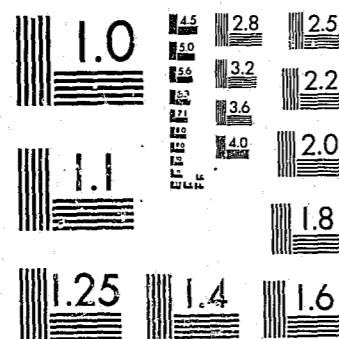


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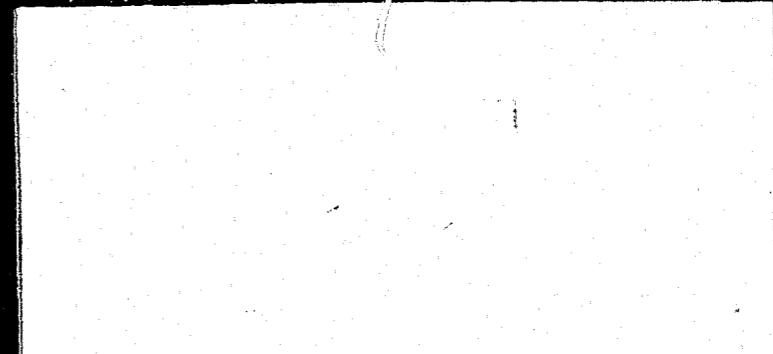
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**SURVEY OF
STATE MANDATORY
JUDICIAL EDUCATION REQUIREMENTS**

MARCH 1981

U.S. Department of Justice
National Institute of Justice

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I. INTRODUCTION

In response to a number of inquiries made to LEAA's Courts Technical Assistance Project (CCTAP) at American University regarding the scope and nature of state judicial education requirements, CCTAP staff conducted a telephone survey of all state judicial education officers (or state court administrators, if no judicial education officer was employed) to determine: (1) whether mandatory* judicial education requirements existed in their states and (2) if so, the nature of the education required and the judges affected. The survey was conducted during the period of November 1980 through January 1981. The initial survey results were compiled in February and sent to each state judicial education officer (or state court administrator) for review and comment.

The final report of this survey is presented in this publication. Chart I lists the number of law trained and lay judges** in each state; indicates whether mandatory judicial education requirements are imposed and, if so, the level of judges affected by the requirements; and the authority by which the education is mandated. Chart II focusses on those states which have mandatory judicial education requirements and indicates the types of programs mandated in each of three areas: New Judge Orientation/Certification; Annual Judicial Conference/College***; and Continuing Education. In addition, the monitoring or accrediting

* The term "mandatory", as used in this report, refers to programs which are mandated by statute, court rule or other formal policy.

** As the footnotes to entries in the lay judge category indicate, there is considerable difference of opinion among the states as to who should be counted as a "lay" judge in these statistics and, particularly, which functions constitute "judicial" functions. The statistics provided are those reported by each state. For a full analysis and survey of lay judges in the states, see Non-Attorney Justice in the United States: An Empirical Study, Institute of Judicial Administration, Inc., New York, N.Y. 1979.

*** In many states, the calling of a judicial conference or college is mandated by statute or rule but no mention is made of mandatory attendance requirements. For the purposes of this survey, a judicial conference or college is considered as a mandatory education requirement if it is required to be called, regardless of whether any reference is made to mandatory attendance requirements.

body which is responsible for overseeing compliance is listed. Appendix B contains samples of the authorizing instruments which establish the mandatory judicial education programs and includes statutes, court rules and administrative orders.

The survey indicates that 40 states have formal mandatory requirements for judicial education; 10 states and the District of Columbia have no mandatory judicial education requirements. Of the 40 states with mandatory judicial education requirements, four states^{1/} require attendance only at an annual judicial conference or college; five states^{2/} require attendance only at a new judge orientation/certification program (in four of these, this requirement only applies to limited jurisdiction judges); eight states^{3/} require only a specified level of continuing education; and 23^{4/} states require attendance at more than one of these types of programs.

Considering that "mandatory judicial education" usually refers to a specified number of required hours of continuing legal education program participation by judges over some defined period, 26 states have reported that they have such requirements, 9^{5/} of which require such attendance by both general jurisdiction and appellate court judges. (See tabulation on p. 3)

1/ Arizona, Indiana, Maine and Tennessee

2/ Idaho, Michigan, Nevada, North Carolina and Washington

3/ Colorado, Connecticut, Delaware, Iowa, Nebraska, Ohio, Wisconsin and Wyoming

4/ Alaska, Georgia, Hawaii, Illinois, Kansas, Maryland, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia and West Virginia.

5/ Colorado, Hawaii, Iowa, Maryland, Minnesota, New Hampshire, Ohio, Wisconsin and Wyoming.

It should be noted that many states offer regular voluntary programs in the three program categories which are comprehensive and well attended, despite the absence of mandatory participation requirements. In addition, in some states where judicial education is not formally required, letters from the Governor and/or Chief Justice are routinely sent to all judges "encouraging" or "inviting" attendance at educational sessions.

Mandatory New Judge Orientation/Certification Programs, listed on Chart II, are conducted in 24 states. Many of these programs apply only to limited jurisdiction judges, as the following summary indicates:

No. Of States	Required Participation			
	All Judges	All Gen./Lim.	Lim. Only	Lay Only
24	3	4	9	8

The programs range in length from one day to four weeks.

The Annual Judicial Conference or College is mandated in 17 states and is generally directed to all judges in the state. The programs range in length from 1½ days to 4 days with program participation required as follows:

No. Of States	Required Participation			
	All Judges	All Judges exc. Lay	Gen./Appel.	Gen. Only
17	7	4	5	1

Mandatory Continuing Education Programs operate in 26 states. Program requirements vary from state to state in terms of the type and extent of education program participation required. Attendance is mandated as follows:

No. Of States	Required Participation						
	All Judges	All Judges exc. Lay	Gen./Appel.	Gen./Lim.	Gen. Only	Lim. Only	Lay Only
26	7	1	1	3	1	10	3

The Monitoring and Accrediting Bodies listed in Chart II were designated in the mandating instruments when the education programs were established. Generally, these bodies are the Supreme Court (or Chief Justice) and/or the state Court Administrative Office. In four states^{6/}, however, special boards or commissions have been designated to oversee the mandatory judicial education programs. In two states^{7/}, where mandatory education applies only to limited jurisdiction judges, the monitoring function is lodged in the Chief Magistrate or the Attorney General.

Approximately 20 states sent copies of their mandating instruments. Samples of these are included in Appendix B and others are available, upon request, from the CCTAP office. The mandating instruments vary from state to state in terms of both their specific provisions and the contexts in which they were developed and are applied. In those states where mandatory continuing legal education programs are mandated for state judges, various sanctions are in effect, generally involving a hearing before the Supreme Court and referral to the Judicial Qualifications Commission for culpatory non-compliance. All mandating instruments specify sanctions for lay judge non-compliance with mandatory education requirements and essentially take the form of non-certification, suspension or removal from office.

A list of individuals who contributed to this survey, with their addresses, is provided in Appendix A. Readers are encouraged to contact the CCTAP or these individuals for further information on the state programs described.

^{6/} Colorado, Georgia, Iowa and Washington

^{7/} Delaware and Mississippi

CHART I
MANDATORY JUDICIAL EDUCATION
BY STATE AND JURISDICTION LEVEL

State	Number of Judges		Mandatory Education by Jurisdiction Level					Mandating Instrument		
	Law Trained	Lay	None	Limited Juris. Law Tr.	Lay	Gen. Juris.	Appel- late	Stat.	Ct. Rule	Other
ALABAMA	436	69 ^{1/}	X							
ALASKA	68	48		X	X	X	X		X	Ch. Just. Policy
ARIZONA **	142	116		X	X	X	X			Ch. Just. Order***
ARKANSAS	174	78 ^{2/}	X							
CALIFORNIA	1,241	-	X							
COLORADO	410*	73* ^{3/}		X	Co. X Ct.	X	X	X	X	***
CONNECTICUT	190	59 ^{4/}				X		X 4a/		Ch. Just. Policy
DELAWARE	39	74* ^{5/}		X J.P.'s	X					Ch. Magis. Order
DISTRICT OF COLUMBIA	52	-	X							
FLORIDA	519	29 ^{6/}	X							
GEORGIA	247	620* ^{7/}			X				*** X	

* Estimated

** Annual Judicial Conference Only

*** Included in Appendix B

- 1/ These are Probate Judges. There are approximately 400 lay magistrates performing minor court-related duties serving municipal and general jurisdiction courts.
- 2/ Does not include police and city court judges, about whom no information was obtained.
- 3/ Includes 23 (of 109) county court judges and an estimated 50 (of 250) municipal court judges.
- 4/ 59 of Conn.'s 130 Probate Judges are lay judges; the remaining 71 are law trained and included in that column.
- 4a/ By statute, educational programs must be prepared for the judges of the "constituent" courts. By general policy of the Chief Justice and Chief Court Administrator attendance of all general jurisdiction judges at education programs is expected and realized.
- 5/ Includes 20 Alderman's Ct. judges who may or may not be lawyers and 54 J.P.'s.
- 6/ County Court judges still sitting due to "grandfather" clause.
- 7/ Does not include 1164 non-certified J.P.'s and 435 Municipal, Police and Mayor's Court Judges, of whom 35-40% are lawyers.

CHART I
MANDATORY JUDICIAL EDUCATION
BY STATE AND JURISDICTION LEVEL

State	Number of Judges		Mandatory Education by Jurisdiction Level					Mandating Instrument		
	Law Trained	Lay	None	Limited Juris. Law Tr.	Lay	Gen. Juris.	Appel- late	Stat.	Ct. Rule	Other
HAWAII	51	-		X		X	X			Admin. 8/ Directive
IDAHO	82	22		X	X			X		
ILLINOIS	726	3 ^{9/}				X	X		X	*** Const.***
INDIANA **	317	44		X		X	X	X		
IOWA	228*	83 ^{10/}		X	X	X	X	X	X	*** Lay Magis.
KANSAS	151	373* ^{11/}		X	X	X	X			Ch. Just.
KENTUCKY	235	-	X							
LOUISIANA	292	685*	X							
MAINE **	42	-		X		X	X	X		
MARYLAND	204	69		X		X	X			Admin. Ord Chief Judge
MASSACHUSETTS	280	-	X							
MICHIGAN	562	130* ^{12/}		X	X	X	X	X	X	Magis. X
MINNESOTA	225	1 ^{9/}		X	X	X	X	X	X	
MISSISSIPPI	167	644 ^{13/}			X				X	

* Estimated

** Annual Judicial Conference Only

*** Included in Appendix B

- 8/ While not strictly "mandatory", continuing education of judges in Hawaii is required by Administrative Directive
- 9/ In Illinois, 3 lay Circuit Court Judges are still sitting and, in Minnesota, 1 lay County Court Judge is still sitting due to a "grandfather" clause.
- 10/ Of 166 part-time Magistrates, approximately one-half are non-lawyers.
- 11/ Includes 73 Magistrate Judges and approximately 300 Municipal Court Judges, most of whom are non-lawyers.
- 12/ These are magistrates who perform minor court-related functions for the district courts.
- 13/ Includes 415 Justice Court Judges and 229 Mayors who are municipal judges.

CHART I
MANDATORY JUDICIAL EDUCATION
BY STATE AND JURISDICTION LEVEL

State	Number of Judges		Mandatory Education by Jurisdiction Level				Mandating Instrument		
	Law Trained	Lay	None	Limited Juris. Law Tr.	Gen. Juris. Lay	Appel- late	Stat.	Ct. Rule	Other
MISSOURI	514	219		X	X	X	***	X	
MONTANA	39	141*		X	X		***	X	
NEBRASKA	124	43		X			X		
NEVADA	32	73		X			X		
NEW HAMPSHIRE	111	12		X	X	X	***	X	
NEW JERSEY	659	-		X	/	X			Ch. Just. Policy/Ord.
NEW MEXICO	61	186		X	X		Magis. & Muni.		S.Ct. Recommendation
NEW YORK	1,038	2,250* ^{14/}		X	X		X Lay		Ch. Judge Policy 15/
NORTH CAROLINA	221 ^{16/}	600*		Magistrates X	X		X		
NORTH DAKOTA	86	145		X	X		***	X	
OHIO	610	-		X	/	X	***	X	
OKLAHOMA	220	1 ^{17/}	X						
OREGON	149	230*		X	X	X	***	X	
PENNSYLVANIA	331	565*		Dist. X Just.	X		***	X	Const.

* Estimated

*** Included in Appendix B

14/ These are town and village justices, of whom approximately 20% are lawyers.

15/ While not "mandatory", continuing education of all state paid trial court judges (approx. 1,000) is required by an "announced policy" of the Chief Judge of the State of New York.

16/ Includes 7 lay district court judges still sitting due to a "grandfather" clause.

17/ Does not include approximately 150 municipal court judges, about one-half of whom are non-lawyers.

CHART I
MANDATORY JUDICIAL EDUCATION
BY STATE AND JURISDICTION LEVEL

State	Number of Judges		Mandatory Education by Jurisdiction Level				Mandating Instrument		
	Law Trained	Lay	None	Limited Juris. Law Tr.	Gen. Juris. Lay	Appel- late	Stat.	Ct. Rule	Other
RHODE ISLAND	49	-	X						
SOUTH CAROLINA	82	605*		X	X	X		***	Ch.J.Order for Magis.
SOUTH DAKOTA	59	150*		X	X	X	X	X	
TENNESSEE **	142 ^{18/}	115				X	X	X	
TEXAS	883 ^{19/}	1,678		X	X			X	
UTAH	71	160*		X	X	X	X	***	
VERMONT	27	47 ^{20/}	X						
VIRGINIA	281	400* ^{21/}		X	X	X		X	
WASHINGTON	330*	70*			X			***	
WEST VIRGINIA	60	150* ^{22/}		Magistrates X	X			X	
WISCONSIN	214	215* ^{23/}				X	X	X	
WYOMING	30	155* ^{24/}				X	X	X	^{25/}

* Estimated **Annual Judicial Conference Only ***Included in Appendix B

18/ Estimated number of General Sessions judges, approximately one-half of whom are non-lawyers.

19/ Includes 53 Co. Ct., 57 J.P.'s and 294 Municipal Court judges who are lawyers.

20/ Does not include J.P.'s, about whom no information was obtained.

21/ Magistrates, most of whom are non-lawyers.

22/ Does not include municipal, police and mayor's court judges, about whom no information was obtained.

23/ Municipal court judges, with extremely limited jurisdiction, approx. 75% of whom are non-lawyers, and all but 2 of whom are part-time.

24/ Includes 68 J.P.'s & 87 Muni. Court judges, approximately one-half of whom are non-lawyers.

25/ Judicial Nominating Committee Rule for Appellate judges; Court Rule for Supreme Court and District Judges. Court Rule will soon apply to all courts.

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/Accrediting Body
	Gen. Juris.	Appellate	Limited Law Tr.	Lay	Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited Law Tr.	Lay	
ALASKA			1 week Magistrate Orientation		X	X	X	X			-----Magistrates----- -----1 week----- -----annually-----		Chief Justice / Court Admin.
ARIZONA					X	X	X	X					
COLORADO									45 units/ 3 yrs.	45 units/ 3 yrs.	45 units/ 3 yrs.	45 units/ 3 yrs. ^{1/}	Bd. of Cont. Legal & Judicial Ed.
CONNECTICUT									Estimated 45 hours/ annually				Chief Justice / Ct. Admin. _{2/}
DELAWARE											Effective 1/81 for J.P.'s Undetermined Req.		Chief Magistrate
GEORGIA			J.P.'s & Lay Small Claims - 40 hr. certification								J.P.'s & Lay Small Claims - 20 hrs./yearly		Ga. Justice Cts. Training Council
HAWAII	4 weeks/ Nat. Jud. College	2 weeks N.Y.U.	2 weeks Jud. Col.						1 week/ 3 yrs.	1 week/ 3 yrs.	1 week/ 3 yrs.		Chief Justice / Ct. Adm.

1/ Municipal Court lay judges not covered.

2/ By statute, educational programs must be prepared for the judges of the "constituent" courts. By general policy of the Chief Justice and Chief Court Administrator attendance of all general jurisdiction judges at education programs is expected and realized.

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/ Accrediting Body
	Gen. Juris.	Appellate	Limited Law Tr.	Lay	Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited Law Tr.	Lay	
IDAHO			Magistrates 1 day/ Orienta- tion	1 day/ Orienta- tion 3/									Supreme Ct./ A.O.C.
ILLINOIS	2½ days/ Seminar	2½ days/ Seminar	/	/	2½ days X	X	/	/			/	/	Supreme Ct.
INDIANA					---3 days X	X	4/ X						Chief Justice /Bd. of Dir. of Jud. Conf. CLE Comm./ S.Ct./Commiss on Jud. Qual.
IOWA									15 hrs./ yearly	15 hrs./ yearly	15 hrs./ yearly	12-15 hrs. /yearly	
KANSAS	3 days		3 days 5/ 5/	Magis. Cert./2 days + 1 day test	X	X	---3 days X	X					Supreme Ct.
MAINE			/	/	X	X	---2 days X	X				/	Chief Justice

3/ Certification for non-lawyer magistrates (to increase their jurisdiction to include criminal proceedings involving incarceration requires 6 week course and an exam.

4/ Small claims, city and town judges not included.

5/ Municipal Court Judges not included.

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/ Accrediting Body
	Gen. Juris.	Appellate	Limited Law Tr.	Lay	Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited Law Tr.	Lay	
MARYLAND	10 days in Cir. +8 days instruction		10 days in Cir. + 8 days instr.		X	X	X			-----2½ days----- -----annually-----			Chief Judge
MICHIGAN	5 days	5 days	5 days	Magis. 2 days ^{6/}									Chief Justice /Jud. Inst.
MINNESOTA ^{7/}					X	X	X		45 hrs./ 3 years	45 hrs./ 3 years	45 hrs./ 3 years	45 hrs./ 3 years	Supreme Court Continuing Education
MISSISSIPPI				3½ days J.P.'s - 12 hrs. Mayors & Muni.								J.P.'s 3½ days/ 4 years	Attorney General
MISSOURI				Muni. Ct. Cert. -1½ days tr. ½ day exam	2½ X	days X							Supreme Ct./
MONTANA				J.P.'s Orienta- tion							2½-3 days /semi- annually	2½-3 days /semi- annually	Supreme Ct.

^{6/} By statute, Magistrates must complete 2 days of training prior to authorization by local District Court Judge to conduct civil infraction hearings.

^{7/} Annual Conference: Statute requires the Chief Justice to call an Annual Conference; no mention of mandatory attendance.
Continuing Education: Rule prescribes courses to be included in the 45 hours as follows: basic instruction and orientation for new judges, sentencing institute, and tour of institutions every 5 years.

^{8/} Meeting is by statute; training by Supreme Court Order.

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/ Accrediting Body
	Gen. Juris.	Appellate	Limited Law Tr.	Lay	Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited Law Tr.	Lay	
NEBRASKA												3 days/ annually	Supreme Ct.
NEVADA				2 week course be- fore taking office									State Court Administrator
NEW HAMPSHIRE					2½ X	days X			5 days/ annually	5 days/ annually	Probate-2 days Dist. & Muni.-6 days /annually		Supreme Ct.
NEW JERSEY	5 days Orienta- tion		2 days Muni. Orienta- tion	/	---3 days X	--- X	--- X	/				/	Supreme Ct.
NEW MEXICO	3 weeks N.J.C.		---2 to 5 days---		X	X	X	X	Grad. Courses NJC;AAJE		Magistrates & Muni.Ct -----Annual----- -----Training-----		Supreme Ct./ A.O.C.
NEW YORK				9/ X					9a/ 5 days/ annually		9a/ 5 days/ annually	2 days/1st yr. + each subsequent term-4 yr.	Ct. Adm./ Ch. Admin. Judge

9/ All newly elected or appointed non-attorney justices are required by law and rules of the Chief Judge of the Court of Appeals to be certified by taking a 6 day basic course and passing a final exam.

