



# **Center for Judicial Education and Research Advisory Committee**

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May 9, 2023



**Judicial Council of California**

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Center for Judicial Education &  
Research Advisory Committee

Rule 10.493 of the California Rules of Court would be amended, effective January 1, 2024, to read:

1 **Title 10. Judicial Administration Rules**

2  
3 **Division 2. Administration of the Judicial Branch**

4  
5 **Chapter 7. Minimum Education Requirements, Expectations, and**  
6 **Recommendations**

7  
8 **Rule 10.493. ~~Instructor-led training~~ Delivery methods defined**

9  
10 **~~(a)~~—Definitions**

11  
12 (a) “Asynchronous education” refers to training that learners participate in at  
13 their own pace outside the presence of an instructor or other learners.  
14 Asynchronous education includes viewing or listening to videos or audio  
15 files or participating in self-paced online courses.

16  
17 (b) “E-learning” refers to any kind of instruction that is delivered through an  
18 electronic device using electronic media. E-learning can be either  
19 synchronous or asynchronous and either live or prerecorded, such as  
20 participating in live webinars, viewing or listening to videos or audio files, or  
21 participating in online courses.

22  
23 (c) “Instructor-led training” refers to synchronous education, guided by faculty,  
24 that allows for real-time communication between faculty and learners ~~and is~~  
25 offered by an approved provider under rule 10.481. Live, synchronous  
26 education facilitated by an instructor may be delivered remotely via  
27 e-learning or in-person. Examples of instructor-led training include in-person  
28 trainings in a classroom setting; ~~and~~ live webinars; ~~and~~ live  
29 videoconferences.

30  
31 (d) “Self-directed study” means education in which learners engage in a process  
32 where they take primary responsibility for planning, executing, and  
33 evaluating a course of study with or without guidance from a manager,  
34 supervisor, or peer. In self-directed learning, the individual learner assumes  
35 responsibility for the design and completion of a course of study. Prior  
36 approval to engage in self-directed study may be required to qualify for  
37 continuing education credit.

38  
39 **~~(b)~~—Application**

40  
41 ~~Notwithstanding any other rule, instructor-led training may be used to satisfy all~~  
42 ~~continuing education requirements specified in the California Rules of Court that~~  
43 ~~require traditional (live, face to face) education. This provision applies whether the~~

1 requirement relates to a specific course or to a certain percentage or number of  
2 hours of education.

3  
4 **Advisory Committee Comment**

5  
6 This rule is intended to eliminate within the California Rules of Court any restriction that requires  
7 that a specific course or a certain number or percentage of hours of education be taken in a  
8 traditional (live, face to face) learning environment. This rule applies whether the education is  
9 described as "traditional (live, face to face)," "live (face to face)," "in person," or any  
10 combination of these terms.

**SPR23-11**

**Judicial Branch Education: Delivery Methods Defined** (Amend Cal. Rules of Court, rules 10.493)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Superior Court of Mono County by Lester Perpall, Executive Officer	A	<p>The proposed changes address the stated purpose by making it easier to understand the types of training allowed.</p> <p>Judicial officers and staff will need to be informed about the types of training that are allowed. However, this will have little to no fiscal impact and work well in our two-judge court.</p> <p>Four months is ample time for implementation.</p>	The committee thanks the commenter and notes their support for the proposal.
2.	Miguel Barraza Caregiver Sacramento	A	Adult education has helped me tremendously, not very engaged as a youth [ <i>sic</i> ]. Thanks to the nonprofits and faith[-]based community.	The committee thanks the commenter and notes their support for the proposal.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

**Item No.:**

For business meeting on: **September 26-27, 2023**

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**Title**

Judicial Branch Education: Delivery  
Methods Defined

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2024

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 10.493

**Date of Report**

May 15, 2022

**Recommended by**

Center for Judicial Education and Research  
Advisory Committee  
Hon. Darrell S. Mavis, Chair

**Contact**

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[karene.alvarado@jud.ca.gov](mailto:karene.alvarado@jud.ca.gov)

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### Executive Summary

The Center for Judicial Education and Research (CJER) Advisory Committee recommends amending rule 10.493 of the California Rules of Court to provide extended definitions to terms used in a slate of education rule amendments adopted by the Judicial Council in 2022. This proposal is based on public comments received in 2022 on that slate of amendments.

