

Rule 10.492 of the California Rules of Court would be added, effective January 1, 2021, to read:

1 **Rule 10.492. Extension of time for judicial branch education requirements**

2
3 **(a) Application**

4
5 This rule applies to the requirements and expectations in the California Rules of
6 Court relating to judicial branch education, except rule 10.491 on minimum
7 education requirements for Judicial Council employees.

8
9 **(b) Definitions**

10
11 As used in this rule:

12
13 (1) “Content-based education requirement” means a requirement or expectation
14 of:

15
16 (A) Attendance at any specific program;

17
18 (B) A course of study on any specific topic or topics; or

19
20 (C) A course of study limited to a specific delivery method, such as
21 traditional (live, face-to-face) education.

22
23 (2) “Hours-based education requirement” means a requirement or expectation of
24 a specified number of hours of education to be completed within a specified
25 time period.

26
27 **(c) Content-based education requirement**

28
29 Notwithstanding any other rule, any deadline for completion of a content-based
30 education requirement or expectation is extended for 12 months from that
31 deadline, even if the deadline has passed.

32
33 **(d) Hours-based education requirement**

34
35 Notwithstanding any other rule, the months of April 2020 through March 2021 are
36 excluded from the education cycles in which those months fall, and the number of
37 hours of education to complete hours-based education requirements or
38 expectations is prorated accordingly.

39
40 **(e) Sunset**

41

Rule 10.492 of the California Rules of Court would be added, effective January 1, 2021, to read:

This rule remains in effect until December 31, 2022, or until amended or repealed.

Advisory Committee Comment

Various rules in Title 10, Chapter 7 of the California Rules of Court, authorize, for good cause, the granting of an extension of time to complete content-based and hours-based education requirements and expectations. Nothing in this rule modifies that authority.

Nothing in this rule alters education requirements and expectations outside the California Rules of Court, including education requirements mandated by statute or regulation (e.g., Welfare & Institutions Code section 304.7) or required by Judicial Council policy (e.g., the Qualifying Ethics Program and the Temporary Assigned Judges Program).

Subdivision (c). This subsection applies to all rules of court containing content-based education requirements. Below are examples of this subsection in practice.

Rule 10.462(c)(1) contains education requirements for new trial court judges and subordinate judicial officers. Based on the date an individual took his or her oath of office, a judge has 6 months to attend the New Judge Orientation (NJO) Program, 1 year to attend an orientation course in his or her primary assignment, and 2 years to attend the B. E. Witkin Judicial College of California.

Under 10.462(c)(1), a judge who took her oath of office on January 1, 2020, would need to complete these programs by June 30, 2020 (NJO), December 31, 2020 (primary assignment), and December 31, 2021 (Judicial College), respectively. With the 12-month extension under rule 10.492(c), this same judge would now need to complete these programs by June 30, 2021 (NJO), December 31, 2021 (primary assignment), and December 31, 2022 (Judicial College).

As another example of the 12-month extension under rule 10.492(c), a judge who took his oath of office on December 1, 2018, would need to complete NJO by April 30, 2020 (within 18 months), a primary assignment by November 30, 2020 (within 2 years), and the Judicial College by November 30, 2021 (within 3 years).

Using a different rule as an additional example, rule 10.478(b)(1) requires court investigators to complete 18 hours of education within 1 year of their start date on specified topics.

Rule 10.492(c) would allow a court investigator up to 2 years to complete this education.

Subdivision (d). This subsection applies to all rules of court containing hours-based education requirements. Below are examples of this subsection in practice.

Rule 10.492 of the California Rules of Court would be added, effective January 1, 2021, to read:

1 Rule 10.461(c)(1) contains education requirements for Supreme Court and appellate justices.
2 Each justice must complete 30 hours of education every three years.

3
4 Under rule 10.492(d), a justice's hours requirements are prorated for the education cycle that runs
5 from January 1, 2019, through December 31, 2021. For justices who were confirmed for
6 appointment before January 1, 2019, they must complete 20 hours of education by December 31,
7 2021.

8
9 Education requirements for justices who were confirmed for appointment on or after January 1,
10 2019, would also be prorated by rule 10.492(d) and prorated additionally based on the number of
11 years remaining in the three-year educational cycle. For example, a justice confirmed for
12 appointment on October 1, 2020, would ordinarily have 10 hours of hours-based education
13 requirements to complete for the last year of the three-year cycle. Under 10.492(d), the months of
14 January 2021 through March 2021 would be excluded, and the justice must complete 7.5 hours
15 rather than 10 hours of hours-based education.

16
17 As an additional example, rule 10.474(c)(2) requires 8 hours of continuing education every 2
18 years for non-management court staff. For a court employee hired on or before January 1, 2020,
19 rule 10.492(d) prorates the number of hours for the cycles that run from January 1, 2020, through
20 December 31, 2021. For this cycle, the number of hours required would be prorated for 4
21 quarters, April 1, 2020, through March 31, 2021. This results in a reduced hours-based
22 requirement of 4 hours.

Rule 10.492 of the California Rules of Court would be added, effective January 1, 2021, to read:

~~Attachment C~~

~~Draft Rule 10.492~~

1 **Rule 10.492. Extension of time for judicial branch education requirements**

2
3 **(a) Application**

4
5 This rule applies to the requirements and expectations in the California Rules of
6 Court relating to judicial branch education, except rule 10.491 on minimum
7 education requirements for Judicial Council employees.

