



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-128

For business meeting on: September 20, 2022

Title

Judicial Branch Education: Rules Review
and Modernization

Agenda Item Type

Action Required

Effective Date

January 1, 2023

Date of Report

September 2, 2022

Rules, Forms, Standards, or Statutes Affected

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

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Recommended by

Center for Judicial Education and Research
Advisory Committee
Hon. Kimberly A. Gaab, Chair

Executive Summary

The Center for Judicial Education and Research Advisory Committee recommends amending 19 rules of court governing judicial branch education. The amendments are required to recognize new education delivery methods, adopt current adult education terminology, provide court staff and judicial officers a greater degree of authority and flexibility in meeting their educational needs, resolve requirement disparities between similar groups, adopt gender-neutral language, and clarify and simplify existing language.

Recommendation

The Center for Judicial Education and Research Advisory Committee recommends that the Judicial Council, effective January 1, 2023, amend California 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 related to judicial branch education to generally provide judicial officers and the courts with greater clarity and flexibility in complying with the rules.

The proposed amended rules are attached at pages 10–48.

Relevant Previous Council Action

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 Governing Committee of the Center for Judicial Education and Research (CJER), 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 typographical errors and omissions. The Judicial Council adopted the proposed amendments effective January 1, 2012. Since 2012, other education rules have been amended individually as the need arose. However, the temporary cessation of in-person programming due to the COVID-19 pandemic and other changes in education delivery prompted this second comprehensive review of the education requirements.

Analysis/Rationale

The proposal would amend many of the rules of court related to judicial branch education, generally providing greater clarity and flexibility to judicial officers and the courts. This is in keeping with the overarching goal of the branch to maintain a highly qualified and educated workforce to ensure consistent access to justice.

The amendments fall into five broad categories with specific analysis and rationale 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 proposed amendments 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.

- Amend 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 Judicial Council adopted rule 10.493, effective January 1, 2021, to allow any “instructor-led” education, whether in-person or remote, to satisfy the requirements for “traditional” or “in-person” education. The CJER Advisory Committee proposes amending language in these rules to note that 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.

- Amend 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* (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”).¹

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 proposed amendments are intended to provide judicial officers and the courts a greater degree of autonomy to address current circumstances and future challenges.

- Amend 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 with education requirements, both content-based and hours-based. Extensions granted under this authority are capped at one year.
- Amend 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.
- Amend rule 10.468(b)(3) to expand the number of education providers probate judicial officers may utilize. The current rule requires probate judicial officers to receive education from CJER, the California Judges Association, or the local court. The proposed amendment would allow probate judicial officers the same access to approved providers

¹ *Report to the Chief Justice: Work Group on Homelessness* (Nov. 2021), recommendation 4.1, p. 40, www.courts.ca.gov/documents/hwg_work-group-report.pdf.

that is accorded to judges in other assignments. It would also provide them with enhanced flexibility in meeting their education requirements.

- Amend 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.
- Amend 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.
- Amend 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 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 proposed amendments seek to address this divergence by eliminating certain exclusions and disproportionalities in the education rules while clarifying some requirements and preserving standards.

- Amend 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.

- Amend 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 hours-based education requirements by not completing their content-based orientation requirements.
- Amend 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.
- Amend 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. This proposal does not alter the amount or substance of education judicial officers in probate would need to complete.
- Amend rules 10.468(b) and (c) and 10.478(b)–(g) to resolve a requirement 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 enhanced education requirements for judges and court staff in probate assignments and positions, 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.
- Amend 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 currently 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.

- Amend 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.
- Amend 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, nonsubstantive modifications, and corrections:

- Amend 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.
- Amend 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.

- Amend 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 since these rules were adopted. 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 accurately referenced in the rules. The sole exception to this proposed amendment is that the B. E. Witkin Judicial College will retain its title within rule 10.462(c)(1)(C).
- Amend 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.
- Amend 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.
- Amend 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.

In sum, 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. This is in keeping with the overarching goal of the branch to maintain a highly qualified and educated workforce to ensure access to justice.

Policy implications

Goal V of *The Strategic Plan for California’s Judicial Branch* states:

High-quality education and professional development will be provided to enhance the ability of all individuals serving in the judicial branch to achieve high standards of professionalism, ethics, and performance. Judicial branch personnel will have access to the resources and training necessary to meet the diverse needs of the public and to enhance trust and confidence in the courts.²

² *The Strategic Plan for California’s Judicial Branch* (undated), Branch Goals, www.courts.ca.gov/3045.htm.

The plan elaborates that the branch must pursue “innovative ways and means to provide professional development, education, and training opportunities for all members of the branch” to maintain “professional excellence” that furthers “public trust and confidence in the judicial branch.”³ It also acknowledges that it is a best practice for the branch to “[i]ncrease access for judicial branch personnel to continuing education opportunities.”⁴

In discussing its proposal on whether to amend rules 10.468 and 10.478 to resolve a requirement disparity between judicial officers in a probate assignment and specific probate court staff with their counterparts in other departments, the CJER Advisory Committee considered whether reducing the number of hours required each cycle carried the potential to undermine public trust and confidence in the courts. The committee concluded, however, that maintaining lower, but still heightened, requirements for personnel in these assignments while broadening access to more education providers and delivery methods provided much needed flexibility to this group.

In total, the CJER Advisory Committee believes that these proposed amendments to the education rules best serve the strategic plan.

Comments

This proposal circulated for comment from April 1 through May 13, 2022, and the Judicial Council received four comments. As indicated in the attached comment chart at pages 49–53, the CJER Advisory Committee received no comments in opposition to any of the proposed amendments.

All commenters agreed with the proposal with slight modifications. Two commenters representing clerk/executive officers requested additional flexibility in rule 10.452(f)(5) as to who is authorized to approve reimbursement for out-of-state travel for educational events consistent with local court policies. One of these commenters also requested that the authority to grant extensions for appellate court staff to complete education requirements be centralized with the administrative presiding justice or the clerk/executive officer. The CJER Advisory Committee agrees with these modifications.

One commenter requested that the rules be clarified to include credit for time spent by faculty in preparing to teach courses. The CJER Advisory Committee reviewed the rationale for removing credit for time faculty spent in preparing to teach contained in rule 10.462 prior to 2012. At that time, the CJER Governing Committee proposed removing the multiplier for class preparation time while significantly broadening the audience judicial officers could receive credit for teaching. Based on its review of the history behind rule 10.262, the CJER Advisory Committee declines to reinstate credit for faculty preparation time.

Lastly, two commenters noted that including definitions of the terms “asynchronous” and “eLearning” used in the proposed amendments would clarify the different education delivery

³ *Id.* at p. 9, www.courts.ca.gov/documents/CAJudicialBranch_StrategicPlan.pdf.