### Recommendation

The Center for Judicial Education and Research (CJER) Advisory Committee proposes that rule 10.493 of the California Rules of Court be amended to include modified and additional definitions to provide clarification on the following available education delivery methods: instructor-led training; asynchronous education; e-Learning; and self-directed study. The amendments would be effective January 1, 2024.

### Relevant Previous Council Action

The Judicial Council approved a comprehensive set of rule amendments on judicial branch education effective January 1, 2023. The amendments, among other things, updated and modernized the judicial branch education rules to reflect new education delivery methods and

terminology. During the public comment period, the CJER Advisory Committee received feedback that extended definitions for certain terms in the amended rules would be helpful to judicial officers and judicial branch staff.

### **Analysis/Rationale**

The CJER Advisory Committee recommends this action to respond to suggestions raised during the public comment period for the slate of education rule amendments adopted by the Judicial Council in 2022. The committee recognizes the need to provide clarification to adult education terms used in the recently amended rules that may not be self-explanatory or unambiguous to all judicial officers or judicial branch staff members. By clarifying the terms, the committee hopes to raise awareness of the broad array of convenient education options available to judicial officers and judicial branch staff to meet their continuing education obligations.

A rule of court amendment is necessary in this instance since the terms defined in the proposal are already in use in several other Rules of Court pertaining to the continuing education requirements of judicial officers and judicial branch personnel. The proposed amended rule is attached at pages [X–X].

### **Policy implications**

Goal V of *The Strategic Plan for California’s Judicial Branch* states:

High-quality education and professional development will be provided to enhance the ability of all individuals serving in the judicial branch to achieve high standards of professionalism, ethics, and performance. Judicial branch personnel will have access to the resources and training necessary to meet the diverse needs of the public and to enhance trust and confidence in the courts.<sup>1</sup>

The plan elaborates that the branch must pursue “innovative ways and means to provide professional development, education, and training opportunities for all members of the branch” to maintain “professional excellence” that furthers “public trust and confidence in the judicial branch.”<sup>2</sup> It also acknowledges that it is a best practice for the branch to “[i]ncrease access for judicial branch personnel to continuing education opportunities.”<sup>3</sup>

The proposal generated no controversy or intense debate within the CJER Advisory Committee, and the committee believes that its proposal aligns with the strategic plan.

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<sup>1</sup> *The Strategic Plan for California’s Judicial Branch* (undated), Branch Goals, [www.courts.ca.gov/3045.htm](http://www.courts.ca.gov/3045.htm).

<sup>2</sup> *Id.* at p. 9, [www.courts.ca.gov/documents/CAJudicialBranch\\_StrategicPlan.pdf](http://www.courts.ca.gov/documents/CAJudicialBranch_StrategicPlan.pdf).

<sup>3</sup> *Id.* at p. 10.

## **Comments**

This proposal generated no significant points of discussion nor divergence of opinion within the CJER Advisory Committee membership.

This proposal circulated for comment from April 6 through May 12, 2023, and the Judicial Council received [two] comments. As indicated in the attached comment chart at pages [X], [both] comments agreed with the proposal.

## **Alternatives considered**

In deciding to make this proposed amendment, the CJER Advisory Committee considered alternatives. The committee considered repealing rule 10.493 in its entirety as being no longer necessary. Alternatively, the committee considered leaving the rule as it currently stands without modification. However, neither option addressed the public comment requests for additional clarification of the specific terms adopted by the Judicial Council in 2022.

The CJER Advisory Committee also considered adding the definitions to each rule that contained the terms. This would have also allowed the removal of parenthetical examples given for certain delivery methods in several Rules of Court. The committee concluded, however, that removing the parenthetical examples in the current rules or adding language to each rule would make the education requirements more difficult to understand and needlessly cumbersome.

The CJER Advisory Committee ultimately concluded that it should propose amending rule 10.493 as requested during the 2022 public comment period.

## **Fiscal and Operational Impacts**

This proposal will result in no fiscal or operational costs to the courts or the Judicial Council.

