

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

2       Intent:

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

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

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

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

17      Applicability:

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

20      Statement of the Rule:

21      (1) Organization.

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

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

35 (1)(C) Committee meetings.

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

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

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

47 (3) Standards for judges and court commissioners.

48 (3)(A)(i) Program requirements. All judges and court commissioners shall  
49 participate in a the first designated orientation program offered after the date  
50 the judge is administered the oath of office, unless attendance is excused for  
51 good cause by the Management Committee during their first year. All judges,  
52 court commissioners, active senior judges, and active senior justice court  
53 judges shall complete 30 hours of pre-approved education annually, to be  
54 implemented on a schedule coordinated by the Committee. Judges of courts

55 of record and court commissioners may attend a combination of approved  
56 local, state, or national programs. Active and inactive senior judges and  
57 retired judges may attend approved local or state programs and the annual  
58 Utah Judicial Conference, but an inactive senior judge or retired judge must  
59 pay all expenses.

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

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

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

67 (3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education  
68 within one year before the application; or

69 (3)(A)(ii)(d) he or she has attended the new judge orientation for judges of  
70 the courts of record within one year before the application. (3)(B)(i) Program  
71 components. Education programs for judges and court commissioners shall  
72 include: a mandatory new judge orientation program; a variety of programs  
73 addressing substantive and procedural law topics, aimed at skill and  
74 knowledge acquisition; and programs geared to professional and personal  
75 development, to meet the continuing needs of judges and court  
76 commissioners over the long term.

77 (3)(B)(ii) Annual conferences. Justice court judges and active senior justice  
78 court judges shall attend the annual justice court conference unless excused  
79 by the Management Committee for good cause. Because the annual judicial  
80 conference represents the only opportunity for judges to meet and interact as  
81 a group and to elect their representatives, judges, active senior judges and

82 court commissioners of the courts of record are strongly encouraged to attend  
83 that conference.

84 (4) Standards for court staff.

85 (4)(A) State employees.

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

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

94 (4)(B) Local government employees.

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

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

103 (5) Reporting.

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

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

109 (5)(B)(i) Supervisory personnel are responsible to ensure that all  
110 staff have an opportunity to participate in the required education. Failure of a  
111 supervisor to meet the minimum education standards or to provide staff with  
112 the opportunity to meet minimum education standards will result in an  
113 unsatisfactory performance evaluation in the education criterion.

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

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

121 (7) Funding.

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

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

131 (7)(C) Out-of-state education programs. To provide for diverse educational  
132 development, to take advantage of unique national opportunities, and to utilize  
133 education programs which cannot be offered in-state, the annual education  
134 plan shall include out-of-state education opportunities. The Committee shall  
135 approve national education providers and shall include in the education

136 procedures, criteria to be applied by the Administrative Office to out-of-state  
137 education requests. Criteria shall include relevance to the attendee's current  
138 assignment and attendance at in-state programs. Disagreement with a  
139 decision to deny an out-of-state education request may be reviewed by a  
140 quorum of the Committee at the applicant's request.

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