⁴ *Id.* at p. 10.

methods that may be used to satisfy the education requirements. The CJER Advisory Committee agrees. The committee no longer seeks to repeal rule 10.493, Instructor-led training. Instead, it will propose amending the rule with clarifying language in a separate proposal that will, if approved, be circulated for public comment.

Alternatives considered

The CJER Advisory Committee considered and rejected a proposal that would have eliminated the requirement that judicial officers fulfill at least half of their hours-based expectations and requirements through participation in instructor-led (live remote or in-person) 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 requirement 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.

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, and 10.491, at pages 10–48
2. Chart of comments, at pages 49–53

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 are amended, effective January 1, 2023, to read:

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

(a)–(b) ***

(c) Education and training requirements

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

(1) Mandatory training on bench conduct and demeanor

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

(2) Mandatory training in ethics

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

(3) Substantive training

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

(A) Small claims

Within three years before appointment, an attorney serving as a 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*

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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*

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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 those
22 subject areas. The training required in each area must be of at least 3
23 three hours' duration. The court may also require that an attorney
24 possess additional years of practical experience in each substantive area
25 before 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.

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39 (e)–(g) ***
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Subdivision (a). ***

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.

(a)–(b) ***

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:

- 12

(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.
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11 (2)–(4) ***
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14 **Rule 10.452. Minimum education requirements, expectations, and recommendations**
15

16 (a) **Purpose**
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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**
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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~~ multiyear 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 justices:

- (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) ***
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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 ~~Each~~ Presiding judges:

- 17
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 officers, managing attorneys, and
29 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
43

- 1 (5) Must ensure that ~~supervisors and other~~ court personnel are reimbursed by
2 their court in accordance with the travel policies issued by the Judicial
3 Council for travel expenses incurred in attending in-state education programs
4 as a participant, except to the extent that: (i) certain expenses are covered by
5 the Judicial Council; or (ii) the education provider or sponsor of the program
6 pays the expenses. Provisions for these expenses must be part of every
7 court's budget. ~~The clerk/executive officer or the managing attorney may~~
8 ~~approve~~ Reimbursement of travel expenses incurred by supervisors and other
9 court personnel in attending out-of-state education programs as a participant
10 may be approved by designated court administrators, as defined in local court
11 policies.
12

13 **(g) Responsibilities of trial court executive officers, managers, and supervisors**
14

15 ~~Each~~ Trial court's executive officers, managers, and supervisors:
16

17 (1)–(2) ***
18

- 19 (3) Should allow and encourage court personnel, in addition to participating as
20 students in education activities, to serve on court personnel education
21 committees and as faculty at court personnel education programs when an
22 employee's services have been requested for these purposes ~~by Judicial~~
23 ~~Council staff or the court;~~
24

- 25 (4) Should establish an education plan for their court to facilitate the involvement
26 of court personnel as both participants and faculty in educational activities,
27 and should consult with each court staff member regarding ~~his or her~~ their
28 education needs and requirements and professional development; and
29

- 30 (5) Must ensure that ~~managers, supervisors, and other~~ court personnel are
31 reimbursed by their court in accordance with the *Trial Court Financial*
32 *Policies and Procedures Manual* for travel expenses incurred in attending in-
33 state education programs as a participant, except to the extent that: (i) certain
34 expenses are covered by the Judicial Council; or (ii) the education provider or
35 sponsor of the program pays the expenses. Provisions for these expenses
36 must be part of every court's budget. The court executive officer may
37 approve reimbursement of travel expenses incurred by ~~managers, supervisors,~~
38 ~~and other~~ court personnel in attending out-of-state education programs as a
39 participant.
40
41

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

3
4 **(a)–(b) *****

5
6 **(c) Hours-based continuing education**

7
8 (1) Each justice must complete 30 hours of continuing judicial education every
9 three years, beginning on the dates outlined:

10
11 (A) A new Supreme Court justice enters the three-year continuing
12 education ~~period~~ cycle on January 1 of the year following confirmation
13 of appointment, and a new Court of Appeal justice enters the three-year
14 continuing education ~~period~~ cycle on January 1 of the year following
15 the period provided for completion of the required new justice
16 education orientation program; continuing education requirements are
17 prorated based on the number of years remaining in the three-year
18 ~~period~~ education cycle.

19
20 (B) For all other justices, the first continuing education ~~period~~ cycle begins
21 January 1, 2008.

22
23 (C) The first continuing education ~~period~~ cycle for Supreme Court and
24 Court of Appeal justices is for two years from January 1, 2008, through
25 December 31, 2009, rather than three years. The continuing education
26 requirements and limitations in (c) are consequently prorated for this
27 two-year ~~period~~ education cycle. The first three-year ~~period~~ education
28 cycle then begins January 1, 2010.

29
30 (2) The following education applies toward the required 30 hours of continuing
31 judicial education:

32
33 (A) Any education offered by an approved provider (~~see under rule~~
34 ~~10.481(a)) and any other education, including education taken to satisfy~~
35 ~~a statutory or other education requirement~~, approved by the Chief
36 Justice or the administrative presiding justice as meeting the criteria
37 listed in rule 10.481(b).

38
39 (B) Each hour of participation in ~~traditional (live, face-to-face) education;~~
40 ~~distance education such as broadcasts, videoconferences, and online~~
41 ~~coursework; self-directed study; and faculty service~~ education by an
42 approved provider under rule 10.481, including education that is
43 instructor-led (live remote or in-person), asynchronous (such as videos

and e-learning), and self-directed study, counts toward the continuing education requirement on an hour-for-hour basis. ~~Each~~ Justices must complete at least half of ~~his or her~~ their continuing education hours requirement as a participant in ~~traditional (live, face-to-face)~~ instructor-led (live remote or in-person) education. ~~The~~ Justices may complete the balance of ~~his or her~~ their education hours requirement through any other means with no limitation on any particular type of education.

(C) A justice who serves as faculty by teaching legal or judicial education to 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 justice 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~~.