9a/ Announced policy of the Chief Judge. See fn. 15, *supra*, Chart I.

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/ Accrediting Body
	Gen. Juris.	Appellate	Limited Law Tr.	Lay	Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited Law Tr.	Lay	
NORTH CAROLINA			40 hours Magistrate Orientation <u>10/</u>										A.O.C./ Inst. of Govt.
NORTH DAKOTA			Orientation								-----2 days----- -----annually-----		A.O.C.
OHIO										-----20 hours----- -----annually-----	<u>11/</u>		Supreme Court
OREGON			2 days Orientation		X	X					-----2 days----- -----annually-----		Supreme Court
PENNSYLVANIA				<u>12/</u> Certifi- cation							District Justices -----32 hours----- -----annually-----		Supreme Court/ A.O.C.

10/ 40 hours by statute; 80 hours in practice.

11/ 10 hours annually for part-time judges (5 hours of the 10 or 20 must be at the Ohio Judicial College)

12/ Non-lawyer District Justices before taking office: 4 weeks class instruction and exam for certification.
Non-lawyer Philadelphia Traffic Court Judges: 20 hours minimum

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/Accrediting Body
	Gen. Juris.	Appellate	Limited Law Tr.	Lay	Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited Law Tr.	Lay	
SOUTH CAROLINA				5 days Magis. Orient.					15 hours/annually		15 hours/annually	15 hours/annually ^{13/}	Supreme Court /A.O.C.
SOUTH DAKOTA					---3 days--- X	X					-----magistrates----- -----2½ days----- -----2 years-----		Supreme Court
TENNESSEE					---4 days--- X	X							Supreme Court
TEXAS			8 hr. Muni. Ct. Orient.	J.P.'s 40 hrs. Muni. Ct. 24 hrs.							Muni. Ct. 8 hours/annually	14/	Court Administrator
UTAH					---2½ days--- X	X	X					J.P.'s 2½ days annually	S.Ct. & Juv. Ct. Adm./Jud. Qual. & Removal Comm.

^{13/} Magistrates; court rule will soon include municipal court judges.

^{14/} Non-lawyer J.P.'s - 20 hours annually; non-lawyer municipal court judges - 8 hours annually.

CHART II

STATE MANDATORY JUDICIAL EDUCATION REQUIREMENTS

State	New Judge Orientation/Certification				Annual Judicial Conference/College				Continuing Education				Monitoring/ Accrediting Body
	Gen. Juris.	Appellate	Limited		Gen.	App.	Lim.	Lay	Gen. Juris.	Appellate	Limited		
			Law Tr.	Lay							Law Tr.	Lay	
VIRGINIA			-----magistrate----- -----certification----- 15/		3 days X						-----magistrates----- ----- 3 days ----- -----annually-----		Chief Justice /Dir. of Ed. Services
WASHINGTON				16/									Non-attorney Judge Exam- ining Comm.
WEST VIRGINIA			-----magistrate----- -----training----- 17/								-----magistrates----- -----probably 3 days----- -----2 years-----		Supreme Court
WISCONSIN									60 credits 6 years	18/	under consider- ation for Muni. Court Judges		Supreme Court /Dir. of Jud. Education
WYOMING									15 hours annually	N.Y.U. Seminar	Court Rule will soon apply to all courts.		Supreme Court /Jud. Nomin- ating Comm.

15/ Magistrates appointed after 6/30/80: 19 hours training, exam and certification.
" " before 6/30/80: 19 hours training.

16/ Non-attorney judges, before being elected or appointed, must pass a qualifying exam based upon syllabi prepared by the Non-Attorney Judge Examining Committee.

17/ 5½ days training after election; 2 days sitting in another magistrate's court; and 2 more days training.

18/ Supreme Court of Wisconsin Rules relating to details of the mandatory education requirement are included in Appendix B.

APPENDICES

- A. List of Survey Respondents
- B. Sample Statutes, Rules, Orders and Constitutional Provisions

APPENDIX A

APPENDIX A

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FILED
JUL 23 1980
MASTARI HOPKINS-YOUNG
CLERK SUPREME COURT
BY *Anna L. Carter*

IN THE SUPREME COURT OF THE STATE OF ARIZONA

IT IS ORDERED that the 1980 Annual Judicial Conference of Justices of the Peace and Municipal Judges be held at the Radisson Resort in Scottsdale, Arizona on September 8 and 9, 1980. Justices of the Peace and Municipal Judges are directed to attend the Conference.

DATED this 21st day of July, 1980.

Fred C. Struckmeyer, Jr.
FRED C. STRUCKMEYER, JR.
CHIEF JUSTICE

APPENDIX B

**COLORADO SUPREME COURT
BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION**

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(303) 861-5700

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RULES, REGULATIONS & SAMPLE FORMS

(December, 1979)

PLEASE RETAIN IN YOUR FILES

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RULE 260: MANDATORY CONTINUING LEGAL AND JUDICIAL EDUCATION
(As adopted by the Colorado Supreme Court, August 14, 1978, and amended, November 9, 1979)

PREAMBLE: STATEMENT OF PURPOSE

As society becomes more complex, the delivery of legal services likewise becomes more complex. The public rightly expects that practicing attorneys, in their practice of law, and judges, in the performance of their duties, will continue their legal and judicial education throughout the period of their service to society. It is the purpose of these rules to make mandatory a minimum amount of continuing legal education for practicing attorneys and judges.

RULE 260.1: DEFINITIONS

- (1) The "Board" is the Board of Continuing Legal and Judicial Education.
- (2) "Continuing legal education" is any legal, judicial or other educational activity accredited by the Board.
- (3) An attorney in "inactive status" is one who has elected such status pursuant to Rule 227A.
- (4) "Registered attorney" is an attorney who has paid the registration fee required by Rule 227A for the current year and who is not on inactive status or suspended by the Supreme Court from the practice of law.
- (5) "Judge" is a judge who is subject to the jurisdiction of the Commission on Judicial Qualifications or the Denver County Court Judicial Qualifications Commission.
- (6) "These rules" refer to rules numbered 260.1 through 260.7 of the Rules of Civil Procedure.
- (7) A "unit" of continuing legal education is a measurement factor combining time and quality assigned by the Board to all or part of a particular continuing legal educational activity.

RULE 260.2: MINIMUM EDUCATIONAL REQUIREMENTS

- (1) Every registered attorney and every judge shall complete 45 units of continuing legal education during each applicable three-year compliance period as provided in these rules.
- (2) At least two of the 45 units will be devoted to continuing legal education specifically addressed to legal or judicial ethics.
- (3) All registered attorneys admitted after January 1, 1979 shall become subject to the minimal educational requirements set forth in these rules on the date of their initial admission to the bar of the State of Colorado. Their first compliance period shall begin on that date and end on December 31 of the third full calendar year following the year of admission. All registered attorneys admitted after January 1, 1979 shall satisfy the Basic Legal Skills Curriculum requirement for which they shall receive credit as part of the 45 units required in their first compliance period following admission to the bar. The "Basic Legal Skills Curriculum" is a course of post-admission legal education accredited by the Board which emphasizes essential skills and techniques for attorneys which are not normally included or stressed in pre-admission legal education.
- (4) Upon being reinstated pursuant to Paragraphs (3) or (8) of Rule 227A, any registered attorney who has been suspended under Paragraph (2) of Rule 227A, shall become subject to the minimal educational requirements set forth in these rules on the date of reinstatement. The first compliance period shall begin on that date and end on December 31 of the third full calendar year following the year of reinstatement, provided the date of reinstatement is more than one year after the date of suspension or transfer to inactive status. Otherwise, the compliance period shall be the same as it would have been absent the suspension or transfer. All registered attorneys reinstated more than one year after the date of suspension or transfer shall satisfy the Basic Legal Skills Curriculum requirement for which they shall receive credit as part of the 45 units required in their first compliance period following reinstatement.
- (5) Units of continuing legal education completed after the adoption of this rule by the Supreme Court and prior to January 1, 1979 may be used to meet the minimum educational requirement for the first applicable compliance period. Units of continuing legal education completed in excess of the required units of continuing legal education in any applicable compliance period may not be used to meet the minimum educational requirements in any succeeding compliance period.

RULE 260.3: BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION

- (1) There is established a Board of Continuing Legal and Judicial Education which shall consist of nine members appointed by the Supreme Court. Six of the members shall be registered attorneys, at least one of whom shall also be a judge, and three

of the members shall be non-attorneys. At least one of the registered attorneys shall be under the age of 35 when he or she is appointed. Members shall serve three-year terms; except that of the members initially appointed, three shall serve for one year, three shall serve for two years, and three shall serve for three years. The Supreme Court shall appoint one of the members to serve as chairperson at its pleasure. In the event of a vacancy, a successor shall be appointed for the unexpired term of the member whose office is vacated. Membership on the Board may be terminated as to any member by the Supreme Court at its pleasure. The members shall be entitled to reimbursement for reasonable travel, lodging and other expenses incurred in the performance of official duties.

(2) The Board shall employ an Executive Director and such other staff as may be necessary to assist it in performing its functions and shall pay all expenses reasonably and necessarily incurred by it under a budget approved by the Supreme Court.

(3) The Board shall administer the program of mandatory continuing legal education established by these rules. It may formulate rules and regulations and prepare forms not inconsistent with these rules pertaining to its functions and modify or amend the same from time to time. All such rules, regulations and forms and any modifications or amendments thereto shall be submitted to the Supreme Court and shall be made known to all registered attorneys and judges. Those rules, regulations and forms shall automatically become effective on the 30th day following submission unless they have been suspended by the Supreme Court prior to that date.

RULE 260.4: ACCREDITATION

(1) Continuing legal education must be educational activity which has as its primary objective the increase of professional competence of registered attorneys and judges. The activity must be an organized activity dealing with subject matter directly related to the practice of law or the performance of judicial duties. The Board shall accredit a broad variety of educational activities which meet these requirements.

(2) Formal classroom instruction or educational seminars which meet the requirements of Paragraph (1) above lend themselves very well to the fulfillment of the educational requirement imposed by these rules and will be readily accredited by the Board. However, it is not intended that compliance with these rules will impose any undue hardship upon any registered attorney or judge by virtue of the fact that he or she may find it difficult because of age or other reasons to attend such activities. Consequently, in addition to accrediting classroom activities and seminars at centralized locations, the Board shall attempt to promote and accredit such educational activities as video tape and audio tape presentations; preparation of articles, papers, books and other such written materials; self-administered courses and testing; and other meritorious learning experiences. The Board shall to the extent possible make all educational activities reasonably available throughout Colorado. In cases of incapacity because of poor health, the Board may defer the requirements set forth in these rules for individual attorneys. Deferral does not constitute a waiver.

(3) The educational activity required by these rules will be in addition to teaching on a regular basis in which particular registered attorneys or judges may engage, such as instruction at a law school. Pursuant to Paragraph (6) below, the Board will determine whether a registered attorney's or judge's teaching qualifies for accreditation.

(4) The Board shall assign an appropriate number of units of credit to each educational activity it shall accredit. Generally, a unit of credit shall be the equivalent to attending 50 minutes of a formal classroom lecture with accompanying textual material.

(5) The Board may accredit as a sponsoring agency any organization which offers continuing legal education activities. All of the activities sponsored by such agency which conform to the requirements of these rules and such additional rules and regulations as the Board may adopt from time to time shall be accredited. Accreditation extended by the Board to any sponsoring agency shall be reviewed by the Board at least annually.

(6) The Board shall develop criteria for the accreditation of individual educational activities and shall in appropriate cases accredit qualifying activities of such nature. Although such accreditation will generally be given before the occurrence of the educational activity, the Board may in appropriate cases extend accreditation to qualified activities which have already occurred.

(7) The Board shall make available a list of all educational activities accredited by it, together with the units of credit assigned to each activity, which may be undertaken by registered attorneys or judges.

RULE 260.5: EXEMPTIONS

Any registered attorney over the age of 75 may apply for an exemption from the minimum educational requirements set forth in these rules by filing a statement with the Board setting forth good faith reasons why he or she is unable to comply with these rules, and an exemption may be granted by the Board.

RULE 260.6: COMPLIANCE

(1) The mandatory continuing legal education requirement imposed by these rules shall take effect January 1, 1979. To aid administrative implementation of the requirement, the Board shall divide all registered attorneys into three groups of approximately equal numbers. The first group shall be required to complete 15 units of continuing legal education during the first year, and thereafter all registered attorneys in the first group shall complete 45 units of continuing legal education during each subsequent three-year compliance period. The second group shall be required to complete 30 units of continuing legal education during the first two years, and thereafter all registered attorneys in the second group shall complete 45 units of continuing legal education during each subsequent three-year compliance period. The third group shall be required to complete 45 units of continuing legal education during the first three years, and thereafter all registered attorneys and judges in the third group shall complete 45 units of continuing legal education during each subsequent three-year compliance period. All registered attorneys admitted to the bar within the two calendar years preceding January 1, 1979 and all judges shall be placed in the third group.

(2) Commencing with the date set forth in Paragraph (1) above, the Clerk of the Supreme Court shall send to each registered attorney and judge an Affidavit in such form as shall be prescribed by the Board for the reporting of compliance with the mandatory continuing legal education required by these rules. The Affidavit shall be sent by the Clerk with the receipt for the registration fee required by Rule 227A or Rule 227B. It shall be in such form as will allow annual reporting of progress towards fulfilling the required units during each applicable compliance period and shall be made under oath.

(3) At the time of payment of the registration fee required by Rule 227A or Rule 227B, each registered attorney and each judge shall submit an Affidavit showing the units of continuing legal education completed since the date such registered attorney or judge became subject to these rules or the date an Affidavit was last filed, whichever shall be later.

(4) No later than January 31st following the end of each applicable compliance period, each registered attorney and each judge shall submit a final Affidavit showing the total units of continuing legal education completed during such period.

(5) In the event a registered attorney or judge shall fail to complete the required units at the end of each applicable compliance period, the final Affidavit may be accompanied by a specific plan for making up the deficiency of units necessary within 120 days after the date of the final Affidavit. Such plan shall be deemed accepted by the Board unless within 15 days after the receipt of such final Affidavit the Board notifies the affiant to the contrary. Full completion of the affiant's plan shall be reported by the Affidavit to the Board not later than 15 days following such 120-day period. Failure of the affiant to complete the plan within such 120-day period shall invoke the sanctions set forth in Paragraph (6).

(6) In the event that any registered attorney or judge shall fail to comply with these rules in any respect, the Board shall promptly notify such registered attorney or judge of the nature of the noncompliance by a statement of noncompliance. The statement shall advise the registered attorney or judge that within 15 days either the noncompliance must be corrected or a request for a hearing before the Board must be made, and that upon failure to do either, the statement of noncompliance shall be filed with the Supreme Court.

(7) If the noncompliance is not corrected within 15 days, or if a hearing is not requested within 15 days, the Board shall promptly forward the statement of noncompliance to the Supreme Court which may impose the sanctions set forth in Paragraph (10).

(8) If a hearing before the Board is requested, such hearing shall be held within 30 days after the request by the full Board or one or more of the members of the Board as it shall designate, provided that the presiding member at the hearing must be a registered attorney or judge. Notice of the time and place of the hearing shall be given to the registered attorney or judge at least ten days prior thereto. The registered attorney or judge may be represented by counsel. Witnesses shall be sworn; and, if requested by the registered attorney or judge, a complete electronic record shall be made of all proceedings had and testimony taken. The presiding member shall have authority to rule on all motions, objections and other matters presented in connection with the hearing. The hearing shall be conducted in conformity with the Colorado Rules of Civil Procedure, and the practice in the trial of civil cases, except the registered attorney or judge involved may not be required to testify over his or her objection. The chairman of the Board shall have the power to compel, by subpoena issued out of

the Supreme Court, the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in the hearing.

(9) At the conclusion of the hearing, the member or members of the Board who conducted the hearing shall make findings of fact and shall determine whether the registered attorney or judge involved has complied with the requirements of these rules and, if it determines there was noncompliance, whether there was reasonable cause for noncompliance. A copy of such findings and determination shall be sent to the registered attorney or judge involved. If it is determined that compliance has occurred, the matter shall be dismissed; and the Board's records shall be made to reflect such compliance. If it is determined that compliance has not occurred, the Board shall proceed as follows:

(a) If the Board determines that there was reasonable cause for noncompliance, the registered attorney or judge shall be allowed 15 days within which to file with the Board a specific plan for correcting the noncompliance within 120 days. Such plan shall be deemed accepted by the Board unless within 15 days after its receipt the Board notifies the registered attorney or judge to the contrary. Full completion of the plan shall be reported by Affidavit to the Board not later than 15 days following such 120-day period. If the registered attorney or judge shall fail to file an acceptable plan, or shall fail to complete and certify completion of the plan within such 120-day period, the Board shall proceed as set forth in Paragraph (b) as though it had determined that there was not reasonable cause for noncompliance.

(b) If the Board determines that there was not reasonable cause for noncompliance, a record of the matter, which must include a copy of the findings and determination, shall be promptly filed with the Supreme Court. If requested by the Board, registered attorney or judge, the record shall include a transcript of the hearing prepared at the expense of the requesting party.

(10) Upon receipt of a statement of noncompliance upon which a hearing was not requested or upon receipt of the record of a Board hearing, the Supreme Court shall enter such order as it shall deem appropriate, which may include an order of summary suspension from the practice of law until the further order of the Court in the case of registered attorneys or referral of the matter to the Commission on Judicial Qualifications or the Denver County Court Judicial Qualifications in the case of judges.

(11) Any registered attorney who has been suspended pursuant to Paragraph (2) of Rule 227A, or who has elected to transfer to inactive status pursuant to Paragraph (7) of Rule 227A, shall be relieved thereby from the requirements of these rules. Upon being reinstated pursuant to Paragraphs (3) or (8) of Rule 227A, the compliance period for such registered attorney shall commence on the date of reinstatement and end on December 31 of the third full calendar year following the year of reinstatement, provided the date of reinstatement is more than one year after the date of suspension or transfer to inactive status. Otherwise, the compliance period shall be the same as it would have been absent the suspension or transfer. No registered attorney or judge shall be permitted to transfer from active status to inactive status and vice versa or to become suspended and then reinstated to circumvent the requirements of these rules.

(12) All notices given pursuant to these rules shall be sent by certified mail, return receipt requested, to the registered address of the registered attorney or judge maintained by the Clerk of the Supreme Court pursuant to Rule 227A or Rule 227B.

RULE 260.7: CONFIDENTIALLY

The files, records and proceedings of the Board, as they relate to the compliance or noncompliance of any registered attorney or judge with the requirements of these rules, shall be confidential and shall not be disclosed except upon written request or consent of the registered attorney or judge affected or as directed by the Supreme Court.

REGULATIONS OF THE COLORADO BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION

(As approved by the Board, December 1, 1979, and submitted to the Colorado Supreme Court December 4, 1979)

REGULATION 101. PREAMBLE

These regulations are adopted pursuant to Rule 260 of the Colorado Rules of Civil Procedure. They provide a framework for accrediting a wide variety of continuing legal education activities. It is the intent of these regulations that each Colorado attorney and judge has ample opportunity to participate in educational activities that fit individual professional needs.

