1. Each managing attorney, supervisor, or  
4           employee who enters the two-year continuing education period after it has  
5           begun their first day of employment and must complete a prorated number of  
6           continuing education hours for that two-year period education cycle, based on  
7           the number of quarters remaining in it.

- 8
- 9           (4) Any education offered by an approved provider (see under rule 10.481(a))  
10          and any other education, including education taken to satisfy a statutory,  
11          rules-based, or other education requirement, that is approved by the  
12          clerk/executive officer, the managing attorney, or the employee's supervisor  
13          as meeting the criteria listed in rule 10.481(b) applies toward the orientation  
14          education required under (b) and the continuing education required under  
15          (c)(1) and (2).
- 16
- 17          (5) Each hour of participation in traditional (live, face to face) education;  
18          distance education such as broadcasts, videoconferences, online coursework;  
19          and faculty service education by an approved provider under rule 10.481,  
20          including education that is instructor-led (live remote or in-person),  
21          asynchronous (such as videos and eLearning), and self-directed study  
22          approved in advance by the supervisor of the managing attorney, supervisor,  
23          appellate judicial attorney, or other employee, counts toward the continuing  
24          education requirement on an hour-for-hour basis. Each managing attorney,  
25          supervisor, and other employee must complete at least half of his or her  
26          continuing education hours requirement as a participant in traditional (live,  
27          face to face) education. The managing attorney, supervisor, or other  
28          employee may complete the balance of his or her education hours  
29          requirement through any other means with no limitation on any particular  
30          type of education. Self-directed study is encouraged for professional  
31          development but does not apply toward the required hours. The  
32          administrative presiding justice or the clerk/executive officer has discretion to  
33          determine the number of hours, if any, of instructor-led (live remote or in-  
34          person) education required to meet the continuing education requirement.
- 35
- 36          (6) A managing attorney, supervisor, appellate judicial attorney, or other  
37          employee who serves as faculty by teaching legal or judicial education for a  
38          legal or judicial audience may apply education hours for the faculty service.  
39          There is no restriction on the number or percentage of hours that a managing  
40          attorney, supervisor, appellate judicial attorney, or other employee may claim  
41          as faculty service. Credit for faculty service counts toward the continuing  
42          education requirement on an hour-for-hour basis in the same manner as all  
43          other types of education—on an hour for hour basis.

- (7) The administrative presiding justice or the clerk/executive officer, the managing attorney, or the employee's supervisor may require supervisors and other court personnel to participate in specific courses or to participate in education in a specific subject matter area as part of their continuing education.

**(d) Extension of time**

- (1) Upon request and for good cause, the administrative presiding justice, a justice (for that justice's chambers staff), the managing attorney, or the clerk/executive officer, or a supervisor, if delegated by the clerk/executive officer, or the employee's supervisor may grant a six month extension of time an extension, up to one year, to complete the education requirements in this rule.
  - (2) If the administrative presiding justice, the justice, managing attorney, or the clerk/executive officer or supervisor grants a request for an extension of time, the administrative presiding justice, the justice, or the clerk/executive officer and the managing attorney, supervisor, or employee who made the request, in consultation with the justice, managing attorney, clerk/executive officer, or supervisor, must also pursue interim means of obtaining relevant educational content.
  - (3) An extension of time to complete the hours-based requirement does not affect the timing of the next two-year period education cycle.

**(e) Records of participation**

- (1) \*\*\*

(2) Each Managing attorneys, supervisors, and employees must keep records of his or her their own participation for two years after each course or activity that is applied toward the requirements.

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

(a) \*\*\*

**(b) Content-based requirement**

- 1           (1) ~~Each New executive officers must complete the Presiding Judges Orientation~~  
2           ~~and Court Management Program presiding judge and court executive officer~~  
3           ~~orientation program~~ provided by the Judicial Council's Center for Judiciary  
4           Education and Research (CJER) within one year of becoming an executive  
5           officer and should participate in additional education during the first year.  
6
- 7           (2) ~~Each Executive officers should participate in CJER's Presiding Judges~~  
8           ~~Orientation and Court Management Program presiding judge and court~~  
9           ~~executive officer orientation program~~ each time a new presiding judge from  
10          ~~his or her their~~ court participates in the course and each time the executive  
11          officer becomes the executive officer in a different court.  
12

