



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

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| Title | Agenda Item Type |
| Judicial Branch Education: Court Executive Officers Education | Action Required |
| Rules, Forms, Standards, or Statutes Affected | Effective Date |
| Amend Cal. Rules of Court, rule 10.473 | July 1, 2015 |
| Recommended by | Date of Report |
| Trial Court Presiding Judges Advisory Committee | April 7, 2015 |
| Hon. Marsha G. Slough, Chair | Contact |
| Court Executives Advisory Committee | Deirdre Benedict, 415-865-8915 |
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Executive Summary

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend the amendment of rule 10.473 of the California Rules of Court that addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be in the form of live, face-to-face education. The proposed amendment would instead allow the presiding judge discretion to determine the number of hours of live, face-to-face education required to meet the court executive officer's continuing education requirement.

Recommendation

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) recommend that the council amend rule 10.473 of the California Rules of Court to give the presiding judge of a court discretion as to the number of hours of live,

face-to-face education to be completed by that court's executive officer to meet the court executive officer's continuing education requirement, to be effective July 1, 2015. The text of the proposed amended rule is attached at pages 4–6.

Previous Council Action

Effective January 1, 2007, the council adopted rule 10.473 of the California Rules of Court as part of a comprehensive set of rules addressing judicial branch education. Rule 10.473 requires each court executive officer to complete 30 hours of continuing education every three years, with half of the hours required to be completed in the form of live, face-to-face education.

In June 2012, the council's Rules and Projects Committee (RUPRO) asked advisory committees to submit suggestions for changes to rules and forms that could result in cost savings or efficiencies for the courts. As part of that process, various trial court executive officers suggested that rule 10.473 be repealed or amended to reduce training costs to trial courts for required training for court executive officers. The TCPJAC and CEAC propose amending rule 10.473 to accomplish this goal. The committees do not recommend repeal of the rule because of the value of education in the judicial branch.

The proposed amendment of rule 10.473 parallels recent changes in rules 10.491 and 10.474 to the in-person education requirement. Rule 10.491, which addresses Judicial Council employee education, was amended, effective January 1, 2014, to similarly provide that the council's Administrative Director has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that is required of council employees to meet the continuing education requirement.

Rule 10.474, which addresses trial court employee education, was amended, effective January 1, 2015, to provide that the court executive officer of each court has discretion to determine the number of hours, if any, of live, face-to-face education that is required of trial court managers, supervisors, and other personnel to meet the continuing education requirement.

Rationale for Recommendation

The proposed amendment would offer courts flexibility as to how their court executive officers should complete their continuing education requirements, giving presiding judges the discretion to decide how many of the required hours must be in live, face-to-face education. The expected benefits are cost savings, as more education is completed in the form of distance learning or self-study, and allowing each court the flexibility to determine what type of court executive officer education best suits that court's particular needs. However, at least one trial court judge questions the significance of any potential savings from this change and argues that ensuring that court executive officers stay current in their skills and knowledge is well worth the relatively minor costs of continuing education.

Comments, Alternatives Considered, and Policy Implications

An Invitation to Comment on this proposal was circulated for public comment from December 12, 2014, through January 23, 2015. Two commentators agreed with the proposed change without further comment. One court executive officer agreed with the proposal, citing the importance of flexibility given the financial difficulties faced by the courts. One trial court judge disagreed with the proposed change, commenting that the cost of continuing education for the court executive officer is minimal and that continuing education is essential to the ability of the court executive officer to do his or her job well.

The TCPJAC and CEAC considered the alternative of repealing the continuing education requirement for court executives, and propose not doing so for just the reasons stated in the opposing comment: continuing education is essential for court executives to stay up to speed in their skills and knowledge. The committees also considered the implications of leaving the requirement for face-to-face education unchanged, but recommend the amendment to give the courts greater flexibility. Although the cost savings will not be great, the flexibility allowed to each court under the proposed amendment should result in each trial court spending its continuing education dollars in the way that best meets the needs of that court and its executive officer.

Implementation Requirements, Costs, and Operational Impacts

The proposal is expected to have positive operational impacts, giving a presiding judge the discretion to allow a court executive officer flexibility with respect to alternatives to live training. Some cost savings are anticipated where alternatives to live training are utilized.

Attachments and Links

1. Cal. Rules of Court, rule 10.473, at pages 4–6
2. Chart of comments, at pages 7–8

Rule 10.473 of the California Rules of Court is amended, effective July 1, 2015, to read:

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

2
3 **(a) Applicability**

4
5 All California trial court executive officers must complete these minimum education
6 requirements. All executive officers should participate in more education than is required,
7 related to each individual's responsibilities and in accordance with the education
8 recommendations set forth in rule 10.479.
9

10 **(b) Content-based requirement**

11
12 (1) Each new executive officer must complete the Presiding Judges Orientation and
13 Court Management Program provided by the ~~Administrative Office of the Courts'~~
14 ~~Education Division/~~ Judicial Council's Center for Judicial Judiciary Education
15 and Research (CJER) within one year of becoming an executive officer and
16 should participate in additional education during the first year.
17

