

1       **Rule 3-403. Judicial branch education.**

2       Intent:

3       To establish the Judicial Branch Education Committee's responsibility to develop  
4 and evaluate a comprehensive education program for all judges, commissioners and  
5 court staff.

6       To establish education standards for judges, commissioners and court staff,  
7 including provisions for funding and accreditation for educational programs.

8       To ensure that education programs, including opportunities for job orientation, skill  
9 and knowledge acquisition, and professional and personal development, are available  
10 to all members of the judicial branch and that such programs utilize the principles of  
11 adult education and focus on participative learning.

12       To emphasize the importance of participation by all judicial branch employees in  
13 education and training as an essential component in maintaining the quality of justice in  
14 the Utah courts.

15       Applicability:

16       This rule shall apply to all judges, commissioners and court staff, except seasonal  
17 employees and law clerks.

18       Statement of the Rule:

19       (1) Organization.

20       (1)(A) Judicial branch education committee. The Judicial Branch Education  
21 Committee shall submit to the Council for approval proposed policies, standards,  
22 guidelines, and procedures applicable to all judicial branch education activities. It shall  
23 evaluate and monitor the quality of educational programs and make changes where  
24 appropriate within the approved guidelines for funding, attendance, and accreditation.

25       (1)(B) Responsibilities of members. Committee members shall propose policies and  
26 procedures for developing, implementing, and evaluating orientation, continuing skill  
27 development, and career enhancement education opportunities for all judicial branch  
28 employees; formulate an annual education plan and calendar consistent with the judicial  
29 branch education budget; and serve as advocates for judicial branch education,  
30 including educating the judiciary about the purpose and functions of the Committee.

31       (1)(C) Committee meetings.

32 (1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called  
33 as necessary. A majority of voting members in attendance is required for official  
34 Committee action.

35 (1)(C)(ii) The chairperson may recommend to the Council that a Committee member  
36 be replaced if that member is absent without excuse from two consecutive Committee  
37 meetings or fails to meet the responsibilities of membership as outlined in paragraph  
38 (1)(B).

39 (2) Administration. Judicial Education Officer. The Judicial Education Officer, under  
40 the direction of the Court Administrator, shall serve as staff to the Committee and be  
41 responsible for the administration of the judicial education program consistent with this  
42 rule.

43 (3) Standards for judges and court commissioners.

44 (3)(A)(i) Program requirements. All judges and court commissioners shall participate  
45 in a designated orientation program during their first year. All judges, court  
46 commissioners, active senior judges, and active senior justice court judges shall  
47 complete 30 hours of pre-approved education annually, to be implemented on a  
48 schedule coordinated by the Committee. Judges of courts of record and court  
49 commissioners may attend a combination of approved local, state, or national  
50 programs. ~~Senior Active and inactive senior judges and retired~~ judges may attend  
51 approved local or state programs and the annual Utah Judicial Conference, but the  
52 judge must pay all expenses.

53 (3)(A)(ii) Inactive senior judges and retired judges. If an inactive senior judge or a  
54 retired judge applies to be an active senior judge, the judge shall demonstrate that:

55 (3)(A)(ii)(a) less than three years has passed since he or she last complied with the  
56 continuing education requirements of an active senior judge;

57 (3)(A)(ii)(b) he or she has complied with the MCLE requirements of the Utah State  
58 Bar for at least three years before the application;

59 (3)(A)(ii)(d) he or she has attended 30 hours of approved judicial education within  
60 one year before the application; or

61 (3)(A)(ii)(e) he or she has attended the new judge orientation for judges of the courts  
62 of record within one year before the application.

63 (3)(B)(i) Program components. Education programs for judges and court  
64 commissioners shall include: a mandatory new judge orientation program; a variety of  
65 programs addressing substantive and procedural law topics, aimed at skill and  
66 knowledge acquisition; and programs geared to professional and personal  
67 development, to meet the continuing needs of judges and court commissioners over the  
68 long term.

69 (3)(B)(ii) Annual conferences. Justice court judges and active senior justice court  
70 judges shall attend the annual justice court conference unless excused by the  
71 Management Committee for good cause. Because the annual judicial conference  
72 represents the only opportunity for judges to meet and interact as a group and to elect  
73 their representatives, judges, active senior judges and court commissioners of the  
74 courts of record are strongly encouraged to attend that conference.

75 (4) Standards for court staff.

76 (4)(A) State employees.

77 (4)(A)(i) Program requirements. All court staff employed by the state shall complete  
78 20 hours of approved coursework annually.

79 (4)(A)(ii) Program components. Education programs for court staff employed by the  
80 state shall include: on-the-job orientation for new employees as well as semi-annual  
81 Orientation Academies; skill development programs that teach technical and job-related  
82 competencies; and enhancement programs that promote personal and professional  
83 growth within the organization.

84 (4)(B) Local government employees.

85 (4)(B)(i) Program requirements. All court staff employed by the justice courts shall  
86 complete 10 hours of approved coursework annually. All other court staff employed by  
87 local government shall complete 20 hours of approved coursework annually.

88 (4)(B)(ii) Program components. Education programs for court staff employed by local  
89 government shall include: annual training seminar; skill development programs that  
90 teach technical and job-related competencies; and enhancement programs that  
91 promote personal and professional growth.

92 (5) Reporting.

93 (5)(A) Judges, commissioners and court staff governed by these standards shall  
94 report participation in education programs on a form developed by the Committee.

95 (5)(B) For court staff, compliance with judicial branch education standards shall be a  
96 performance criterion in the evaluation of all staff.

97 (5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an  
98 opportunity to participate in the required education. Failure of a supervisor to meet the  
99 minimum education standards or to provide staff with the opportunity to meet minimum  
100 education standards will result in an unsatisfactory performance evaluation in the  
101 education criterion.

102 (5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an  
103 unsatisfactory evaluation on the education criterion unless the employee provides  
104 documented reasons that the employee's failure to meet the education standards is due  
105 to reasons beyond the employee's control.

106 (6) Credit. Judicial education procedures shall include guidelines for determining  
107 which programs qualify as approved education within the meaning of these standards.

108 (7) Funding.

109 (7)(A) Budget. In preparing its annual request for legislative appropriations, the  
110 Council shall receive and consider recommendations from the Committee. The  
111 Committee's annual education plan shall be based upon the Council's actual budget  
112 allocation for judicial education.

113 (7)(B) In-state education programs. Judicial branch funds allocated to in-state  
114 judicial education shall first be used to support mandatory in-state orientation programs  
115 for all judicial branch employees and then for other education priorities as established  
116 by the Committee with input from the Boards of Judges and Administrative Office.

117 (7)(C) Out-of-state education programs. To provide for diverse educational  
118 development, to take advantage of unique national opportunities, and to utilize  
119 education programs which cannot be offered in-state, the annual education plan shall  
120 include out-of-state education opportunities. The Committee shall approve national  
121 education providers and shall include in the education procedures, criteria to be applied  
122 by the Administrative Office to out-of-state education requests. Criteria shall include  
123 relevance to the attendee's current assignment and attendance at in-state programs.

124 Disagreement with a decision to deny an out-of-state education request may be  
125 reviewed by a quorum of the Committee at the applicant's request.

126 (7)(D) Tuition, fees, and travel. The Committee shall develop policies and  
127 procedures for paying tuition, fees, per diem, and travel for approved programs. State  
128 funds cannot be used to pay for discretionary social activities, recreation, or spouse  
129 participation. The Committee may set financial limits on reimbursement for attendance  
130 at elective programs, with the individual participant personally making up the difference  
131 in cost when the cost exceeds program guidelines.

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