

ADMINISTRATIVE OFFICE OF THE COURTS

General Policy

I. PURPOSE

- A. The purpose of this policy is to establish and detail continuing judicial education requirements for magistrate court judges, magistrate judges *pro tempore*, municipal court judges, probate court judges, domestic violence special commissioners and domestic relations hearing officers as required by the Supreme Court Rules Governing Judicial Education, Rules 25-103 and 25-104, approved March 23, 1998.

II. DEFINITIONS:

- A. "AOC" means the Administrative Office of the Courts.
- B. "CJE" means continuing judicial education.
- C. "CLE" means continuing legal education.
- D. "Code of Judicial Conduct" means Supreme Court Rules 21-001 through 21-901.
- E. "CEI" means the Court Education Institute.
- F. "MCLE" means Minimum Continuing Legal Education.

III. REQUIREMENTS FOR MAGISTRATE JUDGES, MAGISTRATE JUDGES PRO TEMPORE AND MUNICIPAL JUDGES

A. HOURS REQUIRED -- COMPUTATION OF CREDIT HOUR:

1. Magistrate judges, magistrate judges *pro tempore* and municipal judges shall be required to complete 12 hours of continuing judicial education during each calendar year.
2. One credit hour equals 60 minutes of actual instruction time, which may include lecture, panel discussion, question-and-answer periods and video or film. Credit shall not be given for speeches given at luncheons or banquets.
3. At least one credit hour of continuing judicial education each year shall be completed in ethics and the Code of Judicial Conduct and as part of their annual requirements, judges shall attend any CEI domestic violence seminar of up to one day's duration if required by the Supreme Court.

B. APPROVED PROGRAMS:

1. Each magistrate judge, magistrate judge *pro tempore* and municipal judge must satisfy his/her minimum judicial education requirements either by:
 - a. attending the annual magistrate training program conducted by CEI or attending the annual municipal judge training program conducted by CEI;

b. attending the training program conducted by CEI for newly appointed or newly elected magistrates or municipal judges;

c. if required by the Supreme Court, attending CEI programs on domestic violence as provided in Paragraph III, Section A (3) (only for magistrate judges and magistrate judges *pro tempore*);

d. Judges may also earn CJE credit for each hour they spend preparing and presenting educational programs in cooperation with CEI and AOC.

2. A magistrate judge, magistrate *pro tempore* or municipal judge may request the Chief Justice to be excused from attending all or part of such programs due to illness, physical disability, personal or family emergencies, or other unanticipated and unpreventable occurrences, provided that any magistrate or municipal judge so excused must view videos of all sessions that the judge has been excused from attending, if videos are available from the CEI. A newly elected or appointed judge reviewing a videotape to fulfill the requirements for initial certification shall have his/her mentor judge or another qualified judge or attorney present during the viewing to discuss the videotape and address any questions.

3. AOC encourages magistrate and municipal judges to attend, to the extent that time and funding permit,

a. courses offered by the National Judicial College or other national educational programs appropriate for magistrate and municipal judges,

b. programs offered by other public or private organizations or by self study videos approved by the AOC.

4. Magistrate and municipal judges may claim CJE credit and/or reimbursement for attending programs authorized under Paragraphs III(B)(3)(a) and (b) only if the AOC has approved the course under the following standards:

a. the course shall have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence as a judge;

b. the course shall deal primarily with matters directly related to the jurisdiction or the judge profession; and

c. each instructor shall be qualified by practical or academic experience to teach the subCEI to be covered.

C. REPORTING REQUIREMENTS.

1. Attendance at the annual training program or any other training program approved by the AOC shall be strictly monitored by the provider.
2. Reports from attendance at the annual training program or any approved training programs or approved CLE's shall be submitted to CEI by the judge or the course provider.
3. On or before December 31 of each year, CEI will report attendance hours to the AOC, and the AOC shall certify that a judge has completed his or her number of required hours of approved continuing judicial education programs.

D. FAILURE TO SATISFY MINIMUM CONTINUING JUDICIAL EDUCATION REQUIREMENTS.

1. Pursuant to Supreme Court Rules Governing Judicial Education, Rule 25- 104, the Supreme Court may suspend or remove any magistrate or municipal judge who fails to attend the initial training or the minimum number of required annual judicial education hours.
2. If at the end of the calendar year a magistrate or municipal judge has not completed the minimum requirements, he must submit to the AOC a specific plan for curing the deficiency. The deficiency must be cured within 90 days after the date the plan is approved. The plan shall include the names and locations of approved activities, the number of credits that will be earned and the dates on which the credits will be earned. The number of credits must be sufficient to cure the deficiency.
3. Pursuant to Supreme Court Rules Governing Judicial Education, Rule 25- 104, any retired judge who fails during the preceding calendar year to satisfy the minimum continuing judicial education requirements for magistrate judges shall not serve as a magistrate judge *pro tempore*.

IV. REQUIREMENTS FOR PROBATE JUDGES

A. HOURS REQUIRED -- COMPUTATION OF CREDIT HOUR:

1. Probate judges shall be required to complete 6 hours of continuing judicial education during each calendar year by attending the annual training program conducted or approved by the AOC or by the CEI.
2. One credit hour equals 60 minutes of actual instruction time, which may include lecture, panel discussion, question-and-answer periods and video or film. Credit shall not be given for speeches at luncheons or banquets.
3. At least one credit hour of continuing judicial education each year shall be completed in ethics and the Code of Judicial Conduct.