(d) Extension of time

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

(e) Records and summaries of participation for justices

~~Each~~ Justices ~~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, on a form provided by the Chief Justice for the Supreme Court or by the administrative presiding justice for each appellate district of the Court of Appeal. The form must include the information regarding a justice's participation in education that is needed by the Chief Justice or the administrative presiding justice to complete the aggregate form required by rule 10.452(d)(6);

- 1
2 (2) At the end of each year, giving the Chief Justice or the administrative
3 presiding justice a copy of ~~his or her~~ their record of participation in education
4 for that year, on the form provided by the Chief Justice or the administrative
5 presiding justice; and
6
7 (3) At the end of each three-year ~~period~~ education cycle, giving the Chief Justice
8 or the administrative presiding justice a copy of ~~his or her~~ their record of
9 participation in education for that year and a cumulative history of
10 participation for that three-year ~~period~~ cycle, on the form provided by the
11 Chief Justice or the administrative presiding justice.
12

13 **Advisory Committee Comment**

14
15 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,
16 are carried forward without change in rule 10.461(b).
17

18 Judicial Council staff have developed ~~both a manual format and an automated format of the~~
19 ~~individual justice's recording and reporting form referenced in an individual reporting form that~~
20 ~~justices may use in tracking their own participation in education as required by rule 10.461(e)(1).~~
21 ~~that gathers all the information needed by the Chief Justice or the administrative presiding justice~~
22 ~~to complete the aggregate report to the Judicial Council required under rule 10.452(d)(6). The~~
23 ~~form is available from the council's Center for Judicial Education and Research. The Chief~~
24 ~~Justice or and the administrative presiding justices may determine which form should be used in~~
25 ~~his or her their court and may provide the manual or automated format of council-developed form~~
26 ~~(available from the council's Center for Judicial Education and Research) or may provide another~~
27 ~~appropriate form that has been developed by his or her their court or by another court that gathers~~
28 ~~all the information needed by the Chief Justice or the administrative presiding justice to complete~~
29 ~~the aggregate report to the Judicial Council.~~
30
31

32 **Rule 10.462. Minimum education requirements and expectations for trial court** 33 **judges and subordinate judicial officers**

34
35 **(a)–(b) *****
36

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

- 39 (1) ~~Each~~ New trial court judges and subordinate judicial officers must complete
40 the “new judge education” curriculum provided by the Judicial Council’s
41 Center for Judicial Education and Research (CJER) as follows:
42

- (A) The new judge orientation program within six months of taking the oath as a judge or subordinate judicial officer. For purposes of the new judge orientation program, a judge or subordinate judicial officer is considered “new” only once, and any judge or subordinate judicial officer who has completed the new judge orientation program, as required under this rule or under former rule 970, is not required to complete the program again. A judge or subordinate judicial officer who was appointed, elected, or hired before rule 970 was adopted on January 1, 1996, is not required to complete the program;
- (B) An orientation course in ~~his or her~~ their primary assignment (civil, criminal, family, juvenile ~~delinquency~~ justice or dependency, probate, or traffic) within one year of taking the oath as a judge or subordinate judicial officer; and
- (C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer; ~~unless the~~ If a new judge previously completed the Judicial College as a new subordinate judicial officer, ~~in which case~~ then the presiding judge may determine whether the new judge must complete it again.
- (2) ~~Each~~ Judges beginning a supervising judge role ~~is are~~ expected to complete the following education, CJER’s supervising judge orientation program within one year of beginning the supervising judge role, preferably before beginning the role. This expectation does not apply unless he or she is if they are returning to a similar supervising judge role after less than two years in another assignment or ~~is are~~ beginning a supervising judge role less than two years after serving in the presiding judge role and completing ~~the Presiding Judges Orientation and Court Management Program~~ CJER’s presiding judge and court executive officer orientation program.
- (A) ~~For a judge who has administrative responsibility, CJER’s Supervising Judges Overview course within one year of beginning the supervising judge role, preferably before beginning the role;~~
- (B) ~~For a judge who has calendar management responsibility, a calendar management overview course, provided either by the local court or by CJER, within one year of beginning the supervising judge role, preferably before beginning the role;~~
- (C) ~~For a judge who has both administrative and calendar management responsibility, both overview courses within one year of beginning the role.~~

1
2 (3) ~~Each~~ Judges beginning a presiding judge role ~~is~~ are expected to complete
3 CJER's ~~Presiding Judges Orientation and Court Management Program~~
4 presiding judge and court executive officer orientation program within one
5 year of beginning the presiding judge role, preferably before beginning the
6 role. ~~This expectation does not apply unless he or she is~~ if they are returning
7 to a presiding judge role after two years or less in another role or assignment.
8

9 (4) ~~Each judge~~ Judges ~~is~~ are expected to and ~~each~~ subordinate judicial officer
10 officers must, if beginning a new primary assignment (unless ~~he or she is~~
11 they are returning to an assignment after less than two years in another
12 assignment), complete a course on the new primary assignment, provided by
13 CJER, the California Judges Association (CJA), or the local court, within ~~six~~
14 months one year of beginning the new assignment. CJER is responsible for
15 identifying content for these courses and will share the identified content with
16 CJA and the local courts.
17

18 **(d) Hours-based continuing education**
19

20 (1) Each judge is expected to and each subordinate judicial officer must complete
21 30 hours of continuing judicial education every three years, beginning on the
22 dates outlined:
23

24 (A) A new judge or new subordinate judicial officer enters the three-year
25 continuing education ~~period~~ cycle on January 1 of the year following
26 the period provided for completion of the required new judge
27 education; continuing education expectations for judges and
28 requirements for subordinate judicial officers are prorated based on the
29 number of years remaining in the three-year ~~period~~ education cycle.
30

31 (B) For all other judges and subordinate judicial officers, the first three-
32 year ~~period~~ education cycle begins on January 1, 2007.
33

34 (2) The following education applies toward the expected or required 30 hours of
35 continuing judicial education:
36

37 (A) The content-based courses under (c)(2), (3), and (4) for a new
38 supervising judge, a new presiding judge, and a judge or subordinate
39 judicial officer beginning a new primary assignment (the "new judge
40 education" required under (c)(1) does not apply); and
41

42 (B) Any other education offered by an approved provider (~~see under rule~~
43 10.481(a)) and any other education, ~~including education taken to satisfy~~

1 a statutory or other education requirement, approved by the presiding
2 judge as meeting the criteria listed in rule 10.481(b).

