

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

2 **Intent:**

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

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

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

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

12 **Applicability:**

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

15 **Statement of the Rule:**

16 (1) Organization.

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

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

28 (1)(C) Committee meetings.

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

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

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

37 (3) Standards for judges and court commissioners.

38 | (3)(A)(~~ii~~) Program requirements. All judges and court commissioners shall participate in the first
39 | designated orientation program offered after the date the judge is administered the oath of office, unless
40 | attendance is excused for good cause by the Management Committee. All judges, court commissioners,
41 | active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved
42 | education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of
43 | record and court commissioners may attend a combination of approved local, state, or national programs.
44 | Active and inactive senior judges and retired judges may attend approved local or state programs and the
45 | annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

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

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

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

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

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

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

64 | (3)(B)(~~ii~~) Annual conferences. Justice court judges and active senior justice court judges shall
65 | attend the annual justice court conference unless excused by the Management Committee for good
66 | cause. Because the annual judicial conference represents the only opportunity for judges to meet and
67 | interact as a group and to elect their representatives, judges, active senior judges and court
68 | commissioners of the courts of record are strongly encouraged to attend that conference.

69 | (4) Standards for court staff.

70 | (4)(A) State employees.

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

73 | (4)(A)(ii) Program components. Education programs for court staff employed by the state
74 | shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies;

75 skill development programs that teach technical and job-related competencies; and enhancement
76 programs that promote personal and professional growth within the organization.

77 (4)(B) Local government employees.

78 (4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete
79 10 hours of approved coursework annually. All other court staff employed by local government shall
80 complete 20 hours of approved coursework annually.

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

84 (5) Reporting.

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

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

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

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

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

99 (7) Funding.

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

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

107 (7)(C) Out-of-state education programs. To provide for diverse educational development, to take
108 advantage of unique national opportunities, and to utilize education programs which cannot be offered in-
109 state, the annual education plan shall include out-of-state education opportunities. The Committee shall
110 approve national education providers and shall include in the education procedures, criteria to be applied
111 by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the

112 attendee's current assignment and attendance at in-state programs. Disagreement with a decision to
113 deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's
114 request.

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

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