B. APPROVED PROGRAMS.

1. Annual probate judge continuing judicial education credit may be earned in one or a combination of the following ways:
 - a. attendance at the annual training program conducted or approved by the AOC or by the CEI;
 - b. attendance at a training program conducted or approved by the AOC or the CEI;
 - c. attendance at the National Judicial College;
 - d. attendance at programs offered by other public or private organizations or by self-study of videos approved by the AOC.

C. Paragraph IV(B)(1)(d) programs must meet the following standards:

1. the course shall have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence as a probate judge;
2. the course shall deal primarily with matters directly related to the probate court jurisdiction or the probate judge profession;
3. each instructor shall be qualified by practical or academic experience to teach the subCEI to be covered;
4. a newly appointed probate judge reviewing a videotape as part of their initial certification shall have a judge or an attorney present as a facilitator to discuss the videotape and answer any questions;
5. an attorney probate judge is limited to four hours of self-study pursuant to MCLE Rule 18-203(D);
6. courses and self-study videos must be approved by the AOC prior to attendance or viewing in order to receive credit; and
7. proof of attendance, including actual time and the number of credit hours, shall be transmitted to the CEI by the course provider or video facilitator.

D. REPORTING REQUIREMENTS.

1. Attendance at the annual training program or any other training program approved by the AOC shall be strictly monitored by the provider.

2. Reports from attendance at the annual training program or any approved training programs or approved CLE's, including self study, shall be submitted to CEI by the probate judge or the course provider.

3. On or before December 31 of each year, CEI will report attendance hours to the AOC, and the AOC shall certify that the judge has completed the number of required hours of approved continuing judicial education programs.

E. FAILURE TO SATISFY MINIMUM CONTINUING JUDICIAL EDUCATION REQUIREMENTS.

1. Pursuant to Supreme Court Rules Governing Judicial Education, Rule 25- 104, the Supreme Court may suspend or remove any probate judge who fails to satisfy the minimum continuing judicial education requirements.

2. If at the end of the calendar year a probate judge has not completed the minimum requirements, he must submit to the AOC a specific plan for curing the deficiency. The deficiency must be cured within 90 days after the date the plan is approved. The plan shall include the names and locations of approved activities, the number of credits that will be earned and the dates on which the credits will be earned. The number of credits must be sufficient to cure the deficiency.

V. DOMESTIC VIOLENCE SPECIAL COMMISSIONERS AND DOMESTIC RELATIONS HEARING OFFICERS

A. HOURS REQUIRED -- COMPUTATION OF CREDIT HOUR:

1. Domestic Violence Special Commissioners and Domestic Relations Hearing Officers (Commissioners and Hearing Officers) shall be required to complete 6 hours of continuing judicial education during each calendar year.

2. One credit hour equals 60 minutes of actual instruction time, which may include lecture, panel discussion, question-and-answer periods and video or film. Credit shall not be given for speeches given at luncheons or banquets.

3. At least one credit hour of continuing judicial education each year shall be completed in ethics and the Code of Judicial Conduct.

B. APPROVED PROGRAMS.

1. Annual Commissioners and Hearing Officers continuing judicial education requirements may be satisfied in one or a combination of the following ways:

- a. attendance at the annual training program conducted by CEI;
- b. if required by the Supreme Court, attending CEI programs on domestic violence as provided in Paragraph III, Section A (3).
- c. attendance at other training programs offered by the AOC or the CEI;
- d. attendance at the National Judicial College;
- e. attendance at programs offered by other public or private organizations or by self-study of videos approved by the AOC.

2. Paragraph V(B)(1)(e) programs must meet the following standards:

- a. the course shall have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence;
- b. the course shall deal with matters related to those areas of the law in which the Commissioners and Hearing Officers perform service;
- c. each instructor shall be qualified by practical or academic experience to teach the subCEI to be covered;
- d. in the case of video self-study, Commissioners or Hearing Officers that are not attorneys shall have another judge or an attorney available to discuss the video and answer any questions; provided, however, that an attorney Commissioner or Hearing Officer is limited to four hours of self-study pursuant to MCLE Rule 18-203(D);
- e. courses and self-study videos must be approved by the AOC prior to attendance or viewing in order to receive credit; and
- f. proof of attendance, including actual time and the number of credit hours, shall be transmitted to the AOC by the course provider or video facilitator.

C. REPORTING REQUIREMENTS.

1. Attendance at the annual training program or any other training program approved by the AOC shall be strictly monitored by the provider.
2. Reports from attendance at the annual training program or any approved training programs or approved CLE's, including self-study, shall be submitted to CEI by the Commissioner and or Hearing Officer or by the course provider.
3. On or before December 31 of each year, CEI will report attendance hours to the

AOC, and the AOC shall certify that the Commissioner or Hearing Officer has completed the number of required hours of approved continuing judicial education programs.

D. FAILURE TO SATISFY MINIMUM CONTINUING JUDICIAL EDUCATION REQUIREMENTS.

1. Pursuant to Supreme Court Rules Governing Judicial Education, Rule 25-104, the Supreme Court may suspend or remove any Commissioner or Hearing Officer who fails to satisfy the minimum continuing judicial education requirements.
2. If at the end of the calendar year a Commissioner or Hearing Officer has not completed the minimum requirements, he must submit to the AOC a specific plan for curing the deficiency. The deficiency must be cured within 90 days after the date the plan is approved. The plan shall include the names and locations of approved activities, the number of credits that will be earned and the dates on which the credits will be earned. The number of credits must be sufficient to cure the deficiency.

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