- 3
- 4 (3) Each hour of participation in ~~traditional (live, face-to-face) education;~~
5 ~~distance education, such as broadcasts, videoconferences, and online~~
6 ~~coursework; self-directed study; and faculty service~~ education by an
7 approved provider under rule 10.481, including education that is instructor-
8 led (live remote or in-person), asynchronous (such as videos and e-learning),
9 and self-directed study, counts toward the continuing education expectation
10 or requirement on an hour-for-hour basis. ~~Each~~ Judges and subordinate
11 judicial officers must complete at least half of ~~his or her~~ their continuing
12 education hours expectation or requirement as a participant in ~~traditional~~
13 ~~(live, face-to-face)~~ instructor-led (live remote or in-person) education. ~~The~~
14 Judges or subordinate judicial officers may complete the balance of ~~his or her~~
15 their judicial education hours expectation or requirement through any other
16 means with no limitation on any particular type of education.
- 17
- 18 (4) A judge or subordinate judicial officer who serves as faculty by teaching
19 legal or judicial education for a legal or judicial audience may apply faculty
20 service as continuing education hours as ~~faculty service~~. ~~There is no~~
21 restriction on the number or percentage of hours that a judge may claim as
22 faculty service. Credit for faculty service counts toward the continuing
23 education expectation or requirement on an hour-for-hour basis in the same
24 manner as all other types of education—~~on an hour-for-hour basis~~.
- 25
- 26 (5) ***

27

28 (e) **Extension of time**

29

- 30 (1) Upon request and for good cause, a presiding judge may grant a judge or
31 subordinate judicial officer an extension of time, up to one year, to complete
32 the education expectations or requirements in (c)(2)-(4) and the continuing
33 education expectation or requirement in (d) as follows: this rule.
- 34
- 35 (A) ~~A time extension to complete the content-based expectations or~~
36 ~~requirements in (c)(2)-(4) is limited to the original time period provided~~
37 ~~for completion that is, one year, one year, or six months, respectively.~~
- 38
- 39 (B) ~~A time extension to complete the hours-based continuing education~~
40 ~~expectation or requirement in (d) is limited to one year.~~
- 41
- 42 (2) If the presiding judge grants a request for an extension of time, the presiding
43 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~~ Judges ~~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) ***
- (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.

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

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

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

(a) Basic family law education

(1) ~~Within six months~~ one year of beginning a family law assignment, ~~or within one year of beginning a family law assignment in courts with five or fewer judges,~~ the judge or subordinate judicial officer must complete a basic educational program on California family law and procedure designed primarily for judicial officers. A judge or subordinate judicial officer who has completed the basic educational program need not complete the basic educational program again.

(2) All other judicial officers who regularly hear family law matters, including retired judges who sit on court assignment, must complete appropriate family law educational ~~programs~~.

(b) Continuing family law education

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

(c) ***

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~~ Judges 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) “Judge” means a judge of the superior court.~~

~~(2) “Subordinate judicial officer” has the meaning specified in rule 10.701(a).~~

~~(3) “Judicial officer” means a judge or a subordinate judicial officer.~~

~~(4)~~(1) “Probate proceedings” are decedents’ estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and the rules in title 7 of the California Rules of Court.

~~(5)~~(2) A judicial officer “regularly assigned to hear probate proceedings” is a judge or subordinate judicial officer who is:

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

~~(6) “CJER” is the Judicial Council’s Center for Judicial Education and Research.~~

~~(7) “CJA” is the California Judges Association.~~

(b) Content-based requirements

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

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

(2) The education required in (1) is ~~in addition to the New Judge Orientation program for new judicial officers and the B. E. Witkin Judicial College required under rule 10.462(e)(1)(A) and (C)~~ and may be applied toward satisfaction of the 30 hours-based ~~of~~ continuing education expected of judges and required of subordinate judicial officers under rule 10.462(d).

(3) The education required in (1) must be provided by ~~CJER, CJA, or the judicial officer's court. CJER is responsible for identifying content for this education and will share the identified content with CJA and the courts~~ the Center for Judicial Education and Research (CJER), an approved provider under rule 10.481(a), or education approved by the judicial officer's presiding judge as meeting the education criteria specified in rule 10.481(b).

(4) The education required in (1) may be ~~by traditional (face to face) instructor-led (live remote or in-person), asynchronous (such as videos and e-learning), or self-directed study or distance learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.~~

(c) Hours-based continuing education

(1) In a court with five or more authorized judges, ~~each~~ judicial officers regularly assigned to hear probate proceedings must complete ~~48~~ 12 hours of continuing education every ~~three years~~ three-year education cycle, ~~with a minimum of six hours required in the first year, on probate guardianships and conservatorships, including court-supervised fiduciary accounting. The three-year period begins on January 1 of the year following the judicial officer's completion of the education required in (b)(1) or, if he or she is exempt from that education, on January 1 of the year the assignment commenced after the effective date of this rule.~~

(2) In a court with four or fewer authorized judges, ~~each~~ judicial officers regularly assigned to hear probate proceedings must complete nine hours of continuing education every ~~three years~~ three-year education cycle, ~~with a minimum of three hours per year, on probate guardianships and conservatorships, including court-supervised fiduciary accounting. The three-year period begins on January 1 of the year following the judicial officer's completion of the education required in (b)(1) or, if he or she is exempt from that education, on January 1 of the year the assignment commenced after the effective date of this rule.~~

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

10
11 (4)–(5) ***
12

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

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

23 (d)–(e) ***
24
25

26 **Rule 10.469. Judicial Education recommendations for justices, judges, and**
27 **subordinate judicial officers**
28

29 **(a) Judicial education recommendations generally**
30

31 ~~Each~~ Justices, judges, and subordinate judicial officers, as part of ~~his or her~~ their
32 continuing judicial education, should regularly participate in educational activities
33 related to ~~his or her~~ their responsibilities and particular judicial assignment or
34 assignments. Minimum education requirements and expectations related to judicial
35 responsibilities and assignments are ~~set forth~~ stated in rules 10.461–10.462.
36 Additional education requirements related to specific responsibilities are ~~set forth~~
37 stated in rule 10.463 (for those hearing family law matters), rule 10.464 (for those
38 hearing domestic violence issues), and rule 10.468 (for those hearing probate
39 proceedings). The following recommendations illustrate for some specific
40 responsibilities and assignments how justices, judges, and subordinate judicial
41 officers should participate in more judicial education than is required and expected.
42

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) Education on fairness and access, unconscious bias, and prevention of**
29 **harassment, discrimination, retaliation, and inappropriate workplace conduct**
30

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

Rule 10.471. Minimum education requirements for Supreme Court and Court of Appeal clerks/executive clerk/executive officers

(a) Applicability

All clerks/executive clerk/executive officers of the California Supreme Court and Courts of Appeal must complete these minimum education requirements. All clerks/executive clerk/executive officers should participate in more education than is required, related to each individual's responsibilities and in accordance with the education recommendations set forth in rule 10.479.

