

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

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3 **Intent:**

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

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

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

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

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19 **Applicability:**

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

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24 **Statement of the Rule:**

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26 (1) **Organization.**

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

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

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41 (1)(C) **Committee meetings.**

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

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

52 (2) **Administration.**

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54 **Judicial Education Officer.** The Judicial Education Officer, under the direction of the Court  
55 Administrator, shall serve as staff to the Committee and be responsible for the  
56 administration of the judicial education program consistent with this rule.

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58 (3) **Standards for judges and court commissioners.**

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60 (3)(A) **Program requirements.** All judges and court commissioners shall participate in  
61 the first designated orientation program offered after the date the judge is administered  
62 the oath of office, unless attendance is excused for good cause by the Management  
63 Committee. All judges, court commissioners, active senior judges, and active senior  
64 justice court judges shall complete 30 hours of pre-approved education annually, to be  
65 implemented on a schedule coordinated by the Committee. Judges of courts of record  
66 and court commissioners may attend a combination of approved local, state, or national  
67 programs. Active and inactive senior judges and retired judges may attend approved  
68 local or state programs and the annual Utah Judicial Conference, but an inactive senior  
69 judge or retired judge must pay all expenses.

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

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

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

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

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

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

91  
92 (3)(B) ~~(B)~~ **Program components.** Education programs for judges and court  
93 commissioners shall include: a mandatory new judge orientation program; a variety of  
94 programs addressing substantive and procedural law topics, aimed at skill and  
95 knowledge acquisition; and programs geared to professional and personal development,  
96 to meet the continuing needs of judges and court commissioners over the long term.

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98 (3) ~~(B)~~ ~~(C)~~ **Annual conferences.** Justice court judges and active senior justice court  
99 judges shall attend the annual justice court conference unless excused by the  
100 ~~Management Committee~~ Board of Justice Court Judges for good cause. Because the  
101 annual judicial conference represents the only opportunity for judges to meet and  
102 interact as a group and to elect their representatives, judges, active senior judges and

103 court commissioners of the courts of record are strongly encouraged to attend that  
104 conference.

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106 **(4) Standards for court staff.**

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108 **(4)(A) State employees.**

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110 **(4)(A)(i) Program requirements.** All court staff employed by the state shall complete  
111 20 hours of approved coursework annually.

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

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119 **(4)(B) Local government employees.**

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

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

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130 **(5) Reporting.**

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

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

137  
138 **(5)(B)(i)** Supervisory personnel are responsible to ensure that all staff have an  
139 opportunity to participate in the required education. Failure of a supervisor to meet  
140 the minimum education standards or to provide staff with the opportunity to meet  
141 minimum education standards will result in an unsatisfactory performance evaluation  
142 in the education criterion.

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

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

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154 (7) **Funding.**

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

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

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166 (7)(C) **Out-of-state education programs.** To provide for diverse educational  
167 development, to take advantage of unique national opportunities, and to utilize education  
168 programs which cannot be offered in-state, the annual education plan shall include out-  
169 of-state education opportunities. The Committee shall approve national education  
170 providers and shall include in the education procedures, criteria to be applied by the  
171 Administrative Office to out-of-state education requests. Criteria shall include relevance  
172 to the attendee's current assignment and attendance at in-state programs.  
173 Disagreement with a decision to deny an out-of-state education request may be  
174 reviewed by a quorum of the Committee at the applicant's request.

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

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183 **(8) Mentoring.**

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185 (8)(A) Within seven business days after a new district or juvenile judge has been sworn  
186 in, the Presiding Judge shall appoint a mentor to the new judge.

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188 (8)(B) Within fourteen business days after a new district or juvenile judge has been  
189 sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring  
190 Guidelines and Best Practices Recommendations, complete the Mentors' Checklist  
191 contained therein and the mentor, within that same fourteen business day period, shall  
192 provide the completed Mentor's Checklist to the Judicial Education Officer.

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195 *Effective November 1, 2020*