REGULATION 102. CONTINUING LEGAL EDUCATION REQUIREMENT

- (a) For registered attorneys in groups 1 and 2 (see Rule 260.6), units of continuing legal education in excess of the required 15 units for 1979 or 30 for 1979-80, respectively, may not be used to satisfy the requirements of the first full three-year compliance period. Similarly for registered attorneys in groups 1 and 2, units of continuing legal education completed between August 14, 1978, when Rule 260 was adopted by the Supreme Court, and January 1, 1979, when the Rule is effective, may be used to satisfy only the requirements for 1979 or 1979-80, respectively.
- (b) For registered attorneys in groups 1 and 2, the requirement regarding continuing legal education specifically addressed to legal or judicial ethics will not be effective until the start of the first full three-year compliance period.
- (c) The requirements of Rule 260 and these Regulations will not be applied to lawyers from other jurisdictions who are admitted for a case or proceeding.

REGULATION 103. STANDARDS FOR ACCREDITATION

Continuing legal education must be educational activity which has as its primary objective the increase of professional competence of registered attorneys and judges. The activity must be an organized activity dealing with subject matter directly related to the practice of law or the performance of judicial duties.

- (a) The Board shall accredit formal and individualized course work and teaching and research activity applying the standards set forth below. Individual attorneys, judges or sponsors seeking accreditation of other types of educational activity should apply, in writing, to the Board, for accreditation, before undertaking such activities. Before making a final determination concerning the accreditation of activity other than those enumerated above, the Board shall formulate standards and promulgate rules in a manner consistent with the provisions of Rule 260.3(3).
- (b) Courses will be accredited only if they are offered by a sponsor recognized as eligible. In order to be recognized, a sponsor must have either (1) substantial, recent experience in offering continuing legal education, or (2) demonstrated ability to organize and present effectively continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, or supervision of continuing legal education activities.
- (c) Courses and other activities will be accredited only if application by any registered attorney or judge to participate is permitted. This requirement will not apply, however, to programs or activities sponsored by an agency for the benefit of registered attorneys or judges who are employees of a local, state or federal governmental unit.
- (d) Each faculty member must be qualified by practical or academic experience to teach the subject he or she covers.
- (e) Thorough, high quality written materials must be distributed to all attendees at or before the time the course is presented. A mere agenda will not be sufficient.
- (f) Formal courses must be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.
- (g) The Board shall accredit teaching activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity contributes to the continuing legal education of the applicant and other attorneys or judges.
- (h) The Board shall accredit research activities of registered attorneys and judges, upon written application by

individuals engaged in such activities, provided the activity (1) has produced published findings in the form of articles, chapters, monographs or books, personally authored, in whole or part, by the applicant; (2) contributes substantially to the continuing legal education of the applicant and other attorneys or judges; and (3) is not done in the ordinary course of the practice of law, the performance of judicial duties, or other regular employment.

- (i) The Board shall accredit committee research activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity (1) has produced written materials, personally authored, in whole or part, by the applicant on behalf of a committee, qualified under this regulation; (2) contributes substantially to the continuing legal education of the applicant and other attorneys and judges; and (3) is not done in the ordinary course of the practice of law, the performance of judicial duties, or other regular employment. In order to be qualified under this regulation, a committee must be recognized as such by the Board and have as its primary purpose and effect activity which has substantial educational value to attorneys and judges outside the committee.
- (j) In addition to formal courses, conducted in a class or seminar setting, the Board shall accredit individualized continuing legal education activity, provided the activity (1) is a structured course of study, (2) is organized by a sponsor recognized as eligible, (3) includes the use of thorough, high quality written materials, retained by any registered attorney or judge completing the course, and (4) incorporates some other educational medium, such as video or audio tapes, correspondence work, testing, or individual conferences, as deemed appropriate by the Board. In order to receive accreditation for its individualized educational programs, a sponsor shall agree to maintain and supply the Board with a record of persons obtaining such programs from the sponsor.

REGULATION 104. CREDITS; COMPUTATION

- (a) Credit will be given only for completion of continuing legal education activities that have (1) been previously accredited by the Board, or (2) been afforded retroactive credit by the Board.
- (b) Generally, credit for formal course work shall be awarded on the basis of one (1) unit for each fifty (50) minutes actually spent in attendance at an accredited activity after August 14, 1978. Credit will not be allowed for any program which in its entirety lasts less than 50 minutes exclusive of question and answer periods.
- (c) The units of credit assigned to a course merely reflect the maximum that may be earned through attendance. Only actual attendance by the registered attorney or judge earns credit.
- (d) Credit will not be given for time spent for introductory remarks, coffee and luncheon breaks, keynote speeches, business meetings, or question and answer periods following a presentation.
- (e) Credit will not be given for any course attended in preparation for admission to practice law in any jurisdiction.
- (f) In awarding credit for teaching, the Board shall take into account the following factors: (1) teaching content and level; (2) teaching methodology; (3) personal preparation by the individual applicant, including time spent; (4) originality of preparation with the individual applicant; and (5) supplemental course materials personally prepared by the individual applicant.
- (g) In awarding credit for research activity, under Regulations 103(h) and 103(i), the Board shall consider the following factors: (1) the content, level and length of the published findings or committee papers; (2) the originality of the published findings or committee papers with the individual applicant; and (3) the nature of the publication in which they appear, if any.
- (h) In awarding credit for individualized educational activities, under Regulation 103(j), the Board shall consider the following factors: (1) the nature of the structured, individualized activities comprising the course of study; (2) the time normally required to complete those activities; and (3) the extent to which the individual educational activity of a registered attorney or judge, completing the program, is evaluated by the sponsor. Generally, if the structured activity consists of listening to or watching the electronic replay of a lecture, the Board shall award credit in the same manner as for attendance at a live lecture. In order to claim credit for individualized educational activity, an attorney shall engage in such activity in a physical setting conducive to intellectual concentration and effective study.

REGULATION 105. BASIC LEGAL SKILLS CURRICULUM

The Basic Legal Skills Curriculum (hereinafter, BLSC) consists of post-admission programs of legal education, accredited by the Board, which emphasize practical training rather than theoretical concepts. Programs may be eligible for accreditation as part of the BLSC if their primary objective is either to provide training in skills essential to the general practice of law or to teach substantive knowledge basic to the practice of law in specific fields. Such programs should include consideration of subjects that will promote awareness of the ethical responsibilities of attorneys.

(a) The Board shall classify programs, accredited as part of the BLSC, according to whether they impart "essential practice skills" or "basic substantive knowledge".

(b) Essential Skills Programs shall stress one of the following skill areas:

- (1) interviewing and negotiating;
- (2) advocacy in administrative hearings, trials and appeals;
- (3) drafting of pleadings and legal instruments; and
- (4) law office management.

When an Essential Skills Program is accredited, the Board shall designate it, or a part thereof, as falling within one of these four skill areas.

(c) Basic Substantive Programs shall stress substantive or procedural material fundamental to legal practice in one of the following areas:

- (1) administrative law and procedure;
- (2) bankruptcy;
- (3) business organization;
- (4) civil procedure;
- (5) criminal law and procedure;
- (6) estate administration;
- (7) family law;
- (8) real estate transactions;
- (9) sales and contracts;
- (10) taxation; and
- (11) others, as determined by the Board from time to time.

When a Basic Substantive Program is accredited, the Board shall designate it, or a part thereof, as a Basic Substantive Program.

(d) A prerequisite of BLSC accreditation is that program participants shall be supplied, for their permanent use, with reference materials, of high quality, that have substantial value to practicing attorneys (including but not limited to, checklists, forms, and sample documents).

(e) Attorneys required, under Rule 260.2(3) and (4), to complete the BLSC, shall earn at least 15 units of continuing legal education accredited as part of the BLSC. Units earned in satisfaction of the BLSC count toward completion of the general 45 unit requirement imposed upon all attorneys.

(f) Educational activity in satisfaction of the BLSC shall be distributed in the following manner:

- (1) At least 8 units shall be earned through participation in Essential Skills Programs.
- (2) These 8 units shall be earned through programs designated as falling within at least two of the four skill areas identified in Regulation 105(b).
- (3) If at least 8 but less than 15 units are earned through Essential Skills Programs, the remainder of the BLSC shall be satisfied through participation in Basic Substantive Programs.

(g) The Board may, in its discretion, waive the Essential Skills segment of the BLSC requirement, in part or in whole (up to but for no more than 8 units) for individual attorneys. In order to qualify for a waiver, an attorney admitted to the bar of the State of Colorado by examination, shall:

- (1) have completed a formal program of study within two years immediately preceding admission, deemed by the Board as equivalent to an Essential Skills Program, and

At its meeting of June 13, 1980, the Board amended Regulation 105(g), concerning waivers from the Basic Legal Skills Curriculum. As amended, the provision is as follows:

The Board shall waive the Essential Skills segment of the BLSC requirement, in whole or in part (up to but for no more than eight units), for attorneys admitted to the bar of Colorado by motion, under Rule 202(1) or (2), C.R.C.P. Attorneys admitted by examination shall be granted a waiver if they either

- (1) have prior experience in the active practice of law in another jurisdiction, equivalent to that required of attorneys for admission on motion; or
- (2) (a) have completed a formal program of study within two years immediately preceding admission, deemed by the Board as equivalent to an Essential Skills Program, and (b) demonstrate, to the Board's satisfaction, a high level of achievement in the program.

The granting of a waiver of the Essential Skills segment does not affect the obligation to complete 45 units, including 2 units of ethics, during the applicable three-year compliance period.

(2) demonstrate, to the Board's satisfaction, a high level of achievement in said course.

The granting of a waiver of the Essential Skills segment does not affect the obligation to complete 45 units, including 2 units of ethics, during the applicable three-year compliance period.

REGULATION 106. PROCEDURE FOR ACCREDITATION

- (a) In order to apply for accreditation of a continuing legal education activity, a registered attorney, judge or sponsoring agency shall submit to the Board all information called for by the appropriate form. (See Appendix)
- (1) Application for accreditation of a formal course shall be made on Form 1.
 - (2) Application for recognition of a sponsor as eligible shall be made on Form 2.
 - (3) Application for accreditation of a filmed or electronic replay of a formal course that has already been accredited shall be made on Form 3.
 - (4) Application for accreditation of an individualized continuing legal educational activity shall be made on Form 4.
 - (5) Application for accreditation of teaching activity shall be made on Form 5.
 - (6) Application for accreditation of research activity shall be made on Form 6.
- (b) Accreditation shall be granted or denied in accordance with the provisions of Regulation 108 herein.
- (c) As to a course that has been accredited, the sponsoring agency may announce in informational brochures or registration materials: "This course has been accredited by the Colorado Board of Continuing Legal and Judicial Education for a maximum of _____ units of credit".

REGULATION 107. DELEGATION

- (a) To facilitate the orderly and prompt administration of Rule 260 and these Regulations, and to expedite the processes of course approval and the interpretation of these Regulations, the Executive Director may act on behalf of the Board under Rule 260 and these Regulations. Any adverse determination and all questions of interpretation of these Regulations or Rule 260 by the Executive Director shall be subject to review by the Board upon written application by the person adversely affected.
- (b) The Chairman of the Board may act on behalf of the Board under Rule 260 and these Regulations.

REGULATION 108. EXECUTIVE DIRECTOR'S DETERMINATIONS AND REVIEW

- (a) Pursuant to guidelines established by the Board, the Executive Director shall, in response to written requests for accreditation of courses or interpretations of these Regulations, make a written response describing the action taken. The Executive Director may seek a determination of the Board before making such response. At each meeting of the Board the Executive Director shall report on all determinations made since the last meeting of the Board.
- (b) The Board shall review any adverse determination of the Executive Director. The registered attorney, judge or sponsoring agency affected may present information to the Board in writing or in person or both. If the Board finds that the Executive Director has incorrectly interpreted the facts, the provisions of Rule 260, or the provisions of these Regulations, it may take such action as may be appropriate. The Board shall advise the registered attorney, judge or sponsoring agency affected of its findings and any action taken.

APPENDIX:

ACCREDITATION FORMS TO BE USED IN CONJUNCTION WITH REGULATION 106(a)

HOW TO USE THESE FORMS

- I. FORM 1, and the supporting documents filed with it, provide basic information about formal class-room type programs. The Board needs this information to determine whether a program should be accredited and how much credit, if any, it should be awarded.
 1. Program sponsors should file a Form 1 for each program attended by Colorado attorneys or Judges. The Board encourages sponsors to do this but cannot make them. Attorneys seeking credit for attending such programs should also encourage sponsors to file. Attorneys, for whom attendance is conditioned upon program accreditation, should make their views clear to sponsors, even to the extent of telling the sponsor that they will not attend unless the sponsor obtains accreditation before the program takes place.
 2. If the sponsor fails to file Form 1, and an individual wishes to claim credit for attendance, the only practical alternative is for the attorney or judge to file Form 1. If accreditation is critical to the individual, and if the sponsor is unlikely to file, where feasible the attorney or judge should file Form 1 before the program takes place.
 3. A separate Form 1 must be filed for each program seeking accreditation.
 4. Form 1 must be accompanied by a brochure or other printed description of the program. The document must include: a statement of the faculty's qualifications; a clear outline of the program's content; and a detailed schedule of events indicating how time segments are spent and clearly distinguishing between breaks, meal times and substantive educational sessions.
- II. FORM 2 need be filed only on behalf of sponsors who have not yet been "recognized" by Colorado as a qualified sponsor of continuing legal education. "Recognition" is a pre-requisite to accreditation of individual programs. The Board has recognized over 200 sponsors. Many are not yet recognized. To determine if a sponsor has been recognized, contact the Board. An unrecognized sponsor should file Form 2 on its own behalf. If it does not, where feasible, an individual attorney or judge should do so.
- III. FORM 3 is used to apply for accreditation of an electronic replay of a live program, where the live program has already been accredited. Form 3 should only be used where the replay is conducted by a recognized sponsor, in a formal seminar setting, open to all attorneys or judges, where written materials are distributed. Form 3 should not be used to apply for accreditation of individualized, home study programs.
- IV. FORM 4 is used to apply for accreditation of individualized or home-study programs. Form 4 must be filed by the sponsors of the program. If a Colorado attorney or judge wishes to claim credit for a particular home-study program that has not been accredited, the individual should encourage the sponsor to apply for Colorado accreditation by providing the sponsor with a copy of Form 4.

- V. FORM 5 must be filed by an individual attorney or judge, who wishes to claim credit for teaching activity which contributes to the continuing legal education of both the applicant and other attorneys or judges.
1. Upon receipt of Form 5, the Board awards credit for teaching, which meets the accreditation standards, on the basis of at least 2 units of credit for each hour of lecture time. To claim this minimal credit, completion of the front of Form 5 is all that is required.
 2. If the teaching activity does not consist of lecturing, or if the applicant wishes to apply for additional credit beyond the minimal standard, completion of Form 5 on both sides is required.
 3. The Board provides applicants with written notice of the disposition of teaching accreditation requests. If you as an applicant do not receive notice within 30 days after application, contact the Board.
 4. Individuals may claim credit for teaching only to the extent that they have received notice of the Board's accreditation of their individual activity.
- VI. FORM 6 must be filed by an individual attorney or judge, who wishes to claim credit for research activity that has either resulted in "publication" or been done on behalf of a "qualified committee." The research must contribute to the continuing legal education of both the applicant and other attorneys or judges.
1. Form 6 must be accompanied by the written work-product of the research, i.e. a copy of either the publication or the committee paper.
 2. Those seeking credit for committee research should first check with the Board or the committee chairperson to determine if the committee has been "qualified" by the Board.
 3. The Board provides applicants with written notice of the disposition of research accreditation requests. If you, as an applicant, do not receive notice within 30 days after application, contact the Board.
 4. Individuals may claim credit for research only to the extent that they have received notice of the Board's accreditation of their individual activity.

FORM 2

**REQUEST FOR RECOGNITION
OF A SPONSOR**

**COLORADO SUPREME COURT
BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION**

1045 Lincoln Street, Suite 205
Denver, Colorado 80203
(303) 861-5700

**PLEASE RETAIN THIS SAMPLE
FORM IN YOUR FILES. USE
PHOTO-COPIES IN APPLYING
FOR ACCREDITATION.**

THE BOARD ACCREDITS COURSES WHICH ARE OFFERED BY RECOGNIZED SPONSORS ONLY. THE INFORMATION ON THIS FORM MUST BE SUBMITTED IN ORDER FOR THE SPONSOR TO BE RECOGNIZED. THE FORM SHOULD BE RETURNED TO THE BOARD AT THE ADDRESS ABOVE. IF THE SPONSOR HAS BEEN RECOGNIZED ALREADY, FILING THIS FORM IS UNNECESSARY.

THE FORM SHOULD BE SUBMITTED BY THE SPONSOR SEEKING RECOGNITION. IT MAY, HOWEVER, BE SUBMITTED BY A COLORADO ATTORNEY OR JUDGE SEEKING CREDIT FOR PROGRAMS OFFERED BY THE SPONSOR, PROVIDED THE INFORMATION REQUIRED BELOW CAN BE ACCURATELY SUPPLIED BY THE ATTORNEY OR JUDGE.

SPONSOR'S NAME, ADDRESS, ZIP & PHONE	NAME OF CONTACT PERSON	YEAR WHEN SPONSOR FIRST OFFERED CONTINUING LEGAL EDUCATION
NAME 5 CONTINUING LEGAL EDUCATION PROGRAMS THE SPONSOR HAS PRESENTED DURING THE LAST 2 YEARS AND APPROXIMATE DATES THESE PROGRAMS WERE GIVEN. ----- 1 2 3 4 5 ATTACH COPIES OF BROCHURES OR OUTLINES OF THESE PROGRAMS TO THIS APPLICATION.	IF <u>FEWER</u> THAN 5 PROGRAMS ARE NAMED, ANSWER THE QUESTIONS BELOW. WHAT SPECIAL QUALIFICATIONS DOES THE SPONSOR HAVE FOR OFFERING CONTINUING <u>LEGAL</u> EDUCATION? (Be specific.) TO WHAT EXTENT DO PERSONS INVOLVED IN ORGANIZING, TEACHING OR SUPERVISING SPONSOR'S CLE PROGRAMS HAVE <u>LEGAL</u> EXPERIENCE (Be specific, giving examples, using other side of this form as necessary.)	
NAME & TITLE OF PERSON SUBMITTING THIS FORM ON SPONSOR'S BEHALF	TO WHAT EXTENT DO THEY HAVE <u>TEACHING</u> EXPERIENCE? (Be specific)	
NAME, ADDRESS, ZIP & PHONE OF ATTORNEY OR JUDGE, OTHER THAN SPONSOR, SUBMITTING THIS FORM		

FORM 3
**REQUEST FOR ACCREDITATION OF
 ELECTRONIC REPLAY**

**COLORADO SUPREME COURT
 BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION**
 1045 Lincoln Street, Suite 205
 Denver, Colorado 80203
 (303) 861-5700

**PLEASE RETAIN THIS SAMPLE
 FORM IN YOUR FILES. USE
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 FOR ACCREDITATION.**

THIS FORM MUST BE COMPLETED FOR EACH REPLAY (OF ALREADY APPROVED PROGRAMS) TO BE ACCREDITED. IT SHOULD BE SUBMITTED BY THE SPONSOR UNDER WHOSE AUSPICES THE REPLAY IS CONDUCTED BUT MAY BE SUBMITTED BY ANY COLORADO ATTORNEY OR JUDGE. FILE THIS REQUEST WITH THE BOARD AT THE ADDRESS SHOWN ABOVE.