(b) Hours-based requirement

- (1) Each Clerk/executive officers must complete 30 hours of continuing education every three years beginning on the following dates:
- (A) For a new clerk/executive officers, the first three-year period cycle begins on January 1 of the year following ~~his or her~~ their hire.
 - (B) For all other clerks/executive clerk/executive officers, the first three-year period cycle begins on January 1, 2008.
- (2) The following education applies toward the required 30 hours of continuing education:
- (A) Any education offered by an approved provider (~~see under rule 10.481(a)) and any other education, including education taken to satisfy a statutory or other education requirement,~~ approved by the Chief Justice or the administrative presiding justice as meeting the criteria listed in rule 10.481(b).
 - (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 e-learning), 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~~

1 ~~education hours requirement through any other means with no~~
2 ~~limitation on any particular type of education.~~ The Chief Justice or the
3 administrative presiding justice has discretion to determine the number
4 of hours, if any, of instructor-led (live remote or in-person) education
5 required to meet the continuing education requirement.
6

- 7 (C) A clerk/executive officer who serves as faculty by teaching legal or
8 judicial education to a legal or judicial audience may apply education
9 hours as faculty service. There is no restriction on the number or
10 percentage of hours that a clerk/executive officer may claim as faculty
11 service. Credit for faculty service counts toward the continuing
12 education requirement on an hour-for-hour basis in the same manner as
13 all other types of education—~~on an hour-for-hour basis.~~
14

15 **(c) Extension of time**
16

- 17 (1) Upon request and for good cause, the Chief Justice or the administrative
18 presiding justice may grant a one-year extension of time a clerk/executive
19 officer an extension of time, up to one year, to complete the education
20 requirements in (b).
21
22 (2) If the Chief Justice or the administrative presiding justice grants a request for
23 an extension of time, the Chief Justice or the administrative presiding justice
24 and the clerk/executive officer, in consultation with the Chief Justice or the
25 administrative presiding justice, must also pursue interim means of obtaining
26 relevant educational content.
27
28 (3) An extension of time to complete the hours-based requirement does not affect
29 the timing of the clerk/executive officer's next three-year ~~period~~ education
30 cycle.
31

32 **(d) Record of participation; statement of completion**
33

34 ~~Each~~ Clerk/executive officers ~~is~~ are responsible for:
35

- 36 (1) Tracking ~~his or her~~ their own participation in education and keeping a record
37 of participation for three years after each course or activity that is applied
38 toward the requirements;
39
40 (2) At the end of each year, giving the Chief Justice or the administrative
41 presiding justice a copy of ~~his or her~~ their record of participation in education
42 for that year; and
43

- (3) At the end of each three-year ~~period~~ education cycle, giving the Chief Justice or the administrative presiding justice a signed statement of completion for that three-year ~~period~~ education cycle.

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

(a) ***

(b) Content-based requirements

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

- (A) The judicial branch of California;
- (B) The local court; and
- (C) Basic management and supervision.

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

- (A) The judicial branch of California;
- (B) The local court;
- (C) Basic employee issues, such as sexual harassment and safety; and
- (D) The employee's specific job.

(3) ***

(c) Hours-based requirements

(1)–(2) ***

- 1
2 (3) The ~~first two-year period~~ education cycle for all managing attorneys,
3 supervisors, and other personnel begins on January 1, ~~2008~~ of each even-
4 numbered year. The orientation education required for new managing
5 attorneys, supervisors, and other personnel under (b) ~~does not apply~~ applies
6 toward the required hours of continuing education ~~because it must be~~
7 ~~completed before they enter the two-year period~~. Each New managing
8 attorneys, supervisors, or employees enters the two-year continuing education
9 period cycle on the first day of the quarter following his or her completion of
10 the orientation education required under (b); the quarters begin on January 1,
11 April 1, July 1, and October 1. Each managing attorney, supervisor, or
12 employee who enters the two-year continuing education period after it has
13 begun their first day of employment and must complete a prorated number of
14 continuing education hours for that two-year period education cycle, based on
15 the number of quarters remaining in it.
16
17 (4) Any education offered by an approved provider (~~see under rule 10.481(a)~~)
18 and any other education, ~~including education taken to satisfy a statutory,~~
19 ~~rules-based, or other education requirement,~~ that is approved by the
20 clerk/executive officer, the managing attorney, or the employee's supervisor
21 as meeting the criteria listed in rule 10.481(b) applies toward the orientation
22 education required under (b) and the continuing education required under
23 (c)(1) and (2).
24
25 (5) Each hour of participation in ~~traditional (live, face-to-face) education;~~
26 ~~distance education such as broadcasts, videoconferences, online coursework;~~
27 ~~and faculty service~~ education by an approved provider under rule 10.481,
28 including education that is instructor-led (live remote or in-person),
29 asynchronous (such as videos and e-learning), and self-directed study
30 approved in advance by the supervisor of the managing attorney, supervisor,
31 appellate judicial attorney, or other employee, counts toward the continuing
32 education requirement on an hour-for-hour basis. Each managing attorney,
33 supervisor, and other employee must complete at least half of his or her
34 continuing education hours requirement as a participant in traditional (live,
35 face-to-face) education. The managing attorney, supervisor, or other
36 employee may complete the balance of his or her education hours
37 requirement through any other means with no limitation on any particular
38 type of education. Self-directed study is encouraged for professional
39 development but does not apply toward the required hours. The
40 administrative presiding justice or the clerk/executive officer has discretion to
41 determine the number of hours, if any, of instructor-led (live remote or in-
42 person) education required to meet the continuing education requirement.
43

(6) A managing attorney, supervisor, appellate judicial attorney, or other employee who serves as faculty by teaching legal or judicial education for a legal or judicial audience may apply education hours for the faculty service. There is no restriction on the number or percentage of hours that a managing attorney, supervisor, appellate judicial attorney, or other employee 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~~.

(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, a the administrative presiding 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, managing attorney, or the clerk/executive officer ~~or supervisor~~ grants a request for an extension of time, the administrative presiding 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.

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

2
3 (a) ***

4
5 (b) **Content-based requirement**

6
7 (1) ~~Each~~ New executive officers must complete the ~~Presiding Judges Orientation~~
8 ~~and Court Management Program~~ presiding judge and court executive officer
9 orientation program provided by the Judicial Council's Center for ~~Judiciary~~
10 Judicial Education and Research (CJER) within one year of becoming an
11 executive officer and should participate in additional education during the
12 first year.

13
14 (2) ~~Each~~ Executive officers should participate in CJER's ~~Presiding Judges~~
15 ~~Orientation and Court Management Program~~ presiding judge and court
16 executive officer orientation program each time a new presiding judge from
17 ~~his or her~~ their court participates in the course and each time the executive
18 officer becomes the executive officer in a different court.

19
20 (c) **Hours-based requirement**

21
22 (1) ***

23
24 (2) For a new executive officer, the first three-year ~~period~~ education cycle begins
25 on January 1 of the year following the period provided for completion of the
26 required education for new executive officers.

27
28 (3) The following education applies toward the required 30 hours of continuing
29 education:

30
31 (A) Any education offered by an approved provider (~~see under rule~~
32 ~~10.481(a)) and any other education, including education taken to satisfy~~
33 ~~a statutory or other education requirement~~, approved by the presiding
34 judge as meeting the criteria listed in rule 10.481(b).

