

# **RULES FOR MANDATORY CONTINUING JUDICIAL EDUCATION**

## **IV. CIRCUIT AND DISTRICT CLERKS**

### **Rule 1. REQUIRED CONTINUING JUDICIAL EDUCATION**

(a) All Alabama circuit clerks and district clerks shall attend a designated orientation program for new clerks during their first 12 months in office.

(b) All clerks shall, after their first year in office, earn a minimum of 12 approved judicial education credits in each annual reporting period. Judicial education credits shall be earned by attending conferences or courses approved by or offered through the AJC. Each year all circuit clerks and district clerks must earn a minimum of four judicial education credits at courses offered by AJC.

(c) When a clerk earns more than 12 judicial education credits in a year, a maximum of 8 of those credits may be carried forward and applied toward that clerk's education requirements for the following year.

(d) Judicial education credits for each clerk shall be reported in writing to the AJC director by December 31 annually.

(e) The AJC director may grant an extension of time to complete judicial education requirements for good cause shown. A letter requesting such an extension must be submitted to the AJC director at least 30 days prior to the end of the year for which an extension is sought, with a corrective action plan to make up the deficient credits.

(f) Nothing in these Rules shall be interpreted to be inconsistent with Ala. Code 1975, § 12-1-18.

(g) The Chief Justice or the ADC may require a clerk or clerks to attend educational programs in excess of the hours established above.

### **Rule 2. REQUIREMENTS FOR PROGRAM OR COURSE APPROVAL**

(a) The primary objective of judicial education is to increase the professional competence of clerks and to assist them in providing appropriate judicial system services to the citizens of Alabama. Outside the offering of courses through or approved by the AJC, the ABA, or the Bar, a sponsor of a judicial education course, program, or activity can apply to the AJC director for approval of judicial education credits. Approval can be granted if the AJC director determines that the course, program, or activity:

- (1) Is an organized program of learning, including one or more lectures, workshops, presentations, courses, or symposiums that are designed to contribute to the professional competency of clerks;
- (2) Relates to the administration of justice, the substantive or procedural law of this State, or the professional or ethical obligations of clerks;

- (3) Is conducted or taught by persons who have appropriate academic or practical skills necessary to conduct the course effectively and who have special education, training, or experience in the matters being taught; and
- (4) Is accompanied by the distribution to the attendees of written materials that address the administration of justice, the substantive or procedural law of the State, or the professional or ethical obligations of clerks, the quality and quantity of which materials indicate that adequate time and care has been devoted to their preparation and that these materials will be of value to the attendees in performing their duties as clerks.

(b) A person or entity other than the AJC, the ABA, or the Bar that seeks the approval of a course, program, or other judicial education activity for judicial education credits shall apply for such approval to the AJC director. Absent such approval, no credits for judicial education shall be earned by attending any course or program. Applications for approval of judicial education credit must be submitted in writing at least 60 days before the activity. The written submission shall include a brief summary or description of the course, program, or activity; its dates, subjects, and the names of the instructors and their qualifications; and a copy of the program outline, brochure, or other documentation of the contents and subject matter. The AJC director shall approve or deny such application in writing within 30 days of receiving the application.

(c) Programs, seminars, or activities not sponsored by the AJC that cross professional lines, such as medical-legal programs or humanity programs, may be approved if the AJC director determines that the standards set forth herein are satisfied.

(d) During all courses or programs, including those presented by teleconference, there must be an opportunity to ask questions of the course faculty. If a faculty member is not available either in person or by telephone, then a qualified commentator must be available to offer comment and to answer questions directly, in writing, or by e-mail.

### Rule 3. CREDITS FOR PARTICIPATION

(a) Clerks are exempt from fulfilling the mandatory education requirement until the end of their first full calendar year of employment. However, an orientation program for new clerks must be completed by all new clerks within their first calendar year of office.

(b) Upon application, the AJC director may award no more than four credits annually for the following:

- (1) Teaching;
- (2) Serving as a faculty member at any approved program;
- (3) Published judicial/legal writing; and
- (4) Written materials that are distributed at an approved judicial education program.

(c) Questions regarding the appropriateness of awarding judicial education credit for attendance at judicial education programs not sponsored or approved by the AJC shall be initially submitted to and resolved by the AJC director. Examples of programs that would not qualify for credit are:

- (1) Continuing professional education courses that do not relate directly to the clerks' judicial duties;
- (2) Teaching a course to non-judicial officials or employees;
- (3) Jury duty; and
- (4) Serving on professional committees or associations.

(d) Clerks subject to these Rules shall report their attendance and participation in judicial education programs on an AJC Course Form that has been approved by the ADC.

#### Rule 4. SANCTION FOR FAILURE TO COMPLY WITH MANDATORY CONTINUING JUDICIAL EDUCATION RULES

(a) In the event a clerk fails to comply with these Rules, the AJC director shall promptly notify the clerk of the noncompliance by sending a notice to the clerk at his or her principal office with a copy to the ADC. The statement of noncompliance shall advise the clerk that within 30 days he or she must submit a plan to correct the noncompliance to the AJC director for consideration and approval. If a clerk fails to correct the noncompliance within a period approved by the AJC director, the sanction for such noncompliance shall be to make the fact of the noncompliance open for public view and inspection.

(b) Each supervisory personnel is responsible to ensure that all staff has an opportunity to participate in the required judicial education. Failure of a supervisor to meet the minimum standards or to provide staff with the opportunity to meet minimum judicial education standards will result in action as outlined in subsection (a).

(c) Clerks' education files and records, maintained by the AJC, shall be confidential and shall not be disclosed except as provided in subsection (a) of this rule or upon request of the individual affected.

(d) Submission of a false, inaccurate, or erroneous report of judicial education credits and the failure to promptly correct such a report after written notice shall constitute noncompliance with these Rules and shall be subject to the sanction provided for in subsection (a) of this rule.

#### Rule 5. FUNDING

(a) In preparing the annual judicial budget request for legislative appropriations, the AOC budget officer shall receive and consider a request for judicial education funds from the AJC director. The annual judicial education plan shall be based upon the actual budget allocation.

(b) By November first of each year the ADC will declare whether funding is available for judicial education and, if not, will give notice to all clerks that they will be exempted from earning judicial education credits for the following year.

(c) Funds allotted for judicial education shall first be used to support mandatory in-state educational programs approved by the ADC. When funding is available, out-of-state judicial education can be approved through written application to the AJC director.

(d) Per diem, mileage, and registration fees for clerks shall be paid according to policy and procedures established by the AOC and State law. As a result of variances in the allocation of funds, financial limits on reimbursements for attendance to approved judicial education programs will be communicated through the AJC.

[Adopted 6-24-2010, eff. 1-1-2011.]

**Note from the reporter of decisions:** The order adopting the Rules for Mandatory Continuing Judicial Education, effective January 1, 2011, is published in that volume of the Alabama Reporter that contains Alabama cases from \_\_ So. 3d.