NAME, ADDRESS, ZIP & PHONE OF SPONSOR UNDER WHOSE AUSPICES THE REPLAY IS CONDUCTED.		NAME OF SPONSOR OF <u>LIVE</u> PROGRAM IF DIFFERENT FROM REPLAY.	
NAME OF <u>LIVE</u> PROGRAM	DATE OF <u>LIVE</u> PROGRAM	DATE OF REPLAY	LOCATION OF REPLAY City: _____ State: _____
NAME, ADDRESS, ZIP & PHONE OF PERSON OR AGENCY WHO WILL MAINTAIN LIST OF NAMES OF ATTENDEES AT THE REPLAY.		IF THE REPLAY IS NOT COMPLETELY FREE OF TECHNICAL OR OTHER PRODUCTION DEFECTS, DESCRIBE IN DETAIL THE NATURE AND FREQUENCY OF ANY DEFECTS.	
IF THE REPLAY IS NOT CONDUCTED IN A FORMAL SEMINAR OR CLASS-TYPE SITUATION, DESCRIBE IN DETAIL THE CIRCUMSTANCES OF THE REPLAY.			
IF THE WRITTEN MATERIALS DISTRIBUTED TO ALL REPLAY ATTENDEES AT OR BEFORE THE REPLAY ARE <u>NOT</u> SUBSTANTIALLY THE SAME AS THOSE DISTRIBUTED AT THE LIVE PROGRAM, ANSWER THE FOLLOWING QUESTIONS:			
HOW MUCH WRITTEN MATERIAL IS DISTRIBUTED TO ATTENDEES AT OR BEFORE THE REPLAY? (check one)			
<input type="checkbox"/> 1. NONE		<input type="checkbox"/> 3. 50 - 250 PAGES	
<input type="checkbox"/> 2. LESS THAN 50 PAGES		<input type="checkbox"/> 4. OVER 250 PAGES	
WHAT DO THE WRITTEN MATERIALS PRIMARILY CONSIST OF? (check one)			
<input type="checkbox"/> 1. BRIEF OUTLINES		<input type="checkbox"/> 5. PUBLISHED TEXTBOOK, TREATISE OR REFERENCE BOOK	
<input type="checkbox"/> 2. FULL TEXT OF SPEAKERS' REMARKS		<input type="checkbox"/> 6. SAMPLE FORMS, BRIEFS OR CHECKLISTS	
<input type="checkbox"/> 3. REPRINTS OF STATUTES, DECISIONS, REGULATIONS		<input type="checkbox"/> 7. OTHER: _____	
<input type="checkbox"/> 4. DETAILED ANALYSES PREPARED BY SPEAKERS		_____	
WHO IS SUBMITTING THIS REQUEST? (check one)			
<input type="checkbox"/> 1. PROGRAM SPONSOR		<input type="checkbox"/> 2. COLORADO ATTORNEY/JUDGE	
NAME OF PERSON COMPLETING FORM: _____		ADDRESS: _____	
		PHONE: _____	

**ACCREDITATION REQUEST FOR
INDIVIDUALIZED OR HOME-STUDY
EDUCATIONAL PROGRAM**

**COLORADO SUPREME COURT
BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION**

1045 Lincoln Street, Suite 205
Denver, Colorado 80203
(303) 861-5700

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FORM IN YOUR FILES. USE
PHOTO-COPIES IN APPLYING
FOR ACCREDITATION.

THIS FORM MUST BE COMPLETED FOR EACH PROGRAM TO BE ACCREDITED. IT MUST BE SUBMITTED BY THE PROGRAM'S SPONSOR OR ITS AUTHORIZED AGENT. FILE THIS REQUEST AND SUPPORTING DOCUMENTS WITH THE BOARD AT THE ADDRESS SHOWN ABOVE.

ATTACH A BROCHURE OR OTHER PRINTED DESCRIPTION OF THE PROGRAM. IN ORDER TO BE CONSIDERED FOR ACCREDITATION, THIS SUPPORTING DOCUMENT MUST INCLUDE THE FOLLOWING INFORMATION: (1) A STATEMENT OF THE QUALIFICATIONS OF THE INDIVIDUALS RESPONSIBLE FOR ORGANIZING, AUTHORIZING AND PRESENTING THE EDUCATIONAL MATERIALS WHICH COMPRISE THIS PROGRAM OF STUDY; (2) A CLEAR OUTLINE OF THE PROGRAM'S CONTENT; AND (3) A DETAILED SCHEDULE FOR COMPLETION OF THE PROGRAM INDICATING THE TIME NORMALLY REQUIRED TO COMPLETE THE VARIOUS SEGMENTS OF THE PROGRAM AND HOW TIME IS SPENT IN EACH SEGMENT.

SPONSOR'S NAME, ADDRESS, ZIP & PHONE		NAME OF PROGRAM
REGISTRATION FEES OR OTHER CHARGES TO INDIVIDUAL REGISTRANTS	HOW MUCH WRITTEN MATERIAL IS DISTRIBUTED TO INDIVIDUAL REGISTRANTS, FOR THEIR PERMANENT USE, AS PART OF THIS EDUCATIONAL PROGRAM? (check one) <input type="checkbox"/> NONE <input type="checkbox"/> 50 - 150 PAGES <input type="checkbox"/> LESS THAN 10 PAGES <input type="checkbox"/> 150 - 250 PAGES <input type="checkbox"/> 10 - 50 PAGES <input type="checkbox"/> OVER 250 PAGES	WHAT DO THESE WRITTEN MATERIALS PRIMARILY CONSIST OF? (check one) <input type="checkbox"/> BRIEF OUTLINES <input type="checkbox"/> REPRINTS OF STATUTES, DECISIONS, REGULATIONS <input type="checkbox"/> DETAILED ANALYSIS IN ESSAY FORM WITH FULL LEGAL CITATIONS <input type="checkbox"/> PUBLISHED TEXTBOOK, TREATISE OR REFERENCE BOOK <input type="checkbox"/> SAMPLE FORMS, BRIEFS OR CHECKLISTS <input type="checkbox"/> OTHER: _____
WHAT ARE INDIVIDUALS COMPLETING THIS COURSE OF STUDY EXPECTED TO DO? DESCRIBE IN DETAIL. BE SPECIFIC.		IN ADDITION TO WRITTEN MATERIALS SUPPLIED TO INDIVIDUAL REGISTRANT WHAT OTHER EDUCATIONAL MEDIUM DOES THIS PROGRAM INCORPORATE, E.G., AUDIO OR VIDEO TAPES, WRITTEN EXERCISES TO BE COMPLETED BY THE INDIVIDUAL? DESCRIBE IN DETAIL. BE SPECIFIC.
DOES THE SPONSOR EVALUATE THE WORK OF INDIVIDUALS THROUGH TESTING, CORRESPONDENCE OR INDIVIDUAL CONFERENCES? DESCRIBE IN DETAIL. (Lack of evaluation will not result in denial of accreditation. The presence of an evaluation component may, however, increase the amount of credit awarded to this program.)		
NAME OF SPONSOR'S AGENT COMPLETING THIS FORM: _____		ADDRESS (if different from Sponsor's): _____ PHONE: _____

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IN SUBMITTING THIS APPLICATION, THE SPONSOR AGREES TO MAINTAIN A RECORD OF COLORADO ATTORNEYS AND JUDGES REGISTERING FOR, ACQUIRING AND COMPLETING THIS PROGRAM. THE SPONSOR FURTHER AGREES TO PROVIDE THE BOARD WITH THAT RECORD WITHIN 30 DAYS AFTER SAID ACQUISITION OR COMPLETION.

FORM 5

REQUEST FOR ACCREDITATION
OF TEACHING ACTIVITY

**COLORADO SUPREME COURT
BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION**

1045 Lincoln Street, Suite 205
Denver, Colorado 80203
(303) 861-5700

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SUBMIT A SEPARATE FORM FOR EACH PROGRAM IN WHICH TEACHING OCCURS.

NAME OF PERSON REQUESTING CREDIT FOR TEACHING		ADDRESS & TELEPHONE		ATTORNEY REG. NUM.
SIGNATURE: _____				
SPONSOR OF PROGRAM IN WHICH TEACHING OCCURS	NAME OF PROGRAM	PROGRAM STARTING DATE	PROGRAM LOCATION CITY: STATE:	
IF PROGRAM ATTENDEES ARE <u>NOT</u> PRIMARILY REGISTERED ATTORNEYS AND/OR JUDGES, DESCRIBE IN DETAIL THEIR PROFESSIONAL AND EDUCATIONAL INTERESTS.				
IF THE APPLICANT DELIVERS ANY PUBLIC LECTURES AS PART OF THIS TEACHING ACTIVITY DURING THIS PROGRAM, LIST THE TITLES OF AND TIME REQUIRED TO GIVE EACH LECTURE.				
TITLES (or subject)			LECTURING TIME (hours or fractions thereof)	

IF THIS LECTURE ACTIVITY IS ACCREDITED, THE BOARD SHALL AWARD AT LEAST 2 UNITS OF CREDIT FOR EACH HOUR OF LECTURE, IF THE APPLICANT WISHES TO CLAIM ADDITIONAL CREDIT, THE OTHER SIDE OF THIS FORM MUST BE COMPLETED (OPTIONAL).

IF THE APPLICANT DOES NOT GIVE A PUBLIC LECTURE AS PART OF THIS PROGRAM, THE OTHER SIDE OF THE FORM MUST BE COMPLETED.

<p>OTHER THAN LECTURING, INDICATE WHICH OF THE FOLLOWING ACTIVITIES THE APPLICANT DOES DURING THIS PROGRAM AND THE TIME SPENT ENGAGED IN EACH SUCH ACTIVITY.</p> <p>(check if applicable) (time spent, hours or fractions)</p> <p><input type="checkbox"/> PANELIST, DISCUSSION LEADER _____ hours</p> <p><input type="checkbox"/> TUTOR, ADVISOR, SMALL GROUP TRAINER _____ hours</p> <p><input type="checkbox"/> ADMINISTRATOR, PROGRAM PLANNER OR MODERATOR _____ hours</p> <p><input type="checkbox"/> OTHER: _____ hours</p>	<p>HOW MUCH TIME DOES THE APPLICANT SPEND</p> <p>a) PERSONALLY PREPARING THE TEACHING PRESENTATION (excluding time for preparing supplementary course materials described below) _____ hours</p> <p>b) TRAVELING TO THE TEACHING SITE? _____ hours (ONE WAY ONLY)</p> <p>c) HOW MANY MILES FROM APPLICANT'S PRINCIPAL PLACE OF BUSINESS IS THE TEACHING SITE? _____ miles (ONE WAY ONLY)</p>
<p>WHICH ONE OF THE FOLLOWING DOES THE APPLICANT PRIMARILY USE IN THE ACTUAL TEACHING PRESENTATION (excluding supplementary course materials described below)?</p> <p>(check only one)</p> <p><input type="checkbox"/> EXTEMPORANEOUS PRESENTATION OR COMMENTS</p> <p><input type="checkbox"/> BRIEF NOTES PERSONALLY PREPARED BY APPLICANT</p> <p><input type="checkbox"/> DETAILED OUTLINE PERSONALLY PREPARED BY APPLICANT</p> <p><input type="checkbox"/> FULL TEXT OF SPEECH PERSONALLY PREPARED BY APPLICANT</p> <p><input type="checkbox"/> OTHER (Describe in detail): _____</p> <p>_____</p> <p>_____</p>	<p>TO WHAT EXTENT DOES THE ACTUAL TEACHING PRESENTATION CONSIST OF REPETITION OF MATERIAL FROM PREVIOUS TEACHING, LEGAL OR JUDICIAL PRACTICE, OR OTHER PROFESSIONAL EXPERIENCE? TO WHAT EXTENT DOES IT RESULT FROM NEW OR ORIGINAL RESEARCH BY THE APPLICANT? (Answer fully. Be specific.)</p>
<p>ANSWER THE FOLLOWING QUESTIONS ONLY IF THE APPLICANT PERSONALLY PREPARES SUPPLEMENTARY WRITTEN COURSE MATERIALS (other than those used by the applicant as the basis for the actual teaching presentation) WHICH ARE DISTRIBUTED TO ATTENDEES AT THE PROGRAM.</p>	
<p>INDICATE WHICH OF THE CATEGORIES BELOW BEST DESCRIBE THESE MATERIALS. ALSO INDICATE THEIR LENGTH IN PRINTED PAGES.</p> <p>(check those which apply) (length)</p> <p><input type="checkbox"/> REPRINTS OF RULES, STATUTES, OPINIONS, AND ARTICLES PUBLISHED ELSEWHERE _____ pages</p> <p><input type="checkbox"/> CHARTS, OUTLINES, GUIDES, CHECKLISTS, SAMPLE FORMS, ETC., ALL SPECIFICALLY PREPARED FOR THIS PROGRAM _____ pages</p> <p><input type="checkbox"/> DETAILED ANALYSIS OF CASES, LEGAL DOCTRINES, ETC., OF LAW REVIEW QUALITY, SPECIFICALLY PREPARED FOR THIS PROGRAM _____ pages</p> <p><input type="checkbox"/> OTHER (Describe in detail): _____ pages</p> <p>_____</p> <p>_____</p> <p>HOW MUCH TIME IS SPENT BY THE APPLICANT IN PERSONALLY PREPARING THESE MATERIALS?</p> <p>_____ hours</p>	<p>TO WHAT EXTENT ARE THESE MATERIALS THE RESULT OF REPETITION OF MATERIAL FROM PREVIOUS TEACHING, LEGAL OR JUDICIAL PRACTICE, OR OTHER PROFESSIONAL EXPERIENCE? TO WHAT EXTENT DO THEY RESULT FROM NEW OR ORIGINAL RESEARCH BY THE APPLICANT? (Answer fully. Be specific.)</p>

FORM 6

ACCREDITATION REQUEST FOR:

"PUBLISHED" RESEARCH

"COMMITTEE" RESEARCH

**COLORADO SUPREME COURT
BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION**

1045 Lincoln Street, Suite 205
Denver, Colorado 80203
(303) 861-5700

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FORM IN YOUR FILES. USE
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SUBMIT A SEPARATE FORM 6

(CHECK ONE. SEE REGS. 103(h),
103(i) and 104(g) on reverse side) FOR EACH WRITTEN WORK-PRODUCT

SUBMIT A COPY OF THE WRITTEN WORK-PRODUCT WITH THIS FORM

1. NAME OF COLORADO ATTORNEY OR JUDGE REQUESTING CREDIT FOR RESEARCH		2. ATTORNEY REG. NUM.	3. ADDRESS & TELEPHONE
4. TITLE OF RESEARCH (if "published" article, include name of article and periodical in which it appeared; if "published" chapter, include name of book in which it appeared; if "committee" research, include name of "qualified" committee for which the research was done)			
5. PUBLICATION DATE (if "published" research) OR FINAL SUBMISSION DATE (if "committee" research; i.e., the date on which the final written draft was submitted to the committee for final review and action)		6. NAME OF PUBLISHER (if "published" research) OR NAME OF "QUALIFIED" COMMITTEE (if "committee" research)	
7. IS THE WRITTEN WORK-PRODUCT OF THE RESEARCH PERSONALLY AUTHORED BY THE APPLICANT? <input type="checkbox"/> YES <input type="checkbox"/> NO (if "no, explain)		8. IS THE WORK-PRODUCT CO-AUTHORED WITH ANOTHER PERSON? (if "yes", clearly describe which parts are attributable to the applicant, citing pages, sections or chapter headings) <input type="checkbox"/> YES <input type="checkbox"/> NO	
9. TO WHAT EXTENT DOES THE WORK-PRODUCT CONSIST OF REPETITION OR RE-WORKING MATERIAL FOR WHICH THE APPLICANT HAS RECEIVED CLE CREDIT IN COLORADO? TO WHAT EXTENT DOES IT CONSIST OF MATERIAL PREVIOUSLY WRITTEN BY THE APPLICANT FOR ANY PURPOSE? TO WHAT EXTENT DOES IT CONSIST OF MATERIAL PREPARED IN THE ORDINARY COURSE OF PRACTICING LAW, PERFORMING JUDICIAL DUTIES, OR OTHER EMPLOYMENT? TO WHAT EXTENT IS IT THE RESULT OF COMPLETELY NEW AND ORIGINAL RESEARCH BY THE APPLICANT? (Answer these questions fully and specifically.)			10. HOW MUCH TIME (in hours) DID THE APPLICANT PERSONALLY SPEND ENGAGED IN THIS RESEARCH?

APPLICANT'S SIGNATURE _____

DATE _____

REGULATION 103(h). The Board shall accredit research activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity (1) has produced published findings in the form of articles, chapters, monographs or books, personally authored, in whole or part, by the applicant; (2) contributes substantially to the continuing legal education of the applicant and other attorneys or judges; and (3) is not done in the ordinary course of the practice of law, the performance of judicial duties, or other regular employment.

REGULATION 103(i). The Board shall accredit research activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity (1) has produced written materials, personally authored, in whole or part, by the applicant on behalf of a committee, qualified under this regulation; (2) contributes substantially to the continuing legal education of the applicant and other attorneys or judges; and (3) is not done in the ordinary course of the practice of law, the performance of judicial duties, or other regular employment. In order to be qualified under this regulation, a committee must be recognized as such by the Board and have as its primary purpose and effect activity which has substantial educational value to attorneys and judges outside the committee.

REGULATION 104(g). In awarding credit for research activity, under Regulations 103(h) and 103(i), the Board shall consider the following factors: (1) the content, level and length of the published findings or committee papers; (2) the originality of the published findings or committee papers with the individual applicant; and (3) the nature of the publication in which they appear, if any.

whether his financial welfare is enhanced by positive action and not enhanced by negative action. Trial judge's finding that justice of peace's financial condition could be enhanced by positive action will not be reversed where there is some evidence to sustain judge's findings. 142 App. 705 (237 S. E. 2d 1).

CHAPTER 24-16A. THE GEORGIA JUSTICE COURTS TRAINING COUNCIL ACT

Sec.	Short title
24-1601a	Definitions
24-1602a	Georgia Justice Courts Training Council. Creation. Name. Membership.
24-1603a	Appointment. Election. Terms
24-1604a	Oath of office by council, certificate of appointment
24-1605a	Organization of council; officers; quorum; minutes; reports
24-1606a	Same; compensation
24-1607a	Training certification requirements
24-1608a	Functions, powers and responsibilities
24-1609a	Injunctions against violations

24-1601a Short title

This Chapter shall be known and may be cited as "The Georgia Justice Courts Training Council Act."

(Acts 1978, p. 894, eff. July 1, 1978.)

24-1602a Definitions

The following words and phrases when used in this Chapter shall have the following meanings:

(a) "Council" means the Georgia Justice Courts Training Council as hereinafter provided.

(b) "School" means any school, college, university, academy or training program approved by the council and the Judicial Council of Georgia and which offers basic, in-service, or advanced or specialized or continuing judicial training, or a combination thereof, which includes within its meaning a combination of course curriculum, instructors and facilities which meet the standards required by the council.

(c) "Certified justice of the peace" means a justice of the peace who has the appropriate required certificate of training issued by the council on file with the probate court in the county in which the justice of the peace serves.

(d) "Justice of the peace" means justices of the peace and notary public ex officio justices of the peace. "Justice of the peace" includes any small claims court judge who is not a practicing attorney but does not include any such judge who is a practicing attorney as evidenced by active membership in the State Bar of Georgia.

(Acts 1978, p. 894; 1980, p. 638, eff. March 20, 1980.)

Editorial Note

Acts 1980, p. 638, added the second sentence to subsection (d).

24-1603a Georgia Justice Courts Training Council. Creation. Name. Membership. Appointment. Election. Terms

(a) There is hereby established a council which shall be known and designated as the "Georgia Justice Courts Training Council" and shall be composed of the director of the administrative office of the courts or his designee, which member shall not be a voting member, and five justices of the peace, either elected or appointed notary public ex officio justices of the peace who shall be voting members of the council. The five justices of the peace shall be appointed by the Governor for terms of two years: Provided that the initial appointments shall be three justices for two-year terms and two justices for one-year terms.

(b) Membership on the council does not constitute public office and no member shall be disqualified from holding office by reason of his membership.

(Acts 1978, pp. 894, 895, eff. July 1, 1978.)

