

## **RULES FOR MANDATORY CONTINUING JUDICIAL EDUCATION**

### **V. JUDICIAL SYSTEM EMPLOYEES**

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

(a) All Alabama judicial system employees shall attend a designated orientation program for new employees during their first 12 months in office.

(b) All judicial system employees shall, after their first year of employment, earn a minimum of six approved judicial education credits in each annual reporting period unless otherwise mandated. Court reporters and juvenile probation officers, who have other certification requirements, shall follow those applicable standards. See § 5.1, Alabama Standards for Certification of Juvenile Probation Officers; Ala. Code 1975, § 34-8B-13. Judicial continuing education credits shall be earned by attending at least one of the conferences designated for that group of employees and offered through the AJC, and by attending a combination of approved local, state, or national programs. Law clerks, court attendants, and bailiffs are exempt from these requirements.

(c) When excess judicial education hours are earned above the annual minimum requirement, a maximum of five hours may be carried forward and applied to the judicial system employee's education requirements for the following year.

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

(e) The AJC director may grant extensions 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 before 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 judicial system employee or employees 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 judicial system employees and to assist them in providing appropriate judicial system services. A sponsor of a judicial education course, program, or activity can make application 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 a judicial system employee;

- (2) Pertains to subject matter having significant intellectual or practical content relating to the administration of justice or to the education of judicial system employees with respect to their professional or ethical obligations;
- (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;
- (4) Provides each attendee with written course materials that pertain substantively to the subject matter of the program. The materials shall be of a quality and quantity that indicate that adequate time has been devoted to their preparation and will be of value to the attendees in their employment.

(b) A person or entity other than the AJC who 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 its 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) Judicial system employees 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 employees must be attended by all new judicial system employees within the first calendar year of employment, if offered.

(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 or other recognized legal publication.

(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 judicial system employees' judicial duties.
- (2) Teaching a course to non-judicial officials or employees;
- (3) Jury duty; and
- (4) Serving on professional committees or associations.

(d) Judicial system employees 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 judicial system employee fails to comply with these Rules, the AJC director shall promptly notify the individual of the noncompliance by sending a notice thereof to the individual at the individual's work address. The employee's supervisor shall also be notified of the noncompliance. The statement of noncompliance shall advise the employee that within 30 days he or she must submit a plan to correct the noncompliance to the AJC director for consideration and approval. Should an employee fail to correct the noncompliance within the approved period, he or she shall be subject to such sanctions as are permissible in the Alabama Unified Judicial System Personnel Policies and Procedures Manual, including the possible termination of employment.

(b) For judicial system employees, compliance with these Rules shall be a performance criterion in the evaluation of the employee. Awarding of merit raises, when applicable, will be affected by noncompliance, as outlined in the Alabama Unified Judicial System Personnel Policies and Procedures Manual.

(c) Supervisory personnel are responsible to ensure that all employees have 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) of this rule.

(d) Judicial system employee education files and records, maintained by the AJC, shall be confidential and shall not be disclosed except in obedience to this rule or upon request of the individual affected.

(e) 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 judicial system employees that they will be exempt from earning judicial education credits for the following year.

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

(d) Per diem, mileage, and registration fees for employees shall be paid according to specified policy and procedures established by the AOC and State law. Due to 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.