

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

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3 **Intent:**

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

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

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

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

16 This rule shall apply to all judges, commissioners and court staff, except seasonal
17 employees and law clerks.
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19 **Statement of the Rule:**

20 (1) Organization.

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

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

32 (1)(C) Committee meetings.

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

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

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

42 (3) Standards for judges and court commissioners.

43 (3)(A) Program requirements. All judges and court commissioners shall participate in the
44 first designated orientation program offered after the date the judge is administered the oath of

45 office, unless attendance is excused for good cause by the Management Committee. All judges,
46 court commissioners, active senior judges, and active senior justice court judges shall complete
47 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by
48 the Committee. Judges of courts of record and court commissioners may attend a combination
49 of approved local, state, or national programs. Active and inactive senior judges and retired
50 judges may attend approved local or state programs and the annual Utah Judicial Conference,
51 but an inactive senior judge or retired judge must pay all expenses.

52 (3)(A)(i) Active senior judge. If an active senior judge applies to be reappointed and will
53 have completed at least 60 total education hours in the two years preceding the effective date of
54 reappointment, the Management Committee may, for good cause shown, excuse the judge from
55 having to complete the annual 30 hour education requirement.

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

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

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

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

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

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

76 (4) Standards for court staff.

77 (4)(A) State employees.

78 (4)(A)(i) Program requirements. All court staff employed by the state shall complete
79 20 hours of approved coursework annually.

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

92 (5) Reporting.

93 (5)(A) Judges, commissioners and court staff governed by these standards shall report
94 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 minimum
99 education standards or to provide staff with the opportunity to meet minimum education
100 standards will result in an unsatisfactory performance evaluation in the education criterion.

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

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

107 (7) Funding.

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

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

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

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