35
36 (B) Each hour of participation in ~~traditional (live, face-to-face) education;~~
37 ~~distance education such as broadcasts, videoconferences, and online~~
38 ~~coursework; self-directed study; and faculty service~~ education by an
39 approved provider under rule 10.481, including education that is
40 instructor-led (live remote or in-person), asynchronous (such as videos
41 and e-learning), and self-directed study, counts toward the continuing
42 education requirement on an hour-for-hour basis. The presiding judge
43 has discretion to determine the number of hours, if any, of ~~traditional~~

1 ~~(live, face-to-face)~~ instructor-led (live remote or in-person) education
2 required to meet the continuing education requirement.

- 3
- 4 (C) A court executive officer who serves as faculty by teaching legal or
5 judicial education to a legal or judicial audience may apply education
6 hours as faculty service. There is no restriction on the number or
7 percentage of hours that a court executive officer may claim as faculty
8 service. Credit for faculty service counts toward the continuing
9 education requirement on an hour-for-hour basis in the same manner as
10 all other types of education—~~on an hour-for-hour basis~~.

11

12 **(d) Extension of time**

- 13
- 14 (1) Upon request and for good cause, a presiding judge may grant ~~a one-year~~
15 ~~extension of time~~ an extension, up to one year, to complete the education
16 requirements in ~~(b) and (c)~~ this rule.
- 17
- 18 (2) If the presiding judge grants a request for an extension of time, the presiding
19 judge and the executive officer, in consultation with the presiding judge, must
20 also pursue interim means of obtaining relevant educational content.
- 21
- 22 (3) An extension of time to complete the hours-based requirement does not affect
23 the timing of the executive officer's next three-year ~~period~~ education cycle.

24

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

26

27 ~~Each~~ Executive officers ~~is~~ are responsible for:

- 28
- 29 (1) Tracking ~~his or her~~ their own participation in education and keeping a record
30 of participation for three years after each course or activity that is applied
31 toward the requirements;
- 32
- 33 (2) At the end of each year, giving the presiding judge a copy of ~~his or her~~ their
34 record of participation in education for that year; and
- 35
- 36 (3) At the end of each three-year ~~period~~ education cycle, giving the presiding
37 judge a signed statement of completion for that three-year ~~period~~ education
38 cycle.
- 39
- 40

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

2
3 **(a) *****

4
5 **(b) Content-based requirements**

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

12
13 (A) The judicial branch of California;

14
15 (B) The local court; and

16
17 (C) Basic management and supervision.

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

24
25 (A) The judicial branch of California;

26
27 (B) The local court; ~~and~~

28
29 (C) Basic employee issues, such as sexual harassment and safety; and

30
31 (D) The employee's specific job.

32
33 (3) ***

34
35 **(c) Hours-based requirements**

36
37 (1)–(2) ***

38
39 (3) The two-year continuing education cycle for all managers, supervisors, and
40 other personnel begins on January 1 of each odd-numbered year. The
41 orientation education required for new managers, supervisors, and other
42 personnel under (b) ~~does not apply~~ applies toward the required hours of
43 continuing education, ~~because it must be completed before they enter the~~

1 two-year period. Each new manager, supervisor, or employee enters the two-
2 year continuing education period on the first day of the quarter following his
3 or her completion of the orientation education required under (b); the quarters
4 begin on January 1, April 1, July 1, and October 1. Each manager, supervisor,
5 or employee who enters the two-year continuing education period after it has
6 begun New managers, supervisors, or employees enter the two-year
7 continuing education cycle on their first day of employment and must
8 complete a prorated number of continuing education hours for that two-year
9 education cycle period, based on the number of quarters remaining in it.
10

- 11 (4) Any education offered by an approved provider (~~see under rule 10.481(a)~~)
12 and any other education, ~~including education taken to satisfy a statutory,~~
13 ~~rules-based, or other education requirement,~~ that is approved by the executive
14 officer or the employee's supervisor as meeting the criteria listed in rule
15 10.481(b) applies toward the ~~orientation education required under (b) and the~~
16 ~~continuing education required under (c)(1) and (2)~~ this rule.
17

- 18 (5) Each hour of participation in ~~traditional (live, face-to-face) education;~~
19 ~~distance education such as broadcasts, videoconferences, online coursework;~~
20 ~~and faculty service education by an approved provider under rule 10.481,~~
21 including education that is instructor-led (live remote or in-person),
22 asynchronous (such as videos and e-learning), and self-directed study
23 approved in advance by the direct supervisor of the manager, supervisor, or
24 court employee, counts toward the continuing education requirement on an
25 hour-for-hour basis. The court executive officer has discretion to determine
26 the number of hours, if any, of traditional (live, face-to-face) instructor-led
27 (live remote or in-person) education required to meet the continuing
28 education requirement. Self-directed study is encouraged for professional
29 development but does not apply toward the required hours.
30

- 31 (6) A manager, supervisor, or employee who serves as faculty by teaching legal
32 or judicial education to a legal or judicial audience may apply education
33 hours as faculty service. There is no restriction on the number or percentage
34 of hours that a manager, supervisor, or employee may claim as faculty
35 service. Credit for faculty service counts toward the continuing education
36 requirement on an hour-for-hour basis in the same manner as all other types
37 of education—~~on an hour-for-hour basis.~~
38

- 39 (7) The court executive officer may require managers, supervisors, and other
40 court personnel to participate in specific courses or to participate in education
41 in a specific subject matter area as part of their continuing education.
42

1 (d) Extension of time

2
3 (1) Upon request and for good cause, the executive officer may grant a one-year
4 extension of time an extension, up to one year, to complete the education
5 requirements in this rule. If an extension is granted, the subsequent two-year
6 compliance period begins immediately after the extended compliance period
7 ends, unless otherwise determined by the executive officer.

8
9 (2) If the executive officer grants a request for an extension of time, the
10 executive officer and the manager, supervisor, or employee who made the
11 request, in consultation with the executive officer, must also pursue interim
12 means of obtaining relevant educational content.

13
14 (3) An extension of time to complete the hours-based requirement does not affect
15 the timing of the next two-year education cycle.

16
17 (e) Records of participation

18
19 (1) ***

20
21 (2) Each Managers, supervisors, and employees must keep records of his or her
22 their own participation for two years after each course or activity that is
23 applied toward the requirements.
24
25

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

28
29 (a) Definitions

30
31 As used in this rule, the following terms have the meanings specified below, unless
32 the context or subject matter otherwise require:
33

34 (1)–(4) ***

35
36 (5) ~~“CJER” is the Judicial Council’s Center for Judicial Education and Research.~~

37
38 (b) Content-based requirements for court investigators

39
40 (1) Each Court investigators must complete ~~18~~ 12 hours of education within one
41 year of his or her their start date after January 1, 2008 ~~the effective date of~~
42 ~~this rule.~~ The education must include the following general topics:
43

1 (A)–(F) ***

2
3 (2)–(3) ***

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

13
14 **(c) Content-based education for probate attorneys**

15
16 (1) ~~Each Probate attorneys~~ must complete ~~48~~ 12 hours of education within six
17 months of ~~his or her~~ their start date after January 1, 2008, in probate-related
18 topics, including guardianships, conservatorships, and court-supervised
19 fiduciary accounting.

