



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-129*

For business meeting on September 19, 2023

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**Title**

Judicial Branch Education: Delivery  
Methods Defined

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2024

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 10.493

**Date of Report**

July 13, 2023

**Recommended by**

Center for Judicial Education and Research  
Advisory Committee  
Hon. Darrell S. Mavis, Chair

**Contact**

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### Executive Summary

The Center for Judicial Education and Research Advisory Committee recommends amending rule 10.493 of the California Rules of Court to provide extended definitions to terms used in a slate of education rule amendments adopted by the Judicial Council effective January 1, 2023. This proposal is based on public comments received in 2022 on that slate of amendments.

### Recommendation

The Center for Judicial Education and Research Advisory Committee recommends that the Judicial Council amend rule 10.493 of the California Rules of Court, effective January 1, 2024, to include modified and additional definitions of the following available education delivery methods: instructor-led training, asynchronous education, e-Learning, and self-directed study.

The proposed amended rule is attached at pages 4–5.

### Relevant Previous Council Action

The Judicial Council approved a comprehensive set of rule amendments on judicial branch education effective January 1, 2023. The amendments, among other things, updated and modernized the judicial branch education rules to reflect new education delivery methods and

terminology. During the public comment period, the Center for Judicial Education and Research (CJER) Advisory Committee received feedback indicating that extended definitions for certain terms in the amended rules would be helpful to judicial officers and judicial branch staff.

### **Analysis/Rationale**

The CJER Advisory Committee recommends amending rule 10.493 to respond to suggestions raised during the public comment period for the slate of education rule amendments adopted by the Judicial Council effective January 1, 2023. The committee recognizes the need to provide clarification of adult education terms, used in the recently amended rules, that may not be self-explanatory or unambiguous to all judicial officers or judicial branch staff members. By clarifying the terms, the committee hopes to raise awareness of the broad array of convenient education options available to judicial officers and judicial branch staff to meet their continuing education obligations.

An amendment to a rule of court is necessary in this instance because the terms defined in the proposal are already in use in several other rules of court pertaining to the continuing education requirements of judicial officers and judicial branch personnel.

### **Policy implications**

There are no direct policy implications. These definitions will help judicial officers and court staff better understand the rules adopted effective January 1, 2023. These amendments are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III).

### **Comments**

This proposal circulated for public comment from April 6 through May 12, 2023, as part of the regular spring comment cycle. Two comments were received both of which agreed with the proposal. A chart with the full text of the comments and the committee responses is at page 6.

This proposal generated no significant points of discussion or divergence of opinion within the CJER Advisory Committee membership.

### **Alternatives considered**

In deciding to make this proposed amendment, the CJER Advisory Committee considered alternatives, including repealing rule 10.493 in its entirety as no longer necessary. Alternatively, the committee considered leaving the rule as it currently stands, without modification. However, neither option addressed the public comment requests for additional clarification of the specific terms adopted by the Judicial Council in 2022.

The CJER Advisory Committee also considered adding the definitions to each rule that contained the terms. Doing so would have also allowed the removal of parenthetical examples given for certain delivery methods in several rules of court. The committee concluded, however, that removing the parenthetical examples in the current rules or adding language to each rule

would make the education requirements more difficult to understand and needlessly cumbersome.

The CJER Advisory Committee ultimately concluded that it should recommend amending rule 10.493 as requested during the 2022 public comment period.

### **Fiscal and Operational Impacts**

This proposal will result in no fiscal or operational costs to the courts or the Judicial Council.

### **Attachments and Links**

1. Proposed Cal. Rules of Court, rule 10.493, at pages 4–5
2. Chart of comments, at page 6

Rule 10.493 of the California Rules of Court would be amended, effective January 1, 2024, to read:

**Rule 10.493. ~~Instructor-led training~~ Delivery methods defined**

**~~(a)~~ — Definition**

(1) “Asynchronous education” refers to training that learners participate in at their own pace outside the presence of an instructor or other learners. Asynchronous education includes viewing or listening to videos or audio files or participating in self-paced online courses.

(2) “E-learning” refers to any kind of instruction that is delivered through an electronic device using electronic media. E-learning can be either synchronous or asynchronous and either live or prerecorded, such as participating in live webinars, viewing or listening to videos or audio files, or participating in online courses.

(3) “Instructor-led training” refers to synchronous education, guided by faculty, that allows for real-time communication between faculty and participants and is offered by an approved provider under rule 10.481. Live, synchronous education facilitated by an instructor may be delivered remotely via e-learning or in person. Examples of instructor-led training include in-person trainings in a classroom setting, and live webinars, and live videoconferences.

(4) “Self-directed study” refers to education in which learners engage in a process where they take primary responsibility for planning, executing, and evaluating a course of study with or without guidance from a manager, supervisor, or peer. In self-directed learning, the individual learner assumes responsibility for the design and completion of a course of study. Prior approval to engage in self-directed study may be required to qualify for continuing education credit.

**~~(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~~

- 1 described as "traditional (live, face to face)," "live (face to face)," "in person," or any
- 2 combination of these terms.

## SPR23-11

### Judicial Branch Education: Delivery Methods Defined (Amend Cal. Rules of Court, rule 10.493)

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

	Commenter	Position	Comment	Committee Response
1.	Miguel Barraza Caregiver Sacramento	A	Adult education has helped me tremendously, not very engaged as a youth [ <i>sic</i> ]. Thanks to the nonprofits and faith[-]based community.	The committee thanks the commenter and notes their support for the proposal.
2.	Superior Court of Mono County by Lester Perpall, Executive Officer	A	<p>The proposed changes address the stated purpose by making it easier to understand the types of training allowed.</p> <p>Judicial officers and staff will need to be informed about the types of training that are allowed. However, this will have little to no fiscal impact and work well in our two-judge court.</p> <p>Four months is ample time for implementation.</p>	The committee thanks the commenter and notes their support for the proposal.

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