18 (2) Each executive officer should participate in CJER's Presiding Judges Orientation
19 and Court Management Program each time a new presiding judge from his or her
20 court participates in the course and each time the executive officer becomes the
21 executive officer in a different court.
22

23 **(c) Hours-based requirement**

24
25 (1) Each executive officer must complete 30 hours of continuing education, including
26 at least three hours of ethics education, every three years, ~~beginning on the~~
27 ~~following date:~~
28

29 ~~(A)~~ (2) For a new executive officer, the first three-year period begins on January 1
30 of the year following completion of the required education for new executive
31 officers.
32

33 ~~(B) For all other executive officers, the first three-year period began on~~
34 ~~January 1, 2007.~~

35 ~~(2)~~ (3) The following education applies toward the required 30 hours of continuing
36 education:
37

38 (A) Any education offered by an approved provider (see rule 10.481(a)) and
39 any other education, including education taken to satisfy a statutory or
40 other education requirement, approved by the presiding judge as meeting
41 the criteria listed in rule 10.481(b).

1 (B) Each hour of participation in traditional (live, face-to-face) education;
2 distance education such as broadcasts, videoconferences, and online
3 coursework; self-directed study; and faculty service counts toward the
4 requirement on an hour-for-hour basis. ~~Each court executive officer must~~
5 ~~complete at least half of his or her continuing education hours requirement~~
6 ~~as a participant in traditional (live, face-to-face) education. The court~~
7 ~~executive officer may complete the balance of his or her education hours~~
8 ~~requirement through any other means with no limitation on any particular~~
9 ~~type of education. The presiding judge has discretion to determine the~~
10 number of hours, if any, of traditional (live, face-to-face) education
11 required to meet the continuing education requirement.
12

13 (C) A court executive officer who serves as faculty by teaching legal or
14 judicial education to a legal or judicial audience may apply education
15 hours as faculty service. Credit for faculty service counts toward the
16 continuing education requirement in the same manner as all other types of
17 education—on an hour-for-hour basis.
18

19 **(d) Extension of time**

20 (1) For good cause, a presiding judge may grant a one-year extension of time to
21 complete the education requirements in (b) and (c).
22

23 (2) If the presiding judge grants a request for an extension of time, the executive
24 officer, in consultation with the presiding judge, must also pursue interim means
25 of obtaining relevant educational content.
26

27 (3) An extension of time to complete the hours-based requirement does not affect the
28 timing of the executive officer's next three-year period.
29

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

31 Each executive officer is responsible for:
32
33

34 (1) Tracking his or her own participation in education and keeping a record of
35 participation for three years after each course or activity that is applied toward the
36 requirements;
37

38 (2) At the end of each year, giving the presiding judge a copy of his or her record of
39 participation in education for that year; and

- 1
- 2
- (3) At the end of each three-year period, giving the presiding judge a signed statement of completion for that three-year period.

W15-04

Judicial Branch Education: Court Executive Officers Education

Amend Cal. Rules of Court, rule 10.473

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

| | Commentator | Position | Comment | [Proposed] Committee Response |
|----|---|-----------------|---|--|
| 1. | Superior Court of Los Angeles County Los Angeles, CA | A | No specific comment. | No specific response is required. |
| 2. | By Kim Turner, CEO Superior Court of Marin County Marin, CA | A | I support this proposal, as flexibility is important, given the dire financial circumstances facing many courts. | The commentator's support is noted. |
| 3. | By Mike Roddy, CEO Superior Court of San Diego County San Diego, CA | A | No specific comment. | No specific response is required. |
| 4. | Hon. Lisa Novak Superior Court of San Mateo County San Mateo, CA | N | The argument by Court Executive Officers that deleting required training will reduce training costs for the trial courts is specious at best. No one can persuasively argue that the cost of training a single court executive burdens any one trial court to any significant degree. This is an obvious attempt to simply avoid what seems like a necessary requirement of the position: making sure one is qualified to run the courts of a county. Ongoing education benefits all, whether it is for attorneys, judges, or Court Executive Officers. They are responsible for managing a complex system with a multitude of demands, and | The proposal does not change the number of continuing education hours required of court executive officers, but merely gives the presiding judge of a court discretion as to how many of those hours must be in live, face-to-face education. This is consistent with the recently amended continuing education requirements for trial court staff under rule 10.474, which allows the court executive officer discretion as to the number of hours of live education required, and for Judicial Council employees under rule 10.491, which allows the Administrative Director discretion as to the number of hours of live education required. Some court executive officers have |

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

| | Commentator | Position | Comment | [Proposed] Committee Response |
|--|--------------------|-----------------|--|---|
| | | | <p>their ability to do so effectively is certainly tied to constantly improving their skill set and staying up on changing laws and demands. I think it is shameful that they, along with the support of the Presiding Judges, and tried to finagle a way out of this requirement.</p> | <p>suggested that this flexibility will create cost savings while the court executive officers and their courts will benefit from them receiving the most appropriate continuing education.</p> |