20
21 (2)–(3) ***

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

31
32 **(d) Content-based education for probate examiners**

33
34 (1) ~~Each Probate examiners~~ must complete ~~30~~ 20 hours of education within one
35 year of ~~his or her~~ their start date after January 1, 2008, in probate-related
36 topics, of which ~~48~~ 12 hours must be in guardianships and conservatorships,
37 including court-appointed fiduciary accounting.

38
39 (2)–(3) ***

40
41 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
42 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~
43 ~~but may not be by self study. Each hour of participation in education by an~~

1 approved provider under rule 10.481, including education that is instructor-
2 led (live remote or in-person), asynchronous (such as videos and e-learning),
3 and self-directed study approved in advance by the court executive officer or
4 the probate examiner's supervisor, counts toward the continuing education
5 requirement in (1) on an hour-for-hour basis.
6

7 **(e) Hours-based education for court investigators**
8

- 9 (1) Each court investigator must complete 12 hours of continuing education on
10 some or all of the general topics listed in (b)(1) each ~~calendar year~~ two-year
11 education cycle. ~~For court investigators employed by or performing services~~
12 ~~under contract with the court before the effective date of this rule, the first~~
13 ~~calendar year the education is required begins on January 1, 2008. For court~~
14 ~~investigators who begin their employment or performance of services under~~
15 ~~contract with the court after the effective date of this rule, the first year this~~
16 ~~education is required begins on January 1 of the year immediately following~~
17 ~~completion of the education required in (b). The education cycle is~~
18 determined in the same manner as in rule 10.474(c)(3).
19

20 (2)-(3) ***
21

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

31 **(f) Hours-based education for probate attorneys**
32

- 33 (1) ~~Each~~ Probate attorneys must complete 12 hours of continuing education each
34 ~~calendar year~~ two-year education cycle in probate-related subjects, of which
35 six hours per year must be in guardianships and conservatorships, including
36 court-supervised fiduciary accounting. ~~For probate attorneys employed by or~~
37 ~~performing services under contract with the court before the effective date of~~
38 ~~this rule, the first calendar year the education is required begins on January 1,~~
39 ~~2008. For probate attorneys who begin their employment with the court after~~
40 ~~the effective date of this rule, the first year this education is required begins~~
41 ~~on January 1 of the year immediately following completion of the education~~
42 ~~required in (e). The education cycle is determined in the same manner as in~~
43 rule 10.474(c)(3).

(2)–(3) ***

(4) ~~The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or on-line coursework, but may not be by self-study.~~ Each hour of 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 e-learning), and self-directed study approved in advance by the court executive officer or the probate attorney's supervisor, counts toward the continuing education requirement in (1) on an hour-for-hour basis.

(g) Hours-based education for probate examiners

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

(2)–(3) ***

(4) ~~The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or on-line coursework, but may not be by self-study.~~ Each hour of 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 e-learning), and self-directed study approved in advance by the court executive officer or the probate examiner's supervisor, counts toward the continuing education requirement in (1) on an hour-for-hour basis.

(h)–(i) ***

Rule 10.479. Education recommendations for appellate and trial court personnel

(a) Education recommendations generally

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

(b) Education on treatment of jurors

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

(c) Fairness and access education

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

(d) Education on quality service to court users

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

Rule 10.481. Approved providers; approved course criteria

(a) Approved providers

The Judicial Council’s Center for Judicial Education and Research (CJER) is responsible for maintaining a current list of approved providers. The list of approved providers must include the Judicial Council, the California Judges

1 Association, and all California state courts. The list ~~and~~ should also include other
2 reputable national and state organizations that regularly offer education directed to
3 justices, judges, and court personnel. The director of CJER may add or remove
4 organizations from the list of approved providers as appropriate according to ~~these~~
5 the criteria contained in (b). Any education program offered by any of the approved
6 providers that is relevant to the work of the courts or enhances the ~~individual~~
7 participant's participants' ability to perform ~~his or her~~ their jobs may be applied
8 toward the education requirements and expectations stated in rules 10.461–10.479,
9 except for the requirements stated in the rules ~~10.461(b), 10.462(c), and 10.473(b),~~
10 ~~for that require a specific provider or providers are required.~~

11
12 **(b) Approved education criteria**

13
14 Education is not limited to the approved providers referred to in (a). Any education
15 from another provider that is approved by the Chief Justice, the administrative
16 presiding justice, or the presiding judge as meeting the criteria listed below may be
17 applied toward the continuing education expectations and requirements for justices,
18 judges, ~~and subordinate judicial officers,~~ or requirements for clerks/executive
19 clerk/executive officers, or court executive officers. Similarly, any education from
20 another provider that is approved by the clerk/executive officer, the court executive
21 officer, or the employee's supervisor as meeting the criteria listed below may be
22 applied toward the orientation or continuing education requirements for managers,
23 supervisors, and other employees or the content-based or hours-based continuing
24 education requirements for probate court investigators, probate attorneys, and
25 probate examiners in rule 10.478.

26
27 (1) The education must meet the following ~~three~~ two criteria:

28
29 (A) The subject matter is relevant to the work of the courts or the judicial
30 branch; and

31
32 ~~(B) The education is at least one hour in length; and~~

33
34 ~~(C)~~(B) Anticipated learning outcomes (how new knowledge, skills, or
35 abilities will be applied, demonstrated, or used) are identified prior to
36 the education work.

37
38 (2) The education must also meet at least two of the following five criteria:

39
40 ~~(A)–(D) ***~~

41
42 (E) An assessment tool or activity (such as the development of an action
43 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.

Rule 10.491. Minimum education requirements for Judicial Council employees

(a) ***

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

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

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

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

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

(c) **Continuing education requirements**

~~(1)~~-(2) ***

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

(4) ***

1
2 (5) ~~Continuing education may be live (face-to-face) or distance education, such~~
3 ~~as webinars, videoconferencing, online courses, and broadcasts.~~ Each hour of
4 participation in education by an approved provider under rule 10.481,
5 including education that is instructor-led (live remote or in-person),
6 asynchronous (such as videos and e-learning), and self-directed study
7 approved in advance by an employee's supervisor, counts toward the
8 continuing education requirement on an hour-for-hour basis.