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

- 15           (1) \*\*\*  
16
- 17           (2) For a new executive officer, the first three-year ~~period education cycle~~ begins  
18          on January 1 of the year following ~~the period provided for~~ completion of the  
19          required education for new executive officers.  
20
- 21           (3) The following education applies toward the required 30 hours of continuing  
22          education:  
23
- 24           (A) Any education offered by an approved provider (see ~~under rule~~  
25           ~~10.481(a)) and any other education, including education taken to satisfy~~  
26           ~~a statutory or other education requirement~~, approved by the presiding  
27           judge as meeting the criteria listed in rule 10.481(b)).  
28
- 29           (B) Each hour of participation in ~~traditional (live, face to face) education; distancee education such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service education by an approved provider under rule 10.481, including education that is instructor-led (live remote or in-person), asynchronous (such as videos and eLearning), and self-directed study, counts toward the continuing education requirement on an hour-for-hour basis.~~ The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
30           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
31           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
32           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
33           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
34           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
35           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
36           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
37           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
38           The presiding judge has discretion to determine the number of hours, if any, of ~~traditional (live, face to face) instructor-led (live remote or in-person) education required to meet the continuing education requirement.~~  
39
- 40           (C) A court executive officer who serves as faculty by teaching legal or  
41          judicial education to a legal or judicial audience may apply education  
42          hours as faculty service. ~~There is no restriction on the number or percentage of hours that a court executive officer may claim as faculty~~

1                   service. Credit for faculty service counts toward the continuing  
2                   education requirement on an hour-for-hour basis in the same manner as  
3                   all other types of education—on an hour-for-hour basis.

4

5                   **(d) Extension of time**

- 6
- 7                   (1) Upon request and for good cause, a presiding judge may grant ~~a one year~~  
8                   extension of time an extension, up to one year, to complete the education  
9                   requirements in ~~(b)~~ and ~~(e)~~ this rule.
- 10
- 11                  (2) If the presiding judge grants a request for an extension of time, ~~the presiding~~  
12                  judge and the executive officer, ~~in consultation with the presiding judge~~, must  
13                  also pursue interim means of obtaining relevant educational content.
- 14
- 15                  (3) \*\*\*

16

17                  **(e) Record of participation; statement of completion**

- 18
- 19                  Each Executive officers ~~is~~ are responsible for:
- 20
- 21                  (1) Tracking ~~his or her~~ their own participation in education and keeping a record  
22                  of participation for three years after each course or activity that is applied  
23                  toward the requirements;
- 24
- 25                  (2) At the end of each year, giving the presiding judge a copy of ~~his or her~~ their  
26                  record of participation in education for that year; and
- 27
- 28                  (3) \*\*\*

29

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

31

32                  **(a) \*\*\***

33

34                  **(b) Content-based requirements**

- 35
- 36                  (1) Each new manager or supervisor must complete orientation courses within  
37                  six months one year of becoming a manager or supervisor, unless the court's  
38                  executive officer determines that the new manager or supervisor has already  
39                  completed these orientation courses or courses covering equivalent content.  
40                  The courses must include orientation about:  
41
- 42                  (A) The judicial branch of California;