24-1604a Oath of office by council, certificate of appointment

Immediately and before entering upon the duties of said office, the members of the Georgia Justice Courts Training Council shall take the oath of office and shall file the same in the office of the Judicial Council, which, upon receiving said oath of office, shall issue to each member a certificate of appointment.

(Acts 1978, pp. 894, 895, eff. July 1, 1978.)

24-1605a Organization of council; officers; quorum; minutes; reports

(a) The council at its initial meeting, which shall be held promptly after the appointment of its members, shall elect a chairman and a vice chairman from among its members who shall serve until the first meeting in the succeeding year. Thereafter, the chairman and vice chairman shall be elected at the first meeting of each calendar year.

(b) The director of the administrative office of the courts or his designee shall serve as secretary to the council.

(c) A simple majority of the members of the council shall constitute a quorum for the transaction of business.

(d) The council shall maintain minutes of its meetings and such other records as it deems necessary.

(e) The council shall report at least annually to the Governor and to the General Assembly as to its activities.

(Acts 1978, pp. 894, 895, eff. July 1, 1978.)

24-1606a Same; compensation

The members of the council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their functions: Provided, however, that such expenses shall not exceed those allowed to members of the General Assembly.

(Acts 1978, pp. 894, 896, eff. July 1, 1978.)

24-1607a Training certification requirements

(a) Any person who is in office as a justice of the peace on July 1, 1978, shall satisfactorily complete 20 hours of training in the performance of his duties and shall place a certificate of training on file with the judge of the probate court of the county in which he serves by July 1, 1979, in order to become a certified justice of the peace.

(b) Any person who is elected or appointed as a justice of the peace after July 1, 1978, and who was not serving as a justice of the peace on July 1, 1978, shall satisfactorily complete 40 hours of training in the performance of his duties and shall place a certificate of training on file with the judge of the probate court of the county in which he serves within one year from the date of his election or appointment in order to become a certified justice of the peace.

(c) Any person who is in office as a justice of the peace on July 1, 1978, or who is elected or appointed after July 1, 1978, and who does not satisfactorily complete the training required by subsections (a) or (b) of this section or who does not place a certificate of training on file within the time periods required by subsections (a) or (b) shall become a certified justice of the peace upon completion of the requirements therefor at any later time.

(d) In order to maintain the status of a certified justice of the peace, each person certified as such shall complete 20 hours of additional training per annum during each year in which he serves as a justice of the peace and shall file a certificate of additional training with the judge of the probate court in the county by the anniversary of the date on which he originally became a certified justice of the peace. If such certificate of additional training is not filed by such date, such person shall cease to be a certified justice of the peace as of such anniversary date and shall not again become a certified justice of the peace until he completes 20 hours of training for each year of service, or fraction thereof, as a justice of the peace following the date on which he ceased to be a certified justice of the peace.

(e) No person serving as a justice of the peace shall charge or collect any fees, charges or costs of any kind, including those fees specified in section 24-1601, for his services as a justice of the peace unless:

- (1) he is a certified justice of the peace; or
- (2) he has been in office as a justice of the peace for less than one year since July 1, 1978.

(Acts 1978, pp. 894, 897, eff. July 1, 1978.)

24-1608a Functions, powers and responsibilities

The council is vested with the following functions, powers and responsibilities:

(a) to make all the necessary rules and regulations to carry out the provisions of this Chapter;

(b) to cooperate with and secure the cooperation of every department, agency or instrumentality in the State government or its political subdivisions in furtherance of the purposes of this Chapter;

(c) to approve schools and to prescribe minimum qualifications for

(d) to issue a certificate of certification to any justice of the peace satisfactorily complying with an approved training program established;

(e) to do any and all things necessary or convenient to enable it wholly and adequately to perform its duties and to exercise the power granted to it;

(f) to prescribe, by rules and regulations, the minimum requirements for curricula and standards composing the initial in-service, advanced, specialized, continuing training courses for certification.

(Acts 1978, pp. 894, 898, eff. July 1, 1978.)

24-1609a Injunctions against violations

On its own initiative or on the verified complaint of any person that any person has or is performing the duties of a justice of the peace in violation of the provisions of this Chapter, the council may file an equitable petition in its own name in the superior court of any county in this State having jurisdiction of the parties, alleging the facts and praying for a temporary restraining order and temporary injunction against such persons restraining them from violating the provisions of this Chapter; and upon proof thereof, the court shall issue such restraining order, temporary injunction or permanent injunction without requiring allegation of proof that the petitioner has no adequate remedy at law. The right of injunction provided for in this section shall be in addition to any other legal remedy which the council has.

(Acts 1978, pp. 894, 898, eff. July 1, 1978.)

ANNOTATIONS

Applied. Op. Atty. Gen. 79-26.

PART III. JUDGES OF THE PROBATE COURTS

CHAPTER 24-17. POWERS, ELECTION, QUALIFICATION, AND FEES

Sec.	
24-1704	Bond
24-1705	Who shall qualify judge of the probate court. Approval of bond
24-1707	Vacancy, how filled
24-1710	Proceedings when judge of probate court disqualified
24-1711.1	Qualifications of judges of the probate courts in counties with populations of over 100,000
24-1714	Office, where kept
24-1716	Probate court costs
24-1716.1	Deposit of cost required in probate proceedings

Cross References

Minimum salaries for judges of the probate courts fixed, see Chapter 24-17B.

Local Acts

Acts 1971, p. 2940, provided that in all counties within the 150,000—167,000 population bracket according to the 1970 census.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his duties.

(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

§ 16. Administration

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

§ 17. Judicial Conference

The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.

§ 18. Clerks of Courts

(a) The Supreme Court and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

Note

Continuation of judges, magistrates, and clerks in office on effective date of Constitution, see Transition Schedule, § 4.

§ 19. State's Attorneys—Selection, Salary

A State's Attorney shall be elected in each county in 1972 and every fourth year thereafter for a four year term. One State's Attorney may be elected to serve two or more counties if the governing boards of such counties so provide and a majority of the electors of each county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State. His salary shall be provided by law.

ARTICLE VII

LOCAL GOVERNMENT

Sec.

1. Municipalities and Units of Local Government.
2. County Territory, Boundaries and Seats.
3. County Boards.
4. County Officers.
5. Townships.
6. Powers of Home Rule Units.
7. Counties and Municipalities Other Than Home Rule Units.
8. Powers and Officers of School Districts and Units of Local Government other than Counties and Municipalities.
9. Salaries and Fees.
10. Intergovernmental Cooperation.
11. Initiative and Referendum.
12. Implementation of Governmental Changes.

§ 1. Municipalities and Units of Local Government

"Municipalities" means cities, villages and incorporated towns. "Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

§ 2. County Territory, Boundaries and Seats

(a) The General Assembly shall provide by law for the formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected.



Rule 40. Marriage Divisions

(a) **Creation.** The chief judge of any judicial circuit may, by administrative order, establish a marriage division in any county in the circuit and specify the times and places at which those judges willing to perform marriages will normally be available to do so.

(b) **Clerk—Fee.** The chief judge may provide that the clerk of the circuit court or someone designated by him shall attend each regular session of each marriage division to assist the judge assigned thereto. The chief judge may set a fee to be collected by the clerk in an amount not to exceed \$10 for each marriage performed. No additional fee or gratuity will be solicited or accepted.

(c) **Trust Account.** The fees received shall be deposited in a bank account in the name of the "Marriage Fund of the Circuit Court of _____ County." The trustees of the account shall be 3 in number consisting of the chief judge, the administrative secretary to the chief judge, and a resident circuit judge of the county. If there is no administrative secretary to the chief judge, or if there is no resident circuit judge of the county, the chief judge shall designate one or two fellow circuit judges as his co-trustees. Money in a marriage fund may be spent in furtherance of the administration of justice. Payment of a reasonable per diem fee to the clerk, or person designated by him, who attends the marriage division on a day other than a regular working day may be made from the fund.

(d) **Audit—Excess Funds to County Treasurer.** In December of each year, all marriage funds will be audited and a copy of the audit report will be filed with the chief judge of the circuit and with the Administrative Director of the Illinois Courts. On December 31 of each year, the trustees shall pay into the county General Fund such amounts as in their judgment may be appropriate.

(e) **Effective Date.** This rule shall become effective April 1, 1974.
Effective April 1, 1974.

Rule 41. Judicial Conference

(a) **Duties.** There shall be a Judicial Conference to consider the business and the problems pertaining to the administration of justice in this State, and to make recommendations for its improvement.

(b) **Membership.** The judges of the Supreme Court, the judges of the Appellate Court, and the judges of the circuit courts shall be members of the conference.

(c) **Executive Committee.** The Supreme Court shall appoint an executive committee to assist it in conducting the Judicial Conference.

(1) The committee shall consist of six judges from Cook County, the First Judicial District, and six judges from the other judicial districts outside Cook County. A designated Justice of the Supreme Court shall be an *ex officio* member of the committee. Members shall be appointed for a term of three years.

(2) Each year the Supreme Court shall designate one of the members of the committee to act as chairman.

(3) The committee shall meet at such time and such place as may be necessary, or at the call of the Supreme Court.

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(4) The committee shall recommend to the Supreme Court the appointment of such other committees as are necessary to further the objectives of the conference.

(5) At least 60 days prior to the date on which the Judicial Conference is to be held the committee shall submit to the Supreme Court a suggested agenda for the annual meeting.

(d) **Meetings of Conference.** The conference shall meet at least once each year at a place and on a date to be designated by the Supreme Court.

(e) **Secretary.** The Administrative Office of the Illinois Courts shall be secretary of the conference.

Amended effective July 1, 1971.

Committee Comments
(Revised July 1, 1971)

This is former Rule 56--1, as amended January 25, 1966, with minor language changes.

Subparagraph (b) was amended in 1971 to delete the reference to "associate judges" of the circuit courts. Prior to the adoption of the 1970 constitution, associate judges of the circuit court, as elected judges, were members of the Judicial Conference, but magistrates were not. Under the 1970 constitution all elected judicial officers are called judges, and appointive judicial officers formerly called "magistrates" are called "associate judges." The 1971 amendment reflects this change in terminology.

Rule 42. Conference of Chief Circuit Judges

(a) **Responsibilities.** A conference of the chief circuit judges shall meet regularly to consider problems relating to the administration of the circuit courts and such other matters as may from time to time be referred to the conference by this court.

(b) **Membership, Officers, Executive Committee.** The duly elected chief judge of each judicial circuit shall be a member of the conference of chief circuit judges. The chief judges shall select one of their number to serve as chairman of the conference, another to serve as vice-chairman, and three others who, with the chairman and the vice-chairman, shall be the executive committee of the conference. No two members of the executive committee shall reside in the same judicial district. The officers and the members of the executive committee shall serve two-year terms, beginning on January 1 of each even-numbered year and ending on December 31 of each odd-numbered year.

(c) **Meetings.** The conference shall meet at such times and places as may be designated by the executive committee.

(d) **Secretary.** The Administrative Office of the Illinois Courts shall be secretary of the conference.

Adopted September 29, 1978, effective November 1, 1978.

ILLINOIS

CHAPTER 14
JUDICIAL CONFERENCE OF INDIANA

SECTION.	SECTION.
33-13-14-1. Created — Membership.	33-13-14-3. Meetings — Committees — Hearings.
33-13-14-2. Board of directors — Membership — Chairman — Judicial center — Executive secretary and staff personnel.	33-13-14-4. Duties.

33-13-14-1 [4-7601]. Created — Membership. — There is created a judicial conference of Indiana. Its membership consists of all justices of the Supreme Court, all judges of the Court of Appeals, all circuit, superior, criminal, probate, juvenile, and county court judges, and all municipal court judges who are serving on a full time basis. The membership also includes any retired judge who serves as a special judge and so notifies the conference. [Acts 1967, ch. 170, § 1, p. 366; 1977, P.L. 325, § 1, p. 1497.]

Compiler's Notes. The statutory entity created by this section was abolished and all powers, duties and functions terminated, effective June 30, 1983, or on the date when all bonds, indebtedness and lease agreements outstanding on June 30, 1983, are retired, by 4-26-3-18(a).

33-13-14-2 [4-7602]. Board of directors — Membership — Chairman — Judicial center — Executive secretary and staff personnel. — (a) The activities of the judicial conference shall be directed by a board of directors having the following members:

- (1) The chief justice of Indiana.
- (2) The chief judge of the Court of Appeals.
- (3) The president of the Indiana judges association.
- (4) The president of the Indiana council of juvenile court judges.
- (5) One [1] judge from each of the trial court districts established by the Supreme Court, elected for a term of two [2] years by the trial court judges of the district.
- (6) Five [5] trial court judges appointed for terms of one [1] year by the chief justice of Indiana.

(b) The chief justice of Indiana shall serve as chairman of the board of directors. The judicial conference, through the board of directors, shall establish a staff agency to be designated the Indiana judicial center and may establish positions for an executive director, staff personnel, and other necessary personnel. All personnel of the Indiana judicial center shall be appointed by the chief justice of Indiana, and their salaries shall be fixed by the Supreme Court, subject to appropriation by the general assembly.

(c) As used in this section, "trial court judges" refers only to those trial court judges who are members of the judicial conference according to section 1 [33-13-14-1] of this chapter. [Acts 1967, ch. 170, § 2, p. 366; 1977, P.L. 325, § 2, p. 1497.]

Compiler's Notes. Section 5 of Acts 1977, P.L. 325 reads: "In the first election of members of the board of directors of the judicial conference under IC 33-13-14-2(a)(5), the judges elected from even-numbered trial court districts shall be elected for terms of one year only. After that, such judges shall be elected for two year terms as provided in IC 33-13-14-2(a)(5)." *(Handwritten note: Had we not it is unclear if we should be a "shall" or "may" C.)*

33-13-14-3 [4-7603]. Meetings — Committees — Hearings. — (a) The entire membership of the judicial conference shall meet at least once a year at a time and place to be fixed by the board of directors and at such other times as may be designated by it. *(Handwritten note: No education tied in to annual meeting)*

(b) The judicial conference may create committees either upon action of the board of directors or by majority vote of the members attending a meeting of the conference. The conference, the board of directors, or any committee of the conference may hold hearings on any question related to the duties set out in section 4 [33-13-14-4] of this chapter. A proposal for legislation relating to courts that is made by the conference shall be presented to the judicial study commission for the study and recommendation by the commission before being presented to the general assembly. [Acts 1967, ch. 170, § 4, p. 366; 1977, P.L. 325, § 3, p. 1497.] *(Handwritten note: but not necessary at the annual meeting)*

33-13-14-4 [4-7604]. Duties. — The judicial conference shall: *(Handwritten note: annual meeting)*
(1) Promote an exchange of experience and suggestions regarding the operation of Indiana's judicial system;
(2) Promote the continuing education of judges; and
(3) Seek to promote a better understanding of the judiciary. [Acts 1967, ch. 170, § 4, p. 366; 1977, P.L. 325, § 4, p. 1497.]

MISSOURI

4209

COURTS—GENERAL PROVISIONS

§ 476.350

476.320. Judicial conference of the state of Missouri established, members.—There is hereby established "The Judicial Conference of the State of Missouri". The conference shall consist of the judges and commissioners of the supreme court and of the court of appeals, the circuit judges, associate circuit judges, and all judges and commissioners who have retired under any of the provisions of sections 476.450 through 476.595 heretofore or hereafter in effect. The chief justice of the supreme court, or in his absence the vice president elected by the executive council, shall be the presiding officer. (L. 1943 p. 514 § 2, A. L. 1953 p. 405, A. L. 1973 S. B. 263, A. L. 1977 H. B. 289, A. L. 1978 H. B. 1634) Effective 1-2-79

476.330. Conference shall meet, when.—The conference shall meet on the call of the chief justice. A meeting shall be called at least once a year at some convenient time and place in the state. It shall be the duty of all members of the conference to attend such annual meeting. (L. 1943 p. 514 § 3)

476.340. Executive council shall be governing body, how formed.—1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

- (1) The chief justice of the supreme court, or some member of the supreme court appointed by him;
- (2) The presiding judge of each division of the supreme court, or some member of the division appointed by the presiding judge;
- (3) One member of each district of the court of appeals elected biennially by the judges thereof, respectively;
- (4) Nine circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges (other than judges of the probate division) of the district to represent each of the districts of the court of appeals, respectively; provided, that a judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Six of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state; except that, of the six circuit judges first elected after September 28, 1977, two shall be elected for a one-year term, two shall be elected for a two-year term and two shall be elected for a three-year term. The supreme court shall designate which candidate shall run for the respec-

tive terms and shall establish procedures for the nomination and election of the judges to be elected to membership on the executive council;

(5) One judge of the probate division of circuit courts in counties having a population of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) One associate circuit judge elected for a three-year term by the associate circuit judges of the state; provided, however, that associate circuit judges who are included in the categories enumerated in subdivisions (5) and (7) of this subsection shall not be included among the associate circuit judges specified in subdivision (6);

(7) One associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(8) One retired judge or commissioner who is a member of the judicial conference elected for a three-year term by such judges and commissioners.

Members of the executive council on January 2, 1979, shall serve out their terms and their replacements shall be elected under the provisions of this section.

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

(L. 1943 p. 514 § 4, A. L. 1973 S. B. 263, A. L. 1977 H. B. 289, A. L. 1978 H. B. 1634) Effective 1-2-79

476.350. Duties of judicial conference, executive council and circuit judges.—1. It shall be the duty of said judicial conference and its executive council to study the organization, rules, methods of procedure, and practice of the judicial system of this state, the work accomplished, and the results produced by that system in its various parts and judicial tribunals; the problems of administration confronting the courts and the judicial system in general.

2. It shall be the duty of the presiding judge of each circuit, of the chief justice of the supreme court and of the chief judge of each district of the court of appeals to prepare and submit to the executive council, at such times and in such form as may be specified by rules of the conference, reports setting forth the con-

(1) the office, courtroom, and clerical assistance necessary to enable him to perform his duties in dignified surroundings;

(2) the books, records, forms, papers, stationery, postage, office equipment, and supplies necessary in the proper keeping of the records and files of the judicial office and the transaction of the business;

(3) the latest edition of the Montana Code Annotated and all official supplements thereto.

History: En. Sec. 3, Ch. 491, L. 1973; R.C.M. 1947, 93-412(1).

3-10-104 through 3-10-110 reserved.

3-10-111. What provisions of code applicable to justices' courts. Because justices' courts are courts of peculiar and limited jurisdiction, only those provisions of this code which are, in their nature, applicable to the organization, powers, and course of proceedings in justices' courts or which have been made applicable by special provisions in this chapter, chapter 31 of Title 25, and Title 27 are applicable to justices' courts and the proceedings therein.

History: En. Sec. 1686, C. Civ. Proc. 1895; re-en. Sec. 7084, Rev. C. 1907; re-en. Sec. 9717, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 925; re-en. Sec. 9717, R.C.M. 1935; amd. Sec. 52, Ch. 344, L. 1977; R.C.M. 1947, 93-7707; amd. Sec. 22, Ch. 21, L. 1979.

Part 2

Justices of the Peace

3-10-201. Election. (1) Each justice of the peace must be elected by the qualified electors of the county at the general state election next preceding the expiration of the term of office of his predecessor.

(2) A justice of the peace shall be nominated and elected on the nonpartisan judicial ballot in the same manner as are judges of the district court.

(3) Each judicial office shall be a separate and independent office for election purposes, and each office shall be numbered by the county commissioners, and each candidate for justice of the peace shall specify the number of the office for which he seeks to be elected. A candidate may not file for more than one office.

(4) Section 13-35-231, prohibiting political party endorsement for judicial officers, shall also apply to justices of the peace.

