

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

[ITC prefix as assigned]-\_\_

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**Title**

Judicial Branch Education: Delivery  
Methods Defined

**Action Requested**

Review and submit comments by May 1,  
2023

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rule 10.493

**Proposed Effective Date**

January 1, 2024

**Proposed by**

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

**Contact**

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### Executive Summary and Origin

The Center for Judicial Education and Research Advisory Committee recommends amending rule 10.493 based on public comment received in 2022. The amendment is necessary to provide additional clarification to terms used in a related slate of education rule amendments adopted by the Judicial Council that went into effect on January 1, 2023.

### Background

The Judicial Council adopted a comprehensive set of rule amendments on judicial branch education effective January 1, 2023. The amendments sought, among other things, to update and modernize the judicial branch education rules to reflect new education delivery methods and terminology. During the public comment period, the Center for Judicial Education and Research (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. In response, the CJER Advisory Committee proposes that rule 10.493 be amended to include extended definitions for specified terms.

### The Proposal

In its current form, rule 10.493 provides a definition for the term “instructor-led training.” This proposal clarifies that definition and offers additional definitions for terms introduced as part of the 2022 amendments: “asynchronous education;” “e-Learning;” and “self-directed study.”

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

This amendment is responsive to identified concerns raised in an earlier public comment period.

The amendments will make it easier for judicial officers and judicial branch staff to understand what education delivery methods are available to them to meet their ongoing continuing education requirements.

### **Alternatives Considered**

In deciding to make this proposed amendment, the CJER Advisory Committee considered alternatives. First, the committee considered repealing rule 10.493 in its entirety or leaving the rule as it currently stands. However, neither option addressed the request for additional clarification of additional terms adopted by the Judicial Council.

The CJER Advisory Committee also considered modifying the text of all the rules containing the terms contained in proposed rule 10.493. 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 thus make the requirements more confusing.

The CJER Advisory Committee ultimately concluded that it should propose amending rule 10.493 as suggested during the public comment period. The text of the proposed rule is attached at pages [4-5].

### **Fiscal and Operational Impacts**

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

#### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee, is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training) or revising processes and procedures (please describe)?

### **Attachments and Links**

1. Proposed Cal. Rules of Court, rule 10.493 at pages [4–5]

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)

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 (1) “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 and/or listening to videos or audio  
15 files or participating in self-paced online courses.
- 16  
17 (2) “e-learning” means 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 live or prerecorded, such as participating  
20 in live webinars, viewing and/or listening to videos or audio files, or  
21 participating in online courses.
- 22  
23 (3) "Instructor-led training" means 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-  
28 person trainings in a classroom setting and live webinars.
- 29  
30 (4) “Self-directed study” means learners engage in a process where they take  
31 primary responsibility for planning, executing, and evaluating a course of  
32 study with or without guidance from a manager, supervisor, or peer. In self-  
33 directed learning, the individual learner assumes responsibility for the design  
34 and completion of a course of study. Prior approval to engage in self-directed  
35 study to qualify for continuing education credit may be required.

36  
37 (b) Application

38  
39 ~~Notwithstanding any other rule, instructor-led training~~ Unless a rule otherwise  
40 requires that a course or percentage or number of hours be obtained by a specific  
41 delivery method, any of the delivery methods in subsection (a) may be used to  
42 satisfy all continuing education requirements specified in the California Rules of  
43 Court that require traditional (live, face-to-face) education. This provision applies

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

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4           Rule 10.493 adopted effective January 1, 2021.

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**Advisory Committee Comment**

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

DRAFT