- 1  
2       (B) The local court; and  
3  
4       (C) Basic management and supervision.  
5  
6       (2) Each new court employee who is not a manager or supervisor must complete  
7 orientation courses within ~~six months~~ one year of becoming a court  
8 employee, unless the employee's supervisor determines that the new court  
9 employee has already completed these orientation courses or courses  
10 covering equivalent content. The courses must include orientation about:  
11  
12       (A) The judicial branch of California;  
13  
14       (B) The local court; ~~and~~  
15  
16       (C) Basic employee issues, such as sexual harassment and safety; and  
17  
18       (D) The employee's specific job.  
19  
20       (3) \*\*\*  
21  
22       (c) **Hours-based requirements**  
23  
24       (1)-(2) \*\*\*  
25  
26       (3) ~~The two-year cycle for all managers, supervisors, and other personnel begins  
27 on January 1 of each odd-numbered year. The orientation education required  
28 for new managers, supervisors, and other personnel under (b) does not apply  
29 applies toward the required hours of continuing education because it must be  
30 completed before they enter the two-year period. Each new manager,  
31 supervisor, or employee enters the two-year continuing education period on  
32 the first day of the quarter following his or her completion of the orientation  
33 education required under (b); the quarters begin on January 1, April 1, July 1,  
34 and October 1. Each manager, supervisor, or employee who enters the two-  
35 year continuing education period after it has begun New managers,  
36 supervisors, or employees enter the two-year continuing education cycle on  
37 their first day of employment and must complete a prorated number of  
38 continuing education hours for that two-year education cycle period, based on  
39 the number of quarters remaining in it.~~  
40  
41       (4) Any education offered by an approved provider (see under rule 10.481(a))  
42 and any other education, ~~including education taken to satisfy a statutory,~~  
43 ~~rules-based, or other education requirement~~, that is approved by the executive

1 officer or the employee's supervisor as meeting the criteria listed in rule  
2 10.481(b) applies toward the orientation education required under (b) and the  
3 continuing education required under (c)(1) and (2) this rule.

- 4
- 5 (5) Each hour of participation in traditional (live, face-to-face) education;  
6 distance education such as broadcasts, videoconferences, online coursework;  
7 and faculty service education by an approved provider under rule 10.481,  
8 including education that is instructor-led (live remote or in-person),  
9 asynchronous (such as videos and eLearning), and self-directed study  
10 approved in advance by the direct supervisor of the manager, supervisor, or  
11 court employee, counts toward the continuing education requirement on an  
12 hour-for-hour basis. The court executive officer has discretion to determine  
13 the number of hours, if any, of traditional (live, face-to-face) instructor-led  
14 (live remote or in-person) education required to meet the continuing  
15 education requirement. Self-directed study is encouraged for professional  
16 development but does not apply toward the required hours.
- 17
- 18 (6) A manager, supervisor, or employee who serves as faculty by teaching legal  
19 or judicial education to a legal or judicial audience may apply education  
20 hours as faculty service. There is no restriction on the number or percentage  
21 of hours that a manager, supervisor, or employee may claim as faculty  
22 service. Credit for faculty service counts toward the continuing education  
23 requirement on an hour-for-hour basis in the same manner as all other types  
24 of education—on an hour-for-hour basis.
- 25
- 26 (7) The court executive officer may require managers, supervisors, and other  
27 court personnel to participate in specific courses or to participate in education  
28 in a specific subject matter area as part of their continuing education.
- 29

30 (d) Extension of time

- 31
- 32 (1) Upon request and for good cause, the executive officer may grant a one-year  
33 extension of time an extension, up to one year, to complete the education  
34 requirements in this rule. If an extension is granted, the subsequent two-year  
35 compliance period begins immediately after the extended compliance period  
36 ends, unless otherwise determined by the executive officer.
- 37
- 38 (2) If the executive officer grants a request for an extension of time, the  
39 executive officer and the manager, supervisor, or employee who made the  
40 request, in consultation with the executive officer, must also pursue interim  
41 means of obtaining relevant educational content.
- 42

1                   (3) An extension of time to complete the hours-based requirement does not affect  
2                   the timing of the next two-year education cycle.

3

4                   **(e) Records of participation**

5

6                   (1) \*\*\*

7

8                   (2) ~~Each Managers, supervisors, and employees must keep records of his or her~~  
9                   ~~their own participation for two years after each course or activity that is~~  
10                  ~~applied toward the requirements.~~

11

12

13                  **Rule 10.478. Content-based and hours-based education for court investigators,  
14                  probate attorneys, and probate examiners**

15

16                  **(a) Definitions**

17

18                  As used in this rule, the following terms have the meanings specified below, unless  
19                  the context or subject matter otherwise require:

20

21                  (1)–(4) \*\*\*

22

23                  (5) “CJER” is the Judicial Council’s Center for Judicial Education and Research.