History: En. Sec. 60, C. Civ. Proc. 1895; re-en. Sec. 6279, Rev. C. 1907; re-en. Sec. 8833, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 85; re-en. Sec. 8833, R.C.M. 1935; amd. Sec. 4, Ch. 491, L. 1973; amd. Sec. 1, Ch. 23, L. 1974; amd. Sec. 1, Ch. 276, L. 1974; amd. Sec. 9, Ch. 420, L. 1975; R.C.M. 1947, 93-401(part).

3-10-202. Oath — qualifications. (1) Each justice of the peace, elected or appointed, after he has received his certificate of election or appointment, shall, before entering upon the duties of his office, take the constitutional oath of office, which must be filed with the county clerk.

(2) Before the county clerk may file the oath, the elected or appointed justice must satisfy the clerk that he is either:

(a) an attorney at law authorized to practice law in the state of Montana;

(b) a person who has held the office of justice of the peace within the preceding 5 years; or

Justice of the Peace

(c) a person who has completed the orientation course of study held under the direction of the university of Montana law school. If a person is appointed after the course is offered, he must agree to take the course at the next offering and failure to do so will disqualify him.

History: En. Sec. 60, C. Civ. Proc. 1895; re-en. Sec. 6279, Rev. C. 1907; re-en. Sec. 8833, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 85; re-en. Sec. 8833, R.C.M. 1935; amd. Sec. 4, Ch. 491, L. 1973; amd. Sec. 1, Ch. 23, L. 1974; amd. Sec. 1, Ch. 276, L. 1974; amd. Sec. 9, Ch. 420, L. 1975; R.C.M. 1947, 93-401(3), (4).

3-10-203. Orientation course — annual training. (1) The university of Montana law school, under the supervision of the supreme court, shall present a course of study as soon as is practical following each general election. Actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, and the costs of registration and books and other materials shall be paid to the elected or appointed justice of the peace for attending the course by the county in which he holds or will hold court and shall be charged against that county.

(2) There shall be two mandatory annual training sessions supervised by the supreme court for all elected and appointed justices of the peace. One of the training sessions may be held in conjunction with the Montana magistrates' association convention. Actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, and the costs of registration and books and other materials shall be paid to the elected or appointed justice of the peace for attending the sessions by the county in which he holds or will hold court and shall be charged against that county.

(3) Each justice of the peace shall attend the training sessions provided for in subsection (2). Failure to attend disqualifies him from office and creates a vacancy in the office. However, the supreme court may excuse a justice of the peace from attendance because of illness, a death in the family, or any other good cause.

History: En. Sec. 60, C. Civ. Proc. 1895; re-en. Sec. 6279, Rev. C. 1907; re-en. Sec. 8833, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 85; re-en. Sec. 8833, R.C.M. 1935; amd. Sec. 4, Ch. 491, L. 1973; amd. Sec. 1, Ch. 23, L. 1974; amd. Sec. 1, Ch. 276, L. 1974; amd. Sec. 9, Ch. 420, L. 1975; R.C.M. 1947, 93-401(5), (6); amd. Sec. 1, Ch. 466, L. 1979; amd. Sec. 9, Ch. 528, L. 1979.

Compiler's Comments

Transition. Sec. 16, Ch. 528, L. 1979, provided: "A judicial officer, as defined in 1-1-202, who is occupying his judicial office on the effective date of this act shall continue to be paid expenses on the same basis as he is receiving them on the effective date of this act until the

expiration of his term of office. All judicial officers who take office or begin a new term of office after the effective date of this act shall receive expenses as provided in this act."

Severability. Sec. 17, Ch. 528, L. 1979, was a severability section.

3-10-204. Residence requirements. (1) Every justice of the peace must reside in the county in which his court is held.

(2) No person is eligible to the office of justice of the peace unless he shall have been a citizen of the United States and a resident of the county in which he is to serve for 1 year next preceding his election or appointment.

History: En. Sec. 163, C. Civ. Proc. 1895; re-en. Sec. 6311, Rev. C. 1907; re-en. Sec. 8865, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 159; re-en. Sec. 8865, R.C.M. 1935; amd. Sec. 13, Ch. 491, L. 1973; R.C.M. 1947, 93-704.

3-10-205. Term of office. The term of office of justices of peace is 4 years from the first Monday in January next succeeding their election.

History: En. Sec. 64, C. Civ. Proc. 1895; re-en. Sec. 6283, Rev. C. 1907; re-en. Sec. 8837, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 110; re-en. Sec. 8837, R.C.M. 1935; amd. Sec. 8, Ch. 491, L. 1973; R.C.M. 1947, 93-405.

City Judge

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3-11-204

R.C.M. 1921; amd. Sec. 1, Ch. 60, L. 1935; re-en. Sec. 5003, R.C.M. 1935; amd. Sec. 1, Ch. 193, L. 1971; amd. Sec. 1, Ch. 343, L. 1971; Sec. 11-709, R.C.M. 1947; R.C.M. 1947, 11-709(part), 11-1601.1; amd. Sec. 377, Ch. 571, L. 1979.

Compiler's Comments

Transition. Sec. 404, Ch. 571, L. 1979, is a transition section, the text of which may be found in the compiler's comment to 13-1-101.

3-11-202. Salary. The annual salary and compensation of city judges must be fixed by ordinance. Each city judge shall receive his actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of his official duties.

History: En. Sec. 4765, Pol. C. 1895; re-en. Sec. 3241, Rev. C. 1907; amd. Sec. 1, Ch. 61, L. 1919; re-en. Sec. 5020, R.C.M. 1921; re-en. Sec. 5020, R.C.M. 1935; amd. Sec. 2, Ch. 76, L. 1953; amd. Sec. 2, Ch. 179, L. 1961; amd. Sec. 2, Ch. 158, L. 1965; amd. Sec. 1, Ch. 186, L. 1967; R.C.M. 1947, 11-726; amd. Sec. 12, Ch. 528, L. 1979.

Compiler's Comments

Transition. Sec. 16, Ch. 528, L. 1979, provided: "A judicial officer, as defined in 1-1-202, who is occupying his judicial office on the effective date of this act shall continue to be paid expenses on the same basis as he is receiving them on the effective date of this act until the

expiration of his term of office. All judicial officers who take office or begin a new term of office after the effective date of this act shall receive expenses as provided in this act."

Severability. Sec. 17, Ch. 528, L. 1979, was a severability section.

3-11-203. When substitute for judge called in. (1) The city judge or mayor may call in a justice of the peace or some qualified resident of the city or town to act in the judge's place whenever the judge is:

- (a) a party in a case;
- (b) interested in a case;
- (c) the spouse of or related to either party in a case by consanguinity or affinity within the sixth degree; or
- (d) sick, absent, or unable to act.

(2) ~~The city judge may call in a justice of the peace or some qualified resident of the city or town to act in his stead when a disqualifying affidavit filed against him pursuant to the supreme court's rules on disqualification and substitution of judges.~~

History: En. Sec. 4913, Pol. C. 1895; re-en. Sec. 3299, Rev. C. 1907; re-en. Sec. 5090, R.C.M. 1921; Cal. Pol. C. Sec. 4428; re-en. Sec. 5090, R.C.M. 1935; amd. Sec. 2, Ch. 420, L. 1975; amd. Sec. 7, Ch. 344, L. 1977; R.C.M. 1947, 11-1604; amd. Sec. 28, Ch. 21, L. 1979.

3-11-204. Training sessions for judges. (1) There shall be two mandatory annual training sessions supervised by the supreme court for all elected and appointed city judges. One of the training sessions may be held in conjunction with the Montana magistrates' association convention. Actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, and the costs of registration and books and other materials shall be paid to the elected or appointed judge for attending the sessions. Whenever the office of city judge is held by a justice of the peace, the costs imposed by this subsection are the joint responsibility of the county and the municipality, with the costs to be allocated and charged in proportion to the work done for each governmental entity. In all other cases, the costs shall be paid by the city or town in which he holds or will hold court and shall be charged against that city or town.

3-11-205

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(2) Each city judge shall attend the training sessions. Failure to attend disqualifies him from office and creates a vacancy in the office. However, the supreme court may excuse a city judge from attendance because of illness, a death in the family, or any other good cause.

History: En. Sec. 80, C. Civ. Proc. 1895; re-en. Sec. 6289, Rev. C. 1907; re-en. Sec. 8843, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 121; re-en. Sec. 8843, R.C.M. 1935; amd. Sec. 3, Ch. 165, L. 1975; R.C.M. 1947, 93-411(2); amd. Sec. 2, Ch. 466, L. 1979; amd. Sec. 13, Ch. 528, L. 1979.

3-11-205. Justice of the peace acting as city judge. In a town, the council may designate a justice of the peace of the county in which the town is situated to act as city judge and may by ordinance fix the compensation for his services. The justice of the peace so designated may act as city judge in all cases arising out of violations of ordinances in which the town is a party. If the justice of the peace must travel from his place of residence to hold court, he shall be paid his actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, by the town in which the court is held.

History: En. Sec. 4766, Pol. C. 1895; re-en. Sec. 3242, Rev. C. 1907; re-en. Sec. 5021, R.C.M. 1921; re-en. Sec. 5021, R.C.M. 1935; amd. Sec. 5, Ch. 491, L. 1973; amd. Sec. 1, Ch. 420, L. 1975; R.C.M. 1947, 11-727; amd. Sec. 29, Ch. 21, L. 1979; amd. Sec. 14, Ch. 528, L. 1979.

3-11-206. City to provide facilities. The governing body of the city in which the judge has been elected or appointed shall provide for the judge:

- (1) ~~the office, space, courtroom, and clerical assistance necessary to enable him to perform his duties in dignified surroundings;~~
- (2) the books, records, forms, papers, stationery, postage, office equipment, and supplies necessary for the proper keeping of the records and files of the judicial office and the transaction of business;
- (3) one copy of the latest edition of the Montana Code Annotated and all official supplements thereto or immediate access to the code and supplements.

History: En. Sec. 4, Ch. 466, L. 1979.

Compiler's Comments

Codification. Sec. 11, Ch. 466, L. 1979, provided: "Sections 3 and 4 are intended to be cod-

ified as an integral part of Title 3, chapter 11, and the provisions contained in Title 3, chapter 11, apply to sections 3 and 4."

Part 3

Procedure in City Courts

3-11-301. City attorney to prosecute. The city attorney must prosecute all cases for the violation of any ordinance and prosecute, conduct, and control all proceedings in cases mentioned in 3-11-103, both in the city court and on appeal therefrom to the district court.

History: En. Sec. 4917, Pol. C. 1895; re-en. Sec. 3303, Rev. C. 1907; re-en. Sec. 5094, R.C.M. 1921; re-en. Sec. 5094, R.C.M. 1935; R.C.M. 1947, 11-1608.

3-11-302. Who named as plaintiff. (1) An action brought for violation of a city or town ordinance shall be brought in the name of the city or town as the plaintiff and against the accused as the defendant.

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE

O R D E R

New Rule 45

Mandatory Continuing Judicial
Education for all Judges

Rule 45. Continuing Judicial Education.

(1). Continuing judicial training and education is essential to maintain public confidence in the judiciary and the highest level of professional standards.

Accordingly, at a minimum, the judges of our respective courts shall be required to attend continuing judicial education programs as follows:

(a). Justices of the Supreme Court shall attend at least one Appellate Judges Seminar or similar program at least once a year.

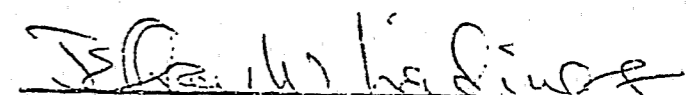
(b). Justices of the Superior Court shall attend the basic education program at the National Judicial College within two years of their appointment and shall attend at least one in-state, regional or national program every year thereafter. Education programs for regularly assigned masters shall be required as directed by the Chief Justice of the Superior Court.

(c). Probate judges shall attend a minimum of one judicial conference offered in-state, regionally or nationally, at least once every two years.

(d). Full-time justices of the district and municipal courts shall attend a basic education program at the National Judicial College within two years of their appointment, and all district and municipal judges shall attend at least one in-state judicial education conference each year.

(e). Exceptions to this rule for good cause shown may be approved by the Supreme Court.

ATTEST:


Jeffrey W. Leidinger, Acting Clerk
Supreme Court of New Hampshire

February 15, 1980.

35-2-4

MAGISTRATE COURT; JURISDICTION

35-3-1

35-2-4. Qualification; continuing in office; mandatory training program.

A. As a qualification for continuing in office, each magistrate shall attend at least one magistrate training program each year unless excused in writing by the chief justice of the supreme court for good cause shown.

B. The administrative office of the courts shall prescribe and conduct annual magistrate training programs designed to inform magistrates with reference to judicial powers and duties and to improve the administration of justice, and shall notify each magistrate of times and places designated for such training programs each year. All officers, agencies and institutions of the state shall cooperate and assist with magistrate training programs upon request of the administrative office.

C. Any magistrate who fails to attend and remain present through all proceedings of at least one magistrate training program during any calendar year without being excused as provided in Subsection A shall be held to have resigned his office, and the administrative office shall revoke his certificate of magistrate qualification and certify the existence of the vacancy to the governor.

D. Magistrates shall be reimbursed per diem and mileage for one round trip to attend one magistrate training program each year. Per diem and mileage shall be paid as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-7 NMSA 1978].

History: 1953 Comp., § 36-2-4, enacted by Laws 1968, ch. 62, § 44; 1971, ch. 7, § 3.

C.J.S. reference. — 51 C.J.S. Justices of the Peace § 15.

Repeal. — Laws 1968, ch. 62, § 171, repeals former § 2-4, 1953 Comp., relating to titles to land, effective January 1, 1969.

35-2-5. Qualification; failure to qualify.

A. Any judicial act is void if performed by a magistrate prior to the issuance to him of a certificate of magistrate qualification or during any period of suspension or revocation of the certificate, and the magistrate is personally liable for any damages resulting from such act.

B. No compensation shall be paid to any magistrate for any period of time during which he did not hold a valid certificate of magistrate qualification.

History: 1953 Comp., § 36-2-5, enacted by Laws 1968, ch. 62, § 45.

36-2-5, 1953 Comp., relating to jurisdiction over misdemeanors, effective January 1, 1969.

Repeal. — Laws 1968, ch. 62, § 171, repeals former

ARTICLE 3

Magistrate Court; Jurisdiction

- 35-2-1. Jurisdiction; administration of oaths.
- 35-2-2. Jurisdiction; marriages.
- 35-2-3. Jurisdiction; civil actions.
- 35-2-4. Jurisdiction; criminal actions.
- 35-2-5. Jurisdiction; venue of actions.
- 35-2-6. Jurisdiction; territorial limits.

- Sec.
- 35-3-7. Jurisdiction; disqualification of magistrate.
- 35-3-8. Jurisdiction; recusal.
- 35-3-9. Jurisdiction; contempt.
- 35-3-10. Jurisdiction; failure to exercise; unlawful exercise; remedy.

35-2-1. Jurisdiction; administration of oaths.

Magistrates may administer oaths and affirmations and take acknowledgments of instruments in writing, but shall charge no fee therefor. Magistrates may acquire appropriate seals for this purpose.

History: 1953 Comp., § 36-3-1, enacted by Laws 1968, ch. 62, § 44.

36-3-1, 1953 Comp., relating to venue in civil suits, and disqualification of justice for interest or relationship, effective January 1, 1969.

Repeal. — For authority to take acknowledgments see 14-13-4 NMSA 1978. — Laws 1968, ch. 62, § 171, repeals former

A.M. Jur. 2d and C.J.S. references. — 1 Am. Jur. 2d Acknowledgments § 12; 47 Am. Jur. 2d Justices of the

North Dakota Century Code

40-18-22. CONTINUING EDUCATION OF MUNICIPAL JUDGE REQUIRED.
Each municipal judge shall be required, within one year after his election, and at least once each calendar year thereafter, to attend and participate in an educational session designated for that purpose by the supreme court, unless the judge is excused from such attendance by the supreme court. Such judge shall be reimbursed for his necessary expenses of travel and subsistence as other city officials are so reimbursed.

If any such judge shall fail to attend such educational session within any calendar year, without being excused therefrom by the supreme court, the state court administrator shall report such fact to the commission on judicial qualifications for such action as it deems appropriate.

27-07-42. CONTINUING EDUCATION OF JUDGE OF COUNTY COURT REQUIRED.
Each judge of a county court shall be required, within one year after his election, and at least once each calendar year thereafter, to attend and participate in an educational session designated for that purpose by the supreme court, unless the judge is excused from such attendance by the supreme court.

If any such judge shall fail to attend such educational session within any calendar year, without being excused therefrom by the supreme court, the state court administrator shall report such fact to the commission on judicial qualifications for such action as it deems appropriate.

**RULE IX
OHIO SUPREME COURT RULES FOR
THE GOVERNMENT OF THE BAR OF OHIO**

Mandatory Continuing Legal Education for the Judiciary.

(1) To serve that public interest which mandates the competent performance of the duties of judicial office in this state, each judge of this state shall participate in continuing legal education programs in compliance with this rule.

(2) Each full-time judge in the state shall complete a minimum of twenty hours of classroom instruction each year on subjects devoted to the law or judicial administration. Part-time judges and judges assigned to active duty pursuant to Section 6(C), Article IV of the Constitution of Ohio, shall complete ten hours of such instruction.

(3) Full-time judges shall attend, as part of the required twenty hours of classroom instruction, at least one continuing legal education course offered by the Ohio Judicial College each year.

(4) Each judge and retired judge assigned to active duty shall file annually, by December 31, with the Administrative Director of the Supreme Court, on a form provided by the Administrative Director, a certification setting forth the continuing legal education programs attended during the year, the dates attended, subjects taken, and the number of hours. Such certification forms shall be public records.

(5) Judges who teach a continuing legal education course shall be credited, for each hour taught, with three hours of classroom attendance.

(6) For good cause shown, the Administrative Director of the Supreme Court, in cases involving hardship or extenuating circumstances, may grant a waiver of the continuing legal education requirements of this rule. No waiver shall be granted except upon written application therefor.

(7) In the event that a judge fails to comply with the provisions of this rule, the Administrative Director of the Supreme Court shall refer the matter to Disciplinary Counsel for investigation and appropriate disciplinary action pursuant to Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(8) If a question is raised that subjects completed by an individual judge, as reported on the annual report form, do not comply with the requirements of this rule, the Administrative Director shall present the question to the Supreme Court for final determination.

(9) The effective date of this rule shall be January 1, 1981.

1.745 COURTS OF RECORD; COURT OFFICERS; JURIES

(2) Shall hold at least one public hearing in each of the congressional districts of the state during the period between regular legislative sessions. [1977 c.890 §4]

1.745 Laws on civil pleading, practice and procedure deemed rules of court until changed. All provisions of law relating to pleading, practice and procedure, including provisions relating to form and service of summons and process and personal and in rem jurisdiction, in all civil proceedings in courts of this state are deemed to be rules of court and remain in effect as such until and except to the extent they are modified, superseded or repealed by rules which become effective under ORS 1.735. [1977 c.890 §5; 1979 c.284 §2]

1.750 Legislative Counsel to publish rules. The Legislative Counsel shall cause the rules which have become effective under ORS 1.735, as they may be amended, repealed or supplemented by the Legislative Assembly, to be arranged, indexed, printed, published and annotated in the Oregon Revised Statutes. [1977 c.890 §6]

JUDICIAL CONFERENCE

1.810 Judicial conference; membership; officers; expenses. There hereby is created and established a Judicial Conference of the State of Oregon. The conference shall consist of all the judges of the Supreme Court, the Court of Appeals, the Oregon Tax Court, the circuit courts and the district courts. The Chief Justice shall be chairman of the conference and shall have power to invite any persons not members of the conference to attend the meetings of the conference and consult with it in the performance of its duties. The State Court Administrator shall act as executive secretary of the conference. Each member of the conference, the State Court Administrator, and each person invited by the Chief Justice, is entitled to reimbursement for his hotel bills and traveling expenses necessarily incurred by him in the performance of his duties relating to the Judicial Conference of the State of Oregon. [1955 c.470 §1; 1959 c.552 §12; 1963 c.423 §2; 1965 c.494 §13; 1969 c.198 §29; 1971 c.95 §1]

1.820 Function of conference. The conference may make a continuous survey and study of the organization, jurisdiction, procedure, practice and methods of administration

and operation of the various courts within state. Such survey and study may be conducted with any similar survey and study by the Judicial Council of the State of Oregon. [1955 c.470 §2; 1965 c.494 §14]

1.830 Meetings. The conference shall meet at such time as shall be designated by chairman, not less than once annually. [1955 c.470 §3; 1965 c.494 §15]

1.840 Annual report. The conference shall report annually to the Governor with respect to such matters, including recommendations for legislation, as it may wish to bring to the attention of the Governor or of legislature. [1955 c.470 §4; 1959 c.552 §13; 1965 c.494 §16]

Note: Chapter 611, Oregon Laws 1979, provides:

Sec. 1. It is the purpose of this Act to strengthen and improve the structure, administration and personnel of the judicial branch of the State of Oregon.