9
10 (6) ***

DRAFT

SPR 22-07

Judicial Branch Education: Judicial Branch Education: Rules Review and Modernization

(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)

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

	Commenter	Position	Comment	Committee Response
1.	California Court of Appeal, Fifth Appellate District by Brian Cotta, Clerk/Executive Officer	AM	The Court of Appeal, Fifth Appellate District suggests the following modifications to Item Number: SPR22-07 1. PDF page #[17] (beginning on line 1): We suggest changing this paragraph to remove references to the Clerk/Executive Officer and/or Managing Attorney. Because the existing language can be in conflict with local court policies and local contracting manuals, we recommend the entire paragraph be replaced with the following: Must ensure that 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. Reimbursement of travel expenses incurred by court personnel in attending out-of-state education programs as a participant may be approved by designated court	The committee thanks the commenter and notes their support for the proposal if modified. 1. The committee agrees to modify the proposal as requested by amending rule 10.452(f)(5) to remove reference to the positions of “clerk/executive office or the managing attorney” in the third sentence and add the concluding provision regarding designated authority. The proposed modification is consistent with increasing the flexibility of the courts and in keeping with their current practices and policies.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

			individuals, as defined in local court policies. 2. PDF page #35 (beginning on line 10): Only the Administrative Presiding Justice, the Presiding Justice and the Clerk/Executive Officer should be listed with the authority to grant the EoT. This applies to the various sections on this page (sections 1 & 2). 3. [Do the terms “asynchronous education” and “eLearning” contained within the proposal require additional definition?] We believe that it would be beneficial to define both terms. 4. [Would four months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?] We believe it would be plenty of time.	2. The committee agrees to modify rule 10.472(d)(1)-(2) to eliminate the authority of associate justices to extend deadlines to comply with education requirements for their chamber’s staff. This modification will assist the courts in centralized tracking and aggregate reporting of their court’s education requirements. 3. The committee agrees that definitions of these terms would be helpful. It will no longer seek to repeal rule 10.493 and will consider drafting a separate amendment to this rule to address these definitions in a later cycle. 4. The committee recognizes the commentator’s acknowledgment that four months would be sufficient to allow implementation of the proposal.
2.	Clerk/Executive Officers for the six districts of the California Courts of Appeal by Charles D. Johnson, Clerk/Executive Officer, California Court of Appeal, First Appellate District	AM	The following comment is submitted on behalf of the Clerk/Executive Officers of all six of the districts of the Court of Appeal, who are also copied on this email. Because each District of the Court of Appeal has its own local contracting manual, which may allow for approval of expenses by the Administrative Presiding Justice, the Clerk/Executive Officer, or some other designee, we suggest that the language proposed for California Rule of Court, rule 10.452(f)(5) be amended as follows:	The committee thanks the commenters and notes their support for the proposal if modified. As noted above, the committee agrees to modify rule 10.452(f)(5) to reflect the current practices and policies of the courts regarding approval of out-of-state travel cost reimbursement for educational purposes. However, the proposed modification differs from the first proposal in two ways. First, the commenters propose retaining the phrase “supervisors and other court personnel” in the rule where the committee proposed deleting “supervisors and other” as redundant language. Since supervisors <u>are</u> court personnel, the

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			(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. Reimbursement of travel expenses incurred by supervisors and other court personnel in attending out-of-state education programs as a participant may be approved by designated court administrators, as defined in court policies. In most districts, the managing attorney has no role in approving expenditures, while often, for example, the assistant clerk/executive officer does. Changing the rule in the way suggested in this comment would allow for a certain flexibility amongst the districts, while also reducing the likelihood that the rule and/or any district's local contracting manual would need to be periodically amended. We hope you consider this suggested change as you finalize the language of the rule. If you have any questions, please contact me at your convenience.	committee declines to keep the redundant language. Second, the commenters' proposed language deletes the word "local" immediately before "court policies" in the last sentence. The committee's position is that retaining the qualifier "local" is helpful as a guide in complying with the provisions of rule 10.452(f)(5).
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3.	Susan Ryan Chief Deputy of Legal Services Superior Court of California, County of Riverside 4050 Main St Riverside, CA 92501-3702	AM	Under Cal Rules of Court, rule 10.462(d)(4), for those judicial officers who serve as faculty by teaching legal or judicial education, there is confusion with respect to whether the judicial officer's faculty service hours include the time it takes to prepare to teach. Some interpret rule 10.462(d)(4) as precluding any claim for preparation time. However, the history of Rule 10.462 seems to make clear that preparation time may indeed be claimed by the judicial officer. Because of this confusion, I suggest further amending rule 10.462(d)(4) to define "faculty service" to specifically include preparation time.	The committee thanks the commenter and notes their support for the proposal if modified. The committee disagrees with the commenters' assessment that the history of rule 10.462 clarifies that preparation time may currently be claimed for judicial officer faculty service. On the contrary, rule 10.462 was amended in 2012 to remove a multiplier that allowed judicial officers to claim preparation time for faculty service. The 2012 amendment also eliminated the cap on faculty service and specified that faculty credit is earned on an "hour-for-hour basis" in the same manner as any other type of education. At the same time, the amendment significantly broadened the audience to whom a judge could teach and claim education credit to any legal or judicial topic for any legal or judicial audience. By removing the cap on faculty service and extending the target audience, the 2012 amendment disallowed the use of preparation time for education credit and limited faculty credit to actual classroom time. The rule in its current form ensures that a judicial officer claiming 30 hours of faculty credit provides 30-hours of education content to a legal or judicial audience. For this reason, the committee declines to reinstate credit for course preparation time
4.	Iyana Doherty Courtroom Operations Supervisor Superior Court of California, County of Orange 8141 13th Street Westminster, CA 92683-4593	AM	The term "eLearning" seems self-explanatory, but the term "asynchronous education" should be defined. Allowing a wider range of options for educational requirements for example virtual education, gives the courts more flexibility to fit training into smaller time pockets and rely less	The committee thanks the commenter and notes their support for the proposal if modified. The committee agrees that definitions of these terms would be helpful. It will no longer seek to repeal rule 10.493 and will consider drafting a separate amendment to this rule to address these definitions in a later cycle.

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		on in-person training, which often requires a travel expense. Revising the processes and procedures by Human Resources department and more investment and training for Analyst units in electronic class environment. Updating work environments to be more conducive to creating electronic classes. (Providing updated software programs, software training, microphones, quiet spaces for recording)	The remainder of the commenters' response does not pertain to the proposal language. It is a general request for more resources and investment in court remote education for court staff. This request is best directed to the local courts with the responsibility and authority to implement local education processes and procedures and provide an environment conducive to both instructor-led and asynchronous education.
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