24

25                  **(b) Content-based requirements for court investigators**

26

27                  (1) ~~Each Court investigators must complete 18 12 hours of education within one~~  
28                  ~~year of his or her their start date after January 1, 2008 the effective date of~~  
29                  ~~this rule.~~ The education must include the following general topics:

30

31                  (A)–(F) \*\*\*

32

33                  (2)–(3) \*\*\*

34

35                  (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~  
36                  ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~  
37                  ~~but may not be by self-study. Each hour of participation in education by an~~  
38                  ~~approved provider under rule 10.481, including education that is instructor-~~  
39                  ~~led (live remote or in-person), asynchronous (such as videos and eLearning),~~  
40                  ~~and self-directed study approved in advance by the court executive officer or~~  
41                  ~~the court investigator’s supervisor, counts toward the continuing education~~  
42                  ~~requirement in (1) on an hour-for-hour basis.~~

1       (c) Content-based education for probate attorneys

2  
3       (1) ~~Each Probate attorneys must complete 48~~ 12 hours of education within six  
4       months of ~~his or her~~ their start date after January 1, 2008, in probate-related  
5       topics, including guardianships, conservatorships, and court-supervised  
6       fiduciary accounting.

7  
8       (2)–(3) \*\*\*

9  
10      (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~  
11       ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~  
12       ~~but may not be by self-study. Each hour of participation in education by an~~  
13       ~~approved provider under rule 10.481, including education that is instructor-~~  
14       ~~led (live remote or in-person), asynchronous (such as videos and eLearning),~~  
15       ~~and self-directed study approved in advance by the court executive officer or~~  
16       ~~the probate attorney's supervisor, counts toward the continuing education~~  
17       ~~requirement in (1) on an hour-for-hour basis.~~

18  
19       (d) Content-based education for probate examiners

20  
21      (1) ~~Each Probate examiners must complete 30~~ 20 hours of education within one  
22       year of ~~his or her~~ their start date after January 1, 2008, in probate-related  
23       topics, of which ~~48~~ 12 hours must be in guardianships and conservatorships,  
24       including court-appointed fiduciary accounting.

25  
26       (2)–(3) \*\*\*

27  
28      (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~  
29       ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~  
30       ~~but may not be by self-study. Each hour of participation in education by an~~  
31       ~~approved provider under rule 10.481, including education that is instructor-~~  
32       ~~led (live remote or in-person), asynchronous (such as videos and eLearning),~~  
33       ~~and self-directed study approved in advance by the court executive officer or~~  
34       ~~the probate examiner's supervisor, counts toward the continuing education~~  
35       ~~requirement in (1) on an hour-for-hour basis.~~

36  
37       (e) Hours-based education for court investigators

38  
39      (1) Each court investigator must complete 12 hours of continuing education on  
40       some or all of the general topics listed in (b)(1) each ~~calendar year~~ two-year  
41       ~~education cycle. For court investigators employed by or performing services~~  
42       ~~under contract with the court before the effective date of this rule, the first~~  
43       ~~calendar year the education is required begins on January 1, 2008. For court~~

1           investigators who begin their employment or performance of services under  
2           contract with the court after the effective date of this rule, the first year this  
3           education is required begins on January 1 of the year immediately following  
4           completion of the education required in (b). The education cycle is  
5           determined in the same manner as in rule 10.474(c)(3).

6  
7           (2)–(3) \*\*\*

8  
9           (4) The education required in (1) may be by traditional (face-to-face) or distance-  
10          learning means, such as broadcasts, videoconferences, or on-line coursework,  
11          but may not be by self-study. Each hour of participation in education by an  
12          approved provider under rule 10.481, including education that is instructor-  
13          led (live remote or in-person), asynchronous (such as videos and eLearning),  
14          and self-directed study approved in advance by the court executive officer or  
15          the court investigator's supervisor, counts toward the continuing education  
16          requirement in (1) on an hour-for-hour basis.

17  
18        (f) **Hours-based education for probate attorneys**

19  
20          (1) Each probate attorney must complete 12 hours of continuing education each  
21          calendar year two-year education cycle in probate-related subjects, of which  
22          six hours per year must be in guardianships and conservatorships, including  
23          court-supervised fiduciary accounting. For probate attorneys employed by or  
24          performing services under contract with the court before the effective date of  
25          this rule, the first calendar year the education is required begins on January 1,  
26          2008. For probate attorneys who begin their employment with the court after  
27          the effective date of this rule, the first year this education is required begins  
28          on January 1 of the year immediately following completion of the education  
29          required in (e). The education cycle is determined in the same manner as in  
30          rule 10.474(c)(3).