Sec. 2. (1) There is hereby created a Commission on the Judicial Branch consisting of 13 members and one ex officio member.

(2) The Chief Justice shall appoint one appellate judge, one circuit judge and one district judge as members.

(3) The President of the Senate shall appoint two Senators as members, including one from Senate Ways and Means and one from the Senate Committee on Judiciary.

(4) The Speaker of the House shall appoint two Representatives as members, including one from House Ways and Means and one from the House Committee on Judiciary.

(5) The Governor shall appoint four members, including two nonlawyers with large scale management experience in the business community, and two lawyers with substantial trial experience in the Oregon state and appellate courts.

(6) The Chief Justice shall serve ex officio as a member of the commission.

(7) Each member shall serve for a period of two years and shall be eligible for reappointment. The appointing authority shall fill vacancies which occur for any cause during the course of a member's term.

Sec. 3. (1) The commission shall study the structure and organization of the state court system, including matters relating to the unification of the court system, the appropriate levels and location of trial and appellate courts, the provision of and consolidation of minor courts, the administrative arrangements and responsibilities of the courts, and the statutory arrangements for the courts.

(2) The commission shall study the recruitment, training, supervision, retention and retirement of judges, court administrators and court support personnel.

PENNSYLVANIA

PART III

SELECTION, RETENTION AND REMOVAL
OF JUDICIAL OFFICERS

Chapter

- 31. Selection and Retention of Judicial Officers
- 33. Discipline, Removal and Retirement of Judicial Officers

Enactment

The new Judicial Code of Title 42, Pennsylvania Consolidated Statutes, entitled Judiciary and Judicial Procedure, was activated to take effect generally on June 27, 1978, by § 2(a) [1474] of the Judiciary Act Repealer Act of 1978, Act 1978, April 28, P.L. 202, No. 53.

CHAPTER 31

SELECTION AND RETENTION OF JUDICIAL OFFICERS

Subchapter

- A. Qualifications Generally
- B. Qualifications of Certain Minor Judiciary
- C. Selection of Judicial Officers
- D. Tenure and Compensation

SUBCHAPTER A

QUALIFICATIONS GENERALLY

Sec.

- 3101. Qualifications of judicial officers generally.

§ 3101. Qualifications of judicial officers generally

Judges and district justices shall be citizens of this Commonwealth. Judges, except judges of the Pittsburgh Magistrates Court and the Traffic Court of Philadelphia, shall be members of the bar of this Commonwealth. Judges of the Supreme, Superior and Commonwealth Courts, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within this Commonwealth. Other judges and district justices, for a period of one year preceding their election or appointment and during their continuance in of-

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JUDICIAL OFFICERS

§ 3111

office, shall reside within their respective districts, except when temporarily assigned to another district pursuant to law.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978. As amended 1978, April 28, P.L. 202, No. 53, § 10(27.1), eff. June 27, 1978.

Official Source Note:
Derived from Constitution, Art. V, §
12(a).

Cross References

Temporary assignment, judges, qualifications under this section, see § 4121(c) of this title.

SUBCHAPTER B

QUALIFICATIONS OF CERTAIN MINOR JUDICIARY

Sec.

- 3111. Definitions.
- 3112. Course of instruction and examination required.
- 3113. Content of course of instruction and examination.
- 3114. Admission of interested persons.
- 3115. Certification of successful completion of course.
- 3116. Effect of failure to obtain certificate.
- 3117. Expenses.
- 3118. Continuing education requirement.
- 3119. Rules and regulations.

Applicability of Minor Judiciary Education Requirements

Section 19 of Act 1976, July 9, P.L. 586, No. 142, generally effective June 27, 1978, provides as follows:

"Subchapter B of Chapter 31 of Title 42 (relating to qualifications of certain minor judiciary) shall not apply to any judge or district justice in office on the effective date of this act."

Cross References

Minor judiciary education board, powers and duties under this subchapter, exercise, see § 2135 of this title.

§ 3111. Definitions

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Board." The board existing under Subchapter D of Chapter 21 (relating to Minor Judiciary Education Board).¹

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"Judge." A judge of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978.

1 Sections 2181 to 2185 of this title.

Official Source Note:
Derived from act of February 24, 1970
(No. 22), § 2 (42 P.S. § 1212).

§ 3112. Course of instruction and examination required

District justices and judges who are not members of the bar of this Commonwealth shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978. As amended 1978, April 28, P.L. 202, No. 53, § 10(28), eff. June 27, 1978.

Official Source Note: 1978 Amendment: To give effect to
Derived from Constitution, Art. V, § act of July 15, 1976 (P.L. 1014, No. 204),
12(b) and also derived from Schedule § 502 (42 P.S. § 2502), as modified by
21 and act of February 24, 1970 (No. 22). H.B. 2618 (P.N. 3685) of 1976.
§ 4 (42 P.S. § 1214).

§ 3113. Content of course of instruction and examination

(a) General rule.—The board shall prescribe and approve the subject matter and the examination for the course of training and instruction required by this subchapter. The Administrative Office shall, subject to the direction of the board, administer the course of training and instruction and conduct the examination. The Administrative Office shall conduct the course and examination at such times, at such places and in such manner as the regulations of the board may prescribe. The board shall make the course of instruction available at such times so as to insure that any district justice or judge elected or appointed may qualify to assume office as soon as possible.

(b) Content of course.—The course of training and instruction shall not exceed four weeks in duration and shall consist of a minimum of 40 hours of class instruction in civil and criminal law, including evidence and procedure, summary proceedings, motor vehicles and courses in judicial ethics, in the case of all such officials except judges of the Traffic Court of Philadelphia, in which case it shall consist of a minimum of 20 hours of class instruction in summary proceedings and laws relating to motor vehicles.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978. As amended 1978, April 28, P.L. 202, No. 53, § 10(29), effective June 27, 1978; 1979, July 20, P.L. 157, No. 52, § 4, effective in 60 days.

Official Source Note: Section 8 of Act 1979, July 20, P.L.
Derived from act of February 24, 1970 157, No. 52 provides:
(No. 22), §§ 3 and 4 (42 P.S. §§ 1213 and
1214). "The provisions of this amendatory
act shall not affect any act done, habilit-

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ty or cost incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any statutory provisions amended by this act." 1978 Amendment: To give effect to act of July 15, 1976 (P.L. 1914, No. 204), § 502 (42 P.S. § 2502), as modified by H.B. 2618 (P.N. 3685) of 1976. 1979 Amendment: Inserted phrase "summary proceedings, motor vehicles and courses in judicial ethics," in subsection (b).

§ 3114. Admission of interested persons

In addition to those required by this subchapter to complete the course of training and instruction and successfully pass an examination prior to assuming office, any interested person may apply to the Administrative Office to be enrolled in the course of instruction and take the examination. Any such interested person who successfully completes the course and passes the examination, and who subsequently is elected or appointed to the office of district justice or judge may secure a certificate from the Administrative Office as provided in section 3115 (relating to certification of successful completion of course) without again taking the course of training and instruction and passing the examination required by this subchapter.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978.

Official Source Note:
Derived from act of February 24, 1970
(No. 22), § 4 (42 P.S. § 1214).

§ 3115. Certification of successful completion of course

Upon the successful completion of the course of training and instruction and examination, the Administrative Office shall issue to a person elected or appointed as a district justice or judge a certificate in the form prescribed by the board, certifying that such person is qualified to perform his duties as required by the Constitution of Pennsylvania. Such certificate shall be filed in the office of the clerk of the court of common pleas of the judicial district embracing the district to be served by the district justice or judge.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978.

Official Source Note:
Derived from act of February 24, 1970
(No. 22), § 7 (42 P.S. § 1217).

§ 3116. Effect of failure to obtain certificate

In the event that any district justice or judge fails to file the certificate provided for by section 3115 (relating to certification of successful completion of course) in the manner therein provided within nine months after his election or appointment, his office shall become vacant, and such vacancy shall be filled as provided in this chapter.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978.

Official Source Note:
Derived from act of February 24, 1970
(No. 22), § 7 (42 P.S. § 1217).

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§ 3117. Expenses

The course of training and instruction required by this subchapter shall be provided at the expense of the Commonwealth.

1976, July 9, P.L. 586, No. 142, § 2, eff. June 27, 1978. As amended 1978, April 28, P.L. 202, No. 53, § 10(33), eff. June 27, 1978.

Official Source Note: 1978 Amendment: To give effect to act of July 15, 1976 (P.L. 1014, No. 204), § 503 (42 P.S. § 2503).
Derived from act of February 24, 1970 (No. 22), § 5 (42 P.S. § 1215).

§ 3118. Continuing education requirement

Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. If a district justice fails to meet these continuing education requirements, such justice shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

1978, April 28, P.L. 202, No. 53, § 10(34), eff. June 27, 1978. As amended 1979, July 20, P.L. 157, No. 52, § 4, eff. in 60 days.

Former § 3118 was renumbered § 3119 by Act 1978, April 28, P.L. 202, No. 53, § 10(35).

Official Source Note: 1978 Amendment: Reenactment of act of July 15, 1976 (P.L. 1014, No. 204), § 506 (42 P.S. § 2506).
Derived from act of February 24, 1970 (No. 22), § 6 (42 P.S. § 1216).
Section 8 of Act 1979, July 20, P.L. 157, No. 52 provides: "The provisions of this amendatory act shall not affect any act done, liability or cost incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any statutory provisions amended by this act."
1979 Amendment: Added the second sentence.

§ 3119. Rules and regulations

The Administrative Office shall have the power to promulgate, with the approval of the board, such rules and regulations as are necessary to carry out its duties under this subchapter.

1976, July 9, P.L. 586, No. 142, § 3118, renumbered § 3119, and amended 1978, April 28, P.L. 202, No. 53, § 10(35), eff. June 27, 1978.

Official Source Note: Typographical correction. See also act of July 15, 1976 (P.L. 1014, No. 204), § 504 (42 P.S. § 2504).
Renumbered from § 3118 by Act 1978, April 28, P.L. 202, No. 53, § 10(35).

SOUTH CAROLINA

Rule 34 RULES OF COURT

process issued by the Commission or this Court; or if any other occasion shall arise for proceeding against any person for being in contempt of the authority of the Court or of the Commission, the Commission shall certify the fact to this Court, and thereupon the Court shall proceed to determine whether the party whose conduct is complained of is in contempt of the authority of the Commission, and, if so, to punish the offending party as for contempt of court.

37. Costs

Costs shall be assessed as directed by the Supreme Court.

Editor's Note—

The rule was adopted September 8, 1976, to become effective October 15, 1976.

Effect of Amendments—

The 1978 amendment, adopted Oct. 11, 1977, added the words "two magistrates" after the word "record" in Section 3b, added item (4) to Section 3e and substituted the word "seven" for the word "five" in Section 4.

CASE NOTES

Family court judge ordered retired under Article 5 § 13 by reason of Supreme Court finding that judge suffered from medical disability, manic-depressive psychosis, seriously interfering with performance of duties which was, or was likely to become, of permanent character. *Re Williamson (1978) 270 SC 313, 242 SE2d 221.*

Court Rule § 34 providing that affirmative vote of five members of judicial standard Commission is required for recommendation of discipline, suspension, removal or retirement of judge for disability, ultimate responsibility for making determination is cast upon Supreme Court by Constitution. *Re Williamson (1978) 270 SC 313, 242 SE2d 221.*

Notwithstanding § 19 of Supreme

Rule 35

[Continuing Legal Education of the Judiciary]

Purpose:

Only by continuing their legal education can the Judiciary fulfill their obligation competently to serve the State. Failure to do so shall be grounds for disciplinary action by this Court. This rule establishes minimum requirements for such continuing legal education and the means by which the requirements shall be enforced.

Continuing Legal Education Commission:

There is hereby established a Commission on Continuing Legal Education consisting of seven (7) members. This Court shall appoint to the Commission one (1) Justice of the Supreme Court of South Carolina who shall serve as chairman; two (2) Circuit

Court Judges; one (1) Family Court Judge; one (1) member of the University of South Carolina Law School faculty; and, two (2) at large members from the South Carolina Bar. Of the members first appointed to the Commission two (2) shall serve a term of three (3) years, two (2) shall serve a term of four (4) years and three (3) shall serve a term of five (5) years. Members thereafter appointed, except for those appointed to fill unexpired terms, shall be appointed for a term of three (3) years. No member shall serve more than two (2) consecutive complete terms as a member of the Commission. This Court shall adopt rules and regulations governing the operations and activities of the Commission.

The Commission shall have the following duties:

- (a) To exercise general supervisory authority over the administration of this rule, subject to the approval of this Court.
- (b) To accredit sponsors of courses, programs and other educational activities which will satisfy the educational requirements of this rule or in the event that the sponsor is not accredited the Commission shall accredit courses, programs and other educational activities which will satisfy the educational requirements of this rule; all being subject to continuous review by the Commission.
- (c) To foster and encourage the offering of such courses, programs and education activities.
- (d) To submit to the Court proposed rules and regulations not inconsistent with this rule to govern the operations and activities of the Commission.
- (e) To report at least annually to the Court concerning its activities and, from time to time, to make recommendations to the Court concerning this rule and the enforcement thereof; to present an annual budget and a recommended annual fee for costs of administering this rule.
- (f) To report promptly to the Court concerning any violation of this rule by any member of the Judiciary of this State.

Members of the Commission shall not be compensated but shall be reimbursed for actual expenses incurred by them in attending the Commission meetings in the performance of their duties upon vouchers approved by this Court.

Continuing Legal Education Requirement:

Commencing January 1, 1977, each member of the unified court in this State, with the exception of magistrates, shall complete a minimum of 15 hours of legal education accredited by the Commission, during each calendar year. The Commission is authorized, pursuant to guidelines established by the Court, to deter-

mine the number of hours for which credit will be given for particular courses, programs or other legal education activities. Under rules to be promulgated by the Court, a Judge may be given credit in one or more succeeding calendar years, not exceeding 3 such years, for completing more than 15 hours of accredited education during any one calendar year.

Annual Report by Judge to Commission:

On or before March 1 of each year, commencing March 1, 1978, each Judge shall make a written report to the Commission, in such form as the Commission shall prescribe, concerning his or her completion of accredited legal education during the preceding calendar year. Each annual report shall be accompanied by:

- (a) The prescribed fee, and
- (b) Proof satisfactory to the Commission that he or she has met the requirements for continuing legal education for the calendar year for which such report is made.

Penalty for Failure to Satisfy Continuing Legal Education Requirements:

(a) Any Judge who fails to comply with the provisions of this rule or who files a report showing on its face that he or she has failed to complete the required number of hours of continuing legal education shall be reported to the Judicial Standards Commission and shall be subject to disciplinary action as provided in Judicial Disciplinary Rules, provided that at least 30 days prior to filing a delinquency report with the Commission, notice of such delinquency shall be served upon him or her in the manner provided for by the service of original notices under the Rules of Civil Procedure, or has been forwarded to him or her by restricted certified mail, return receipt requested, addressed to him or her at his or her last known address. Such person shall be given the opportunity during said 30 days to file in duplicate in the office of the Clerk of this Court an affidavit disclosing facts demonstrating his or her noncompliance was not willful and tendering such documents which, if accepted, would cure the delinquency, or to file in duplicate in the office of Clerk of this Court a request for a hearing on the Rule to show cause why he or she should not be suspended. A hearing shall be granted if requested. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, such person is suspended, he or she shall be so notified.

(b) In addition, any Judge who willfully fails to comply with this rule may be subject to disciplinary action, upon report filed by the Commission with the Committee on Judicial Standards.

CONTINUED

1 OF 2

(c) For good cause shown, the Commission may, in individual cases involving hardship or extenuating circumstances, grant waivers of the minimum educational requirements or extensions of time within which to fulfill the same or make the required reports.

Confidentiality:

Unless otherwise directed by this Court, the files, records and proceedings of the Commission, as they relate to or arise out of any failure of any Judge to satisfy the requirements of this rule, shall be deemed confidential and shall not be disclosed, except in furtherance of its duties or upon the request of the Judge affected, or as they may be introduced in evidence or otherwise produced in proceedings taken in accordance with this rule.

Application of This Rule:

This rule shall apply to every member of the Judiciary of the State of South Carolina, with the exception of magistrates.

Editor's Note—

This rule was adopted December 8, 1976, to become effective January 1, 1977.

Rule 36. Rescinded by order of Supreme Court of South Carolina, Eff Sept. 12, 1977.

Rule 37

Duties, responsibilities and fees of Court Reporters

In all cases where the State of South Carolina, or any agency thereof, is the appellant and in all criminal indigency cases, including post-conviction proceedings, the Court Reporter shall receive a fee of One Dollar (\$1.00) per page for furnishing the original transcript of such cases. The Court Reporter shall receive a fee of Fifty Cents (\$.50) per page for furnishing each copy of transcript of such cases.

This Rule shall be effective in all cases where the transcript is requested after April 1, 1979.

Court Reporters shall report to the Clerk of the Supreme Court the gross income from the fees collected during the preceding quarter on January 1, April 1, July 1 and October 1 each year.

Upon failure of the Court Reporter to file such reports within ten days from the due date, the Court Reporter shall forfeit right to salary until such time as the reports are made.

The Court Reporter of the Judicial Department is a fulltime employee and is not allowed to accept outside employment as a reporter.

78-3-27

business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

History: C. 1953, 78-3-26, enacted by L. 1973, ch. 202, § 9.

78-3-27. Annual judicial conference.—(1) There shall be established an annual judicial conference for all courts of this state, the purpose of which shall be to facilitate the exchange of ideas among all courts and judges and to study and improve the administration of the courts.

(2) The administrator of the courts and the administrator of the juvenile courts, under the supervision and direction of their respective council and board, shall be responsible for the planning and supervision of the conference.

(3) All elections provided in this act shall be conducted during the conference except the initial elections if said conference is not held within sixty days from the effective date of this act.

History: C. 1953, 78-3-27, enacted by L. 1973, ch. 202, § 10. \$134,085 for the ensuing fiscal year. These funds shall be expended for the management and operation of the courts, the judicial council, the office of the administrator of the courts, and the judicial conference established herein.

Appropriation. Section 11 of Laws 1973, ch. 202 provided: "There is appropriated to the council out of the general fund the sum of

CHAPTER 4—CITY COURTS

- Section 78-4-1. Creation.
- 78-4-2. Judges—Election of—Number—Term and tenure of office—Retirement.
- 78-4-9. Compensation.
- 78-4-14. Civil jurisdiction.
- 78-4-16. Criminal jurisdiction—Cases arising under ordinances.
- 78-4-16.5. Criminal proceedings commenced before city court judge.
- 78-4-18. Jury trials.