## **Attachments and Links**

1. Proposed Cal. Rules of Court, rule 10.493, at pages [X–X]
2. Link A: Cal. Rules of Court, rule 10.493  
[https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_493](https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_493)

# Center for Judicial Education and Research Advisory Committee

## Annual Agenda<sup>1</sup>—2023

Approved by Executive and Planning Committee: [Amended June 20, 2023]

### I. COMMITTEE INFORMATION

<b>Chair:</b>	Hon. Darrell S. Mavis, Judge, Superior Court of California, County of Los Angeles
<b>Lead Staff:</b>	Mr. Steven G. Warner, Supervising Attorney, Center for Judicial Education and Research
<b>Committee's Charge/Membership:</b> <p><a href="#">Rule 10.50(b)</a> of the California Rules of Court states the charge of the Center for Judicial Education and Research (CJER) Advisory Committee is to make recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel. <a href="#">Rule 10.50(c)</a> sets forth additional duties of the committee.</p> <p>The CJER Advisory Committee currently has 16 voting members and 3 advisory members. The current committee <a href="#">roster</a> is available on the committee's webpage.</p>	
<b>Subcommittees/Working Groups<sup>2</sup>:</b> <ol style="list-style-type: none"><li>1. Appellate Practice Curriculum Committee</li><li>2. Civil Law Curriculum Committee</li><li>3. Criminal Law Curriculum Committee</li><li>4. Family Law Curriculum Committee</li><li>5. Judicial Branch Access, Ethics &amp; Fairness Curriculum Committee</li><li>6. Judicial Branch Leadership Development Curriculum Committee</li><li>7. Juvenile Law Curriculum Committee</li><li>8. Probate Law Curriculum Committee</li><li>9. Trial Court Operations Curriculum Committee</li><li>10. B. E. Witkin Judicial College Steering Committee</li></ol>	

<sup>1</sup> The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

<sup>2</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.



**Meetings Planned for 2022<sup>3</sup> (Advisory body and all subcommittees and working groups)**

March 2, 2023 (teleconference)

May 9, 2023 (teleconference)

September 14, 2023 (in-person in San Francisco)

November 30, 2023 (teleconference)

Check here if exception to policy is granted by Executive Office or rule of court.

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<sup>3</sup> Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

## COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup>	
1.	<b>Design the 2024–2026 Education Plan</b>	<b>Priority<sup>5</sup> 1</b>
<p data-bbox="180 321 1957 500"><b>Project Summary<sup>7</sup>:</b> Curriculum committees and work groups collaborate with CJER staff to review the current curriculum in their subject area and undertake a needs assessment. Curriculum committees recommend products to be delivered during the two-year cycle, including suggesting the best delivery method (e.g., live in-person or live remote) for the content, to the CJER Advisory Committee. The CJER Advisory Committee conducts a cost-benefit analysis for every high-cost item and finalizes a draft two-year education plan. That draft plan is submitted to the Judicial Council for review and approval.</p> <p data-bbox="180 542 1944 607"><b>Status/Timeline:</b> A draft of the 2024–2026 Education Plan will be submitted to the Judicial Council for review and approval in November 2023.</p> <p data-bbox="180 649 716 682"><b>Fiscal Impact/Resources:</b> Not applicable.</p> <p data-bbox="180 695 1902 763"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="180 805 802 837"><b>Internal/External Stakeholders:</b> Not applicable.</p> <p data-bbox="180 880 623 912"><b>AC Collaboration:</b> Not applicable.</p>		

<sup>4</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>5</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

<sup>6</sup> Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

<sup>7</sup> A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	<b>New or One-Time Projects<sup>4</sup></b>	
2.	<b>Placeholder for Project(s) Assigned by the Ad Hoc Workgroup on Post-Pandemic Initiatives</b>	<b>Priority 1</b>
		<b>Strategic Plan Goal V</b>
<p><b>Project Summary:</b> The Ad Hoc Workgroup on Post-Pandemic Initiatives may recommend to the Center for Judicial Education and Research Advisory Committee a project or projects that assist courts, justice partners, and parties with access to justice during and following the COVID-19 pandemic; address otherwise urgent needs; or are mandated by legislative changes.</p> <p><b>Status/Timeline:</b> To be determined.</p> <p><b>Fiscal Impact/Resources:</b> To be determined.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> To be determined.</p> <p><b>AC Collaboration:</b> To be determined.</p>		
3.	<b>Amend California Rules of Court, Rule 10.603(c)(2)(B)</b>	<b>Priority 1</b>
		<b>Strategic Plan Goal V</b>
<p><b>Project Summary:</b> Recommend a technical amendment to California Rules of Court, <a href="#">rule 10.603(c)(2)(B)</a>, by replacing references to repealed Standards of Judicial Administration with citations to applicable court rule(s).</p> <p><b>Status/Timeline:</b> Rule change would be circulated for comment in the fall 2023 cycle and submitted to the Judicial Council for review and approval in May 2024, with anticipated effective date of September 1, 2024.</p> <p><b>Fiscal Impact/Resources:</b> CJER contact: Karene Alvarado and Legal Services.</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p><b>Internal/External Stakeholders:</b> Not applicable.</p> <p><b>AC Collaboration:</b> Rules Committee.</p>		