31  
32          (2)–(3) \*\*\*

33  
34          (4) The education required in (1) may be by traditional (face-to-face) or distance-  
35          learning means, such as broadcasts, videoconferences, or on-line coursework,  
36          but may not be by self-study. Each hour of participation in education by an  
37          approved provider under rule 10.481, including education that is instructor-  
38          led (live remote or in-person), asynchronous (such as videos and eLearning),  
39          and self-directed study approved in advance by the court executive officer or  
40          the probate attorney's supervisor, counts toward the continuing education  
41          requirement in (1) on an hour-for-hour basis.

1       (g) Hours-based education for probate examiners

2  
3       (1) Each probate examiner must complete 12 hours of continuing education each  
4       calendar year two-year education cycle in probate-related subjects, of which  
5       six hours per year must be in guardianships and conservatorships, including  
6       court-appointed fiduciary accounting. ~~For probate examiners employed by~~  
7       ~~the court before the effective date of this rule, the first calendar year the~~  
8       ~~education is required begins on January 1, 2008. For probate examiners who~~  
9       ~~begin their employment with the court after the effective date of this rule, the~~  
10      ~~first year this education is required begins on January 1 of the year~~  
11      ~~immediately following completion of the education required in (d). The~~  
12      education cycle is determined in the same manner as in rule 10.474(c)(3).

13  
14      (2)–(3) \*\*\*

15  
16      (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~  
17      ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~  
18      ~~but may not be by self study. Each hour of participation in education by an~~  
19      ~~approved provider under rule 10.481, including education that is instructor-~~  
20      ~~led (live remote or in-person), asynchronous (such as videos and eLearning),~~  
21      ~~and self-directed study approved in advance by the court executive officer or~~  
22      ~~the probate examiner's supervisor, counts toward the continuing education~~  
23      ~~requirement in (1) on an hour-for-hour basis.~~

24  
25      (h)–(i) \*\*\*

26  
27      Rule 10.479. Education recommendations for appellate and trial court personnel

28       (a) Education recommendations generally

29  
30       Each Appellate and trial court executive or administrative officers, managers,  
31       supervisors, and other employees, as part of ~~his or her~~ their continuing education,  
32       should regularly participate in educational activities related to ~~his or her~~ their  
33       responsibilities. Minimum education requirements for court personnel are set forth  
34       stated in rules 10.471–10.474. The following recommendations illustrate for some  
35       specific responsibilities how executive and administrative officers, managers,  
36       supervisors, and other personnel should participate in more education than is  
37       required for some specific responsibilities.

38  
39       (b) Education on treatment of jurors

1       The presiding judge of each trial court should ensure that all court executives and  
2       all court employees who interact with jurors are properly trained in the appropriate  
3       treatment of jurors. Court executives and jury staff employees should regularly ~~use~~  
4       refer to CJER educational materials or other appropriate educational materials and  
5       should regularly participate in complete CJER programs or other appropriate  
6       educational programs devoted to the treatment of jurors.

7

8       **(c) Fairness and access education**

9

10      In order to achieve the objective of assisting court employees in preserving the  
11       integrity and impartiality of the judicial system through the prevention of bias, all  
12       court ~~personnel~~ executives and all court employees should regularly participate in  
13       education on fairness and access. The education should include instruction on the  
14       following subjects: race and ethnicity; gender; sexual orientation; persons with  
15       disabilities; and sexual harassment; persons with limited economic means; and  
16       persons without stable housing.

17

18       **(d) Education on quality service to court users**

19

20       All court employees who regularly interact with members of the public should  
21       regularly participate in education covering appropriate skills and conduct for  
22       working with court ~~customers~~ users offered locally or by the Judicial Council  
23       through CJER.