78-4-1. Creation.—In all cities of the first, second and third class, and in all county-seat cities, there may, in the discretion of the governing body thereof, be established a city court and the office of judge thereof. Such court shall be known as the "City Court of (naming the city), Utah."

History: L. 1951, ch. 58, § 1; C. 1943, Supp., 104-4-1; L. 1959, ch. 145, § 1. **Compiler's Note.** The 1959 amendment added the provision for cities of the third class.

78-4-2. Judges—Election of—Number—Term and tenure of office—Retirement.—At the municipal election to be held in the year 1951, and sexennially thereafter, city judges shall be elected by the qualified electors of their respective cities in the manner provided by this act. In cities having a population, as determined by the last official census and each official census thereafter, of 30,000 and less than 65,000 there may be no more than two city judges; in cities having a population of 65,000 and less than 150,000, there may be four city judges, or any number more than four as determined

78-5-26

JUDICIAL CODE

History: L. 1951, ch. 58, § 1; C. 1943, Supp., 104-5-25.

Compiler's Notes.

This section is identical to former section 104-78-16 (Code 1943) which was repealed by Laws 1951, ch. 58, § 3.

Cross-Reference.

Disposition of fines collected by city and town justices, 78-5-6.

Collateral References.

Justices of the Peace § 21.
51 C.J.S. Justices of the Peace § 14.

78-5-26. Calling in another justice, in case of illness or disability.—In case of the illness or other disability or necessary absence of a justice on a return day of a summons, or at the time appointed for a trial, another justice of the same precinct or city, or an adjoining precinct of the county, may, at his request, attend in his behalf, and thereupon is vested with the power for the time being of the justice before whom the summons was returnable. In that case the proper entry of the proceedings before the attending justice, subscribed by him, must be made in the docket of the justice before whom the summons was returnable. If the case is adjourned, the justice before whom the summons was returnable may resume jurisdiction.

History: L. 1951, ch. 58, § 1; C. 1943, Supp., 104-5-26.

Compiler's Notes.

This section is identical to former section 104-78-17 (Code 1943) which was repealed by Laws 1951, ch. 58, § 3.

Cross-References.

Disqualification for bias or prejudice, criminal cases, 77-57-12.

Disqualification for interest or relation to parties, 78-7-1.

Retirement for disability, 78-7-29, 78-7-30.

Vacancies in city or town justice's courts, 10-6-74.

Collateral References.

Justices of the Peace § 8.
51 C.J.S. Justices of the Peace § 8.

Time for asserting disqualification of justice of the peace; waiver of disqualification, 73 A. L. R. 2d 1238.

78-5-27. Annual institute—Attendance requirement.—All justices of the peace shall attend at least one qualifying seminar or training course supervised by the judicial council each calendar year commencing with 1978. Successful completion of this annual training will be evidenced by the award of a certificate by the judicial council. Any justice not attending the required seminars or courses for two consecutive years shall have his certification by the judicial council withdrawn and may be removed from office for cause under the provisions of section 78-7-27. The judicial council shall duly inform the judicial qualifications commission of the names of justices of the peace failing to comply with this section. The judicial council shall include in its annual report a list of all justices of the peace in the state showing those that are certified under this section and those that are not.

History: L. 1971, ch. 203, § 1; 1977, ch. 78, § 13.

Compiler's Notes.

The 1977 amendment, effective January 2, 1978, rewrote this section which read: "All justices of the peace shall attend one of two annual institutes to be supervised by the Utah Supreme Court. Any

justice not attending one institute during the year shall vacate his office unless he has obtained a written excuse for good cause from the chief justice of the state Supreme Court.

Title of Act.

An act requiring that justices of the peace attend an annual institute and pro-

JUDICIAL COUNCIL



STATE OF UTAH

CONTINUING JUDICIAL EDUCATION

Resolution No. 5

Pursuant to the authority vested in the Judicial Council of the State of Utah by Section 78-3-21, subsection (3), the following is hereby adopted as a general policy after having been passed by the Council during its regular meeting in the month of June, 1975 upon motion duly made and seconded.

WHEREAS the Utah Judicial Council acting by and through the Office of the Court Administrator has received federal grants for the purpose of establishing a Judicial Education Program, including training for Justices of the Peace, and

WHEREAS by statute the Utah Judicial Council is responsible for uniform administrative policies for the courts of the state and the Administrator is given the responsibility for training programs for the courts, and

WHEREAS it is considered desirable that policies be established to govern the equitable assignment of Judges to various training programs and in the use of available funds, whether state or federal,

NOW THEREFORE, the policies set forth below are hereby established and will govern the administration of all judicial education activities within the responsibility of the Utah Judicial Council:

1. The following priorities will govern in the selection of Judges who will attend various programs or activities and in the use of available funds:
 - a. Attendance of recently appointed Judges at resident basic programs of the National College of the State Judiciary, the American Academy of Judicial Education, or other programs of comparable quality as hereafter established.
 - b. Attendance by Judges at national resident graduate programs of the National College of the State Judiciary, the American Academy of Judicial Education, or other programs of comparable quality hereafter established.
 - c. Attendance of Judges at other in-state or national continuing legal education programs, special schools, seminars, or conferences.
 - d. Attendance by an individual Judge at a selected out-of-state conference or seminar pursuant to special invitation.
2. When more Judges apply for a given program during a budget year than available funds will allow, selection will be on the basis of:
 - a. Preference to the Judge with the longest period of time since last attendance at a judicial education program, and
 - b. as between two or more Judges with roughly comparable attendance records selection will be on the basis of seniority on the Bench.

3. Under the general direction of the Council and the Chief Judge, the Administrator will be responsible for the administration of the judicial education program. He will develop appropriate methods for determining the interests of individual Judges in judicial education activities and will assist Judges in completing their applications. He will likewise be responsible for maintaining a roster of all Judges who have attended national resident training programs.

4. The Judicial Council will, at least once annually, approve the budget and content of the judicial education program.

5. Within the priorities set forth hereinabove and any specific directions from the Council, the Administrator is authorized to make adjustments in the judicial education budget and may authorize and assume all or a portion of the costs for individual Judges to participate in various education activities. However, the Council only will approve all requests falling within paragraph 1.(d) above.

6. Except where specifically required by statute, as in the case of Justices of the Peace, all participation by Judges in judicial education activities or programs shall be on a voluntary basis.

7. Participation by Judges in judicial education activities shall be regarded as service time and shall not be deducted from time allowed for vacations.

8. The Judicial Council will review the instructors and course content of the program designed for Justices of the Peace. The Administrator will be responsible to monitor this phase of the judicial education program and report periodically to the Council. Final approval of the content of the Justice of the Peace portion of the judicial education program, including revision of the Justice of the Peace Manual and Benchbook, shall reside in the Judicial Council.

9. Provision for training of clerical and other non-judicial personnel serving the court will be included in the second and succeeding years of the overall program.

10. A copy of this policy statement and any amendments thereto shall be made available to all Judges in the state including Justices of the Peace.

11. This document was originally adopted on August 26, 1974, by the Judicial Council and is hereby reissued as a formal Resolution.

BY ORDER OF THE JUDICIAL COUNCIL, dated this 19th day of June, 1975.

Thornley K. Swan
Thornley K. Swan, Chairman

Office of
Administrator for the Courts
State of Washington



HOWARD S. PRIMER
ADMINISTRATOR

TEMPLE OF JUSTICE
OLYMPIA, WA 98504
(206) 753-5780

MEMORANDUM

TO: Superior Court Judges
District Court Judges
Municipal Court Judges
FROM: Howard S. Primer, Chairman
Non-attorney Judicial Officer Examining Committee
DATE: January 30, 1981

I have attached a copy of newly adopted General Court Rule 8 (GR 8) requiring non-attorney candidates for district, municipal or superior court judicial officer positions to pass a qualifying examination.

It is our belief that any person who continues to perform or begins to perform the functions of a judicial officer without being qualified as required by the Rule may subject their actions to a legal challenge.

The next qualifying examination for courts of limited jurisdiction judicial officer positions will be administered on Saturday, March 21, 1981 in Seattle and Spokane. Interested candidates should complete the enclosed registration form and return it to my office by no later than March 2, 1981.

If you have any questions concerning the examination, please contact Esther Bauman, Manager of Education, 753-5780 (SCAN 234-5780).

EB/sr
Attachment
cc: President, Washington State Prosecutors Association
President, Washington State Association of
Municipal Attorneys

**ADOPTION OF
GENERAL RULE 8**

[By an order dated November 20, 1980, the Supreme Court adopted GR 8 to read as set forth below, effective January 1, 1981. The rule supersedes JAR 1.]

**RULE 8
QUALIFYING EXAMINATION FOR LAY CANDIDATES
FOR JUDICIAL OFFICERS**

8.1

DEFINITIONS

As used in this rule:

(a) "Judicial officer" shall mean anyone:

(1) Who is not admitted to practice law in the state of Washington including but not limited to district court judges, municipal court judges, justices of the peace, police court judges, judges of any court inferior to the superior court which may be hereafter established, court commissioners and administrators; and

(2) Who hear and dispose of cases.

(b) "Hear and dispose of cases" shall mean but is not limited to signing warrants; issuing summonses; setting bail; presiding at preliminary appearances, arraignments, hearings, trials or other proceedings or determining conditions of release.

8.2

MANDATORY QUALIFYING EXAMINATION

Every lay candidate for a judicial officer position shall, before appointment or election, pass the qualifying examination prepared in accordance with this rule.

8.3

JUDICIAL OFFICER EXAMINATION COMMITTEE

The qualifying examination for lay candidates for judicial officers shall be prepared and administered by a committee, under the supervision of the Chief Justice of the Supreme Court, composed of the Administrator for the Courts, the Executive Secretary of the Judicial Council, the President of the Superior Court Judges' Association, and the President of the Magistrates' Association. The Administrator for the Courts shall be the chairman of the committee.

8.4

COMMITTEE RESPONSIBILITIES

The committee shall:

(a) **Study Syllabus.** Promulgate syllabi for study by candidates to prepare them for the responsibilities of a judicial officer and the qualifying examination for each jurisdiction. The syllabi shall include, but are not limited to, constitutional and statutory provisions and Supreme Court rules relating to the conduct of courts, state statutes, basic rules of evidence, and rights of a criminal defendant.

(b) **Examination.** Prepare qualifying examinations to test on proficiency included in the respective study syllabi. The examinations shall require written responses to written questions, and may also include oral portions.

(c) **Administration.** Announce the time and place for the examination and provide for monitoring and security during the examination.

(d) **Grading.** Arrange for the grading of the examination papers and determine a level of adequate competence that the candidate shall demonstrate to pass the examination.

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(e) **Certification.** Certify to the auditor of the county in which the applicant resides the names of those applicants qualified by examination for performing the duties of judicial officer.

8.5

UNSUCCESSFUL CANDIDATES

A candidate who fails to pass the qualifying examination may, on petition to the committee, be given additional examinations once every 6 months at times and places set by the committee.

AMENDMENT OF
ADMISSION TO PRACTICE RULE 9

[By an order dated November 20, 1980, the Supreme Court amended APR 9(c)(5) and APR 9(e)(1) to read as set forth below, effective January 1, 1981. Additions and deletions are indicated by underlining and lining out respectively.]

APR 9(c)(5)

(5) Except as otherwise provided in Rule 9(c)(6), in courts ~~from the judgment of which there is a right of trial de novo of limited jurisdiction~~, a legal intern, only after participating with his or her supervising attorney lawyer in at least one nonjury case, may try nonjury cases in such courts without the presence of a supervising attorney lawyer; and only after participating with his or her supervising attorney lawyer in at least one jury case, may try jury cases in such courts without the presence of a supervising attorney lawyer.

APR 9(e)(1)

(1) A limited license as a legal intern shall be valid, unless revoked, for a period of ~~18~~ 24 consecutive months, provided that a person who fails the Washington state bar

EXAMINATION ANNOUNCEMENT

A qualifying examination will be given on March 21, 1981 in Seattle and Spokane to non-attorney candidates for judge or judicial officer/commissioner positions of municipal and district courts.

PLEASE COMPLETE AND RETURN AS SOON AS POSSIBLE THE REGISTRATION FORM BELOW. STUDY GUIDES AND READING MATERIALS WILL BE SENT TO YOU AFTER YOUR REGISTRATION FORM IS COMPLETED.

The deadline for registration is March 2, 1981. The examination sites are:

Criminal Justice Training Center
2450 S. 142 Street
Seattle

Gonzaga Law School
E. 502 Boone Avenue
Room 243
Spokane

Registration deadline
March 2, 1981

Non-attorney Judicial Officer/Judge
Qualifying Examination Registration
March 21, 1981

Please indicate where you
will take the examination:

Seattle
 Spokane

Candidate's Name: _____

Mailing Address: _____

Telephone Number: _____

Please check one in each
category below and provide the
indicated information:

Candidate for:

Judicial officer/commissioner position
 Judge

Type and Name of Court:

District: _____
 Municipal: _____

Previous examination experience:

none
 yes: Date(s) _____

RETURN IMMEDIATELY TO:

Administrator for the Courts
Education Department
Temple of Justice
Olympia, WA 98504

FILED

NOV 25 1980

SUPREME COURT OF WISCONSIN

CLERK OF SUPREME COURT
MADISON, WISCONSIN

In the Matter of Amendment of the Rules
of Continuing Education for the Wisconsin
Judiciary (SCR Chapter 32)

ORDER

A petition having been filed on June 2, 1980, by the Judicial Education Committee requesting the amendment of the Rules of Continuing Education for the Wisconsin Judiciary (SCR Chapter 32), a public hearing having been held on the petition on October 13, 1980, and the court being fully advised,

IT IS ORDERED that

* (1) SCR 32.04 is amended to read:

During each 6-year period, a judge shall attend at least once the Wisconsin judicial college, the criminal law-sentencing institute and the prison tour. Credit earned for attendance at these programs is to be included as part of the required 60 credits. This rule does not apply to appellate judges.

** (2) SCR 32.05 is amended to read:

A judge shall during each year earn no less than 5 nor more than 15 credits at an in-state educational activity. The 15 credit maximum may be waived upon prior approval granted by the judicial education committee or its designee upon application of an individual judge. The 15 credit maximum does not apply to the year the judge attends the Wisconsin judicial college and/or the criminal law-sentencing institute and prison tour. A trial judge may not earn more than 24 credits for attendance at national educational activities in any 6-year period. A trial judge is not required to attend any national educational activity.

(3) SCR 32.08 is renumbered SCR 32.10 and amended to read:

(1) Except as provided in sub. (2), this chapter applies retrospectively to January 1, 1977, but judges may receive credit for attendance at educational programs during 1976. These credits are to be considered part of the required 60 credits to be earned during the 6-year period commencing January 1, 1977, and ending December 31, 1982.

(2) SCR 32.08 and 32.09 shall take effect on January 1, 1981.

(4) SCR 32.08 is created to read:

SCR 32.08 RESERVE JUDGES.

(1) To be eligible for appointment or reappointment as a reserve judge, a person otherwise entitled to appointment shall have earned 5 credits during the 12 months immediately preceding appointment or reappointment. One credit is awarded for each half-day of attendance at programs sponsored or approved by the judicial education committee. Reserve judges are not required to comply with SCR 32.04.

(2) In order to be eligible for reimbursement of expenses incurred in attending an educational program to obtain the required number of credits, a person must have served actively as a reserve judge for at least 5 days during the 12 months immediately preceding the first day of the educational program.

(5) SCR 32.09 is created to read:

SCR 32.09 NONCOMPLIANCE.

(1) If a judge fails to meet the requirements of SCR 32.04 or 32.05, the director of judicial education shall send the judge a notice of noncompliance by registered or certified mail. The nature of noncompliance shall be specified in the notice. Copies of the notice shall be sent to the director of state courts and to the chief judge of the court of appeals or administrative district. The notice shall inform the judge that an extension is being granted for compliance. The director of judicial education shall have the authority to set the period of extension up to six months, which will be of such duration to reasonably allow compliance. For good cause, the judicial education committee may extend the period for compliance.

(2) After the period of the extension has passed and the judge has not complied with this order, the director of judicial education shall refer the violation to the judicial education committee for a hearing and send the judge a notice of the hearing by registered or certified mail.

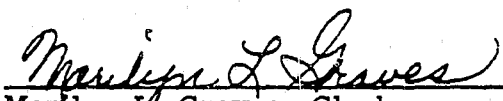
(3) If the judicial education committee finds the judge has not complied with SCR 32.04 or 32.05, it shall refer the matter to the supreme court for such action as it deems appropriate. Notice of such referral shall be sent to the director of state courts and the chief judge of the court of appeals or appropriate administrative district.

IT IS FURTHER ORDERED that, except as otherwise provided herein, these amendments are effective the date of this order.

IT IS FURTHER ORDERED that notice hereof be given by a single publication of a copy of this order in the official state newspaper and in the official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 25th day of November, 1980.

BY THE COURT:


Marilyn L. Graves, Clerk

*Abrahamson, J., dissents from the court's adoption of the last sentence of SCR 32.04 and would continue to require appellate judges to attend the college, institute and tour on the grounds that the subject matter of these programs is substantially similar to that of educational activities specifically designed for appellate judges and that attendance by trial and appellate judges at these programs enables new as well as experienced judges of both trial and appellate courts to exchange ideas to the benefit of all participants.

**Abrahamson, J., dissents from the amendment to SCR 32.05 permitting appellate judges to be reimbursed for more than 24 credits in courses taken outside the state within a six-year period on the grounds that there are sufficient educational opportunities within the state to enable appellate judges to accumulate 36 in-state credits (30 of which are required) in a six-year period, which can be added to 24 out-state credits to fulfill the 60-credit minimum requirement, and that the costs of allowing appellate judges an unlimited number of credits of education outside the state during a six-year period outweigh the benefits.

FILED

NOV 25 1980

In the Matter of Amendment of the Rules of
Continuing Education for the Wisconsin
Judiciary (SCR Chapter 32)

CLERK OF SUPREME COURT
MADISON, WISCONSIN

COFFEY, J. (Concurring). The arguments of the dissenting justice should not pass unanswered. The judicial college, sentencing institute, and prison tour are designed to serve the needs of trial judges, not appellate judges. They amount to 19 credits, which is more than 30 percent of the 60 credits to be earned by a judge during each six-year period. The judicial conference, which is the meeting designed to facilitate the exchange of ideas between the judges of the trial and appellate courts, consumes 24 more credits over a six-year period. This leaves only 17 credits for the appellate judge to obtain continuing judicial education in appellate law, the speciality of the appellate judge. This is not enough, but the conscientious appellate judge will not want to devote substantially more time to continuing judicial education, because time spent pursuing this activity is time taken away from the hearing and decision of cases. The amendment to SCR 32.04 does not prohibit those appellate judges who have no experience on the trial bench from attending the college, institute, and tour. It removes the obligation for those appellate judges who have extensive experience on the trial bench, and there are many, to attend educational activities specifically tailored to the needs of judges without such experience.

The amendment to SCR 32.05 removing the limitation on out-of-state credits for appellate judges is justified because of the superior quality of many national appellate programs. While trial judges are of necessity primarily concerned with the decisions of their own appellate courts, appellate judges have a particular need to keep abreast of the recent legal developments on the national, and sometimes even the international scene. The out-of-state programs satisfy this need. The quality of these programs could not be matched in Wisconsin for our 19 appellate judges

without enormous costs to the taxpayers. The people of this state have a right to expect that our appellate judges will pursue the highest quality continuing judicial education at the lowest cost. Wasteful duplication should be avoided. These goals are best met by the amendment to SCR 32.05.

I am authorized to state Mr. Justice WILLIAM G. CALLOW joins in this concurrence.

END