#	<b>Ongoing Projects and Activities</b>	
1.	<b>Continue to Implement the 2022–2024 Education Plan</b>	<b>Priority 1</b>
		<b>Strategic Plan Goal V</b>
<p><b>Project Summary:</b> Continue delivering to judicial officers and court staff the educational products contained in the 2022–2024 Education Plan, which the Judicial Council approved at its January 21, 2022, meeting.</p> <p><b>Status/Timeline:</b> Ends June 30, 2024.</p> <p><b>Fiscal Impact/Resources:</b> CJER contact: Karene Alvarado.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Not applicable.</p> <p><b>AC Collaboration:</b> Not applicable.</p>		
2.	<b>Continue to Expand Judicial Branch Bias Education</b>	<b>Priority 1</b>
		<b>Strategic Plan Goal V</b>
<p><b>Project Summary:</b> Continue the expansion of bias education for judicial officers and court personnel.</p> <p><b>Status/Timeline:</b> Ongoing.</p> <p><b>Fiscal Impact/Resources:</b> CJER contact: Karene Alvarado.</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p><b>Internal/External Stakeholders:</b> Not applicable.</p> <p><b>AC Collaboration:</b> Not applicable.</p>		

# Ongoing Projects and Activities					
3.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"><b>Amend California Rules of Court, Rule 10.493</b></td> <td style="text-align: center;"><b>Priority 1</b></td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Strategic Plan Goal V</b></td> </tr> </table> <p><b>Project Summary:</b> In response to two public comments received on last year’s proposed revisions to education-related court rules, amend California Rules of Court, <a href="#">rule 10.493</a>, to add definitions for “e-Learning” and “asynchronous” training.</p> <p><b>Status/Timeline:</b> Rules changes would be circulated for comment in the spring 2023 cycle and submitted to the Judicial Council for review and approval in September 2023, with anticipated effective date of January 1, 2024.</p> <p><b>Fiscal Impact/Resources:</b> CJER contact: Karene Alvarado and Legal Services.</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p><b>Internal/External Stakeholders:</b> Not applicable.</p> <p><b>AC Collaboration:</b> Rules Committee.</p>	<b>Amend California Rules of Court, Rule 10.493</b>	<b>Priority 1</b>	<b>Strategic Plan Goal V</b>	
<b>Amend California Rules of Court, Rule 10.493</b>	<b>Priority 1</b>				
<b>Strategic Plan Goal V</b>					

## II. LIST OF 2022 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Delivered two sessions of the B. E. Witkin Judicial College. This eliminated the backlog of new judicial officers waiting to attend the College since the March 2020 acute phase of COVID-19 and brought all judicial officers in compliance with education-related court rules.
2.	Launched the 2022–2024 Education Plan on July 1, 2022, which applied lessons learned during the pandemic. Select live programs such as Institutes will continue to be delivered remotely to maximize access.
3.	Recommended to the Judicial Council general and specific revisions to the education requirements and expectations within the California Rules of Court to ensure uniformity of language and adaptability to emerging technology while increasing courts’ discretion in meeting the educational needs of judicial officers and court personnel.
4.	Implemented recommendations from the Work Group for the Prevention of Discrimination and Harassment to expand bias education as appropriate, including adding content to the Access & Fairness podcast series and the Continuing the Dialogue video series.
5.	Implemented recommendations from the Mental Health Implementation Task Force as appropriate.
6.	Added two videos designed for new court executive officers (CEOs) to the new CEO section of CJER Online’s executive toolkit. Each video’s topic responds to a need identified by the Work Group for New CEO Education: jury management and using data to inform executive decision-making.
7.	Launched new Qualifying Ethics 8 Core Course.