24

25

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

27

28       **(a) Approved providers**

29

30       The Judicial Council's Center for Judicial Education and Research (CJER) is  
31       responsible for maintaining a current list of approved providers. The list of  
32       approved providers must include the Judicial Council, the California Judges  
33       Association, and all California state courts. The list ~~and~~ should also include other  
34       reputable national and state organizations that regularly offer education directed to  
35       justices, judges, and court personnel. The director of CJER may add or remove  
36       organizations from the list of approved providers as appropriate according to these  
37       the criteria contained in (b). Any education program offered by any of the approved  
38       providers that is relevant to the work of the courts or enhances the individual  
39       participant's participants' ability to perform his or her their jobs may be applied  
40       toward the education requirements and expectations stated in rules 10.461–10.479,  
41       except for the requirements stated in the rules 10.461(b), 10.462(e), and 10.473(b),  
42       for that require a specific provider or providers are required.

**(b) Approved education criteria**

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

(1) The education must meet the following ~~three~~ two criteria:

(A) The subject matter is relevant to the work of the courts or the judicial branch; and

(B) The education is at least one hour in length; and

(C)(B) Anticipated learning outcomes (how new knowledge, skills, or abilities will be applied, demonstrated, or used) are identified prior to the education work.

(2) The education must also meet at least two of the following five criteria:

(A)-(D) \*\*\*

(E) An assessment tool or activity (such as the development of an action plan to apply the newly gained knowledge or skill) enables the participants to determine whether the skills, abilities, or knowledge gained through the education can be used in the future in ~~his or her~~ their work.

## **Advisory Committee Comment**

**Subdivision (b).** The director of CJER or their designee is available to assist those authorized to approve a request to apply education offered by a non-approved provider in determining whether the education meets the listed criteria.

1      **Rule 10.491. Minimum education requirements for Judicial Council employees**

2      **(a) \*\*\***

5      **(b) Education requirements for new employees and new managers and  
6      supervisors**

8      (1) Each new employee with supervisory or management responsibilities must  
9      complete the new manager/supervisor orientation within six months of being  
10     hired or appointed ~~or as soon as possible after being hired or appointed~~.

12     (2) Each new employee, including those with supervisory or management  
13     responsibilities, must complete the new employee orientation within six  
14     months of being hired ~~or as soon as possible after being hired~~.

16     (3) For good cause, the Administrative Director or the employee's office director  
17     may grant an extension, up to six months, to complete the education  
18     requirements in (1) and (2).

20     (3)(4) Completion of the orientation courses counts toward the education hours  
21     requirement in (c).

23      **(c) Continuing education requirements**

25     (1)–(2) \*\*\*

27     (3) The Administrative Director may require management or employees to  
28     complete specific compliance courses ~~or specific courses for management~~.  
29     This compliance education applies toward the continuing education  
30     requirement in (c)(1) on an hour-for-hour basis.

32     (4) \*\*\*

34     (5) Continuing education may be live (face to face) or distance education, such  
35     as webinars, videoconferencing, online courses, and broadcasts. Each hour of  
36     participation in education by an approved provider under rule 10.481,  
37     including education that is instructor-led (live remote or in-person),  
38     asynchronous (such as videos and eLearning), and self-directed study  
39     approved in advance by an employee's supervisor, counts toward the  
40     continuing education requirement on an hour-for-hour basis.

42     (6) \*\*\*

**1**  
**2    Rule 10.493. Instructor-led training [Repealed]**

#### 4 (a) **Definition**

6        “Instructor-led training” means synchronous education, guided by faculty, that  
7        allows for real-time communication between faculty and participants and is offered  
8        by an approved provider under rule 10.481. Examples of instructor-led training  
9        include in-person trainings in a classroom setting, live webinars, and live  
10      videoconferences.

## **(b) Application**

Notwithstanding any other rule, instructor-led training may be used to satisfy all continuing education requirements specified in the California Rules of Court that require traditional (live, face-to-face) education. This provision applies whether the requirement relates to a specific course or to a certain percentage or number of hours of education.

### ~~Advisory Committee Comment~~

This rule is intended to eliminate within the California Rules of Court any restriction that requires that a specific course or a certain number or percentage of hours of education be taken in a traditional (live, face to face) learning environment. This rule applies whether the education is described as “traditional (live, face to face),” “live (face to face),” “in person,” or any combination of these terms.