8
9 **(b) Definitions**

10
11 As used in this rule:

12
13 (1) “Content-based education requirement” means a requirement or expectation
14 of:

15
16 (A) Attendance at any specific program;

17
18 (B) A course of study on any specific topic or topics; or

19
20 (C) A course of study limited to a specific delivery method, such as
21 traditional (live, face-to-face) education.

22
23 (2) “Hours-based education requirement” means a requirement or expectation of
24 a specified number of hours of education to be completed within a specified
25 time period.

26
27 **(c) Content-based education requirement**

28
29 Notwithstanding any other rule, any deadline for completion of a content-based
30 education requirement or expectation is extended for 12 months from that
31 deadline, even if the deadline has passed.

32
33 **(d) Hours-based education requirement**

34
35 Notwithstanding any other rule, the months of April 2020 through March 2021 are
36 excluded from the education cycles in which those months fall, and the number of
37 hours of education to complete hours-based education requirements or
38 expectations is prorated accordingly.

39

Rule 10.492 of the California Rules of Court would be added, effective January 1, 2021, to read:

~~Attachment C~~

~~Draft Rule 10.492~~

1 **(e) Sunset**

2
3 This rule remains in effect until December 31, 2022, or until amended or repealed.

4
5 **Advisory Committee Comment**

6
7 Various rules in Title 10, Chapter 7 of the California Rules of Court, authorize, for good cause,
8 the granting of an extension of time to complete content-based and hours-based education
9 requirements and expectations. Nothing in this rule modifies that authority.

10
11 Nothing in this rule alters education requirements and expectations outside the California Rules
12 of Court, including education requirements mandated by statute or regulation (e.g., Welfare &
13 Institutions Code section 304.7) or required by Judicial Council policy (e.g., the Qualifying
14 Ethics Program and the Temporary Assigned Judges Program).

15
16 **Subdivision (c).** This subsection applies to all rules of court containing content-based education
17 requirements. Below are examples of this subsection in practice.

18
19 Rule 10.462(c)(1) contains education requirements for new trial court judges and subordinate
20 judicial officers. Based on the date an individual took his or her oath of office, a judge has 6
21 months to attend the New Judge Orientation (NJO) Program, 1 year to attend an orientation
22 course in his or her primary assignment, and 2 years to attend the B. E. Witkin Judicial College of
23 California.

24
25 Under 10.462(c)(1), a judge who took her oath of office on January 1, 2020, would need to
26 complete these programs by June 30, 2020 (NJO), December 31, 2020 (primary assignment), and
27 December 31, 2021 (Judicial College), respectively. With the 12-month extension under rule
28 10.492(c), this same judge would now need to complete these programs by June 30, 2021 (NJO),
29 December 31, 2021 (primary assignment), and December 31, 2022 (Judicial College).

30
31 As another example of the 12-month extension under rule 10.492(c), a judge who took his oath of
32 office on December 1, 2018, would need to complete NJO by April 30, 2020 (within 18 months),
33 a primary assignment by November 30, 2020 (within 2 years), and the Judicial College by
34 November 30, 2021 (within 3 years).

35
36 Using a different rule as an additional example, rule 10.478(b)(1) requires court investigators to
37 complete 18 hours of education within 1 year of their start date on specified topics.

38 Rule 10.492(c) would allow a court investigator up to 2 years to complete this education.

39

Rule 10.492 of the California Rules of Court would be added, effective January 1, 2021, to read:

~~Attachment C~~

~~Draft Rule 10.492~~

1 **Subdivision (d).** This subsection applies to all rules of court containing hours-based education
2 requirements. Below are examples of this subsection in practice.

3
4 Rule 10.461(c)(1) contains education requirements for Supreme Court and appellate justices.
5 Each justice must complete 30 hours of education every three years.

6
7 Under rule 10.492(d), a justice's hours requirements are prorated for the education cycle that runs
8 from January 1, 2019, through December 31, 2021. For justices who were confirmed for
9 appointment before January 1, 2019, they must complete 20 hours of education by December 31,
10 2021.

11
12 Education requirements for justices who were confirmed for appointment on or after January 1,
13 2019, would also be prorated by rule 10.492(d) and prorated additionally based on the number of
14 years remaining in the three-year educational cycle. For example, a justice confirmed for
15 appointment on October 1, 2020, would ordinarily have 10 hours of hours-based education
16 requirements to complete for the last year of the three-year cycle. Under 10.492(d), the months of
17 January 2021 through March 2021 would be excluded, and the justice must complete 7.5 hours
18 rather than 10 hours of hours-based education.

19
20 As an additional example, rule 10.464474(c)(2) requires 8 hours of continuing education every 2
21 years for non-management court staff. For a court employee hired on or before January 1,
22 2020~~19~~, rule 10.492(d) prorates the number of hours for the cycles that run from January 1,
23 2020~~19~~, through December 31, 2021~~0~~, and the cycle that runs from January 1, 2021, through
24 December 31, 2022. For this cycle that runs from January 1, 2019, through December 31, 2020,
25 the number of hours required would be prorated for 43 quarters, April 1, 2020, through December
26 March 31, 2021~~0~~. This results in a reduced hours-based requirement of 45 hours. For the
27 following cycle, the hours-based requirement is reduced by 1 quarter, January 1, 2021, through
28 March 30, 2022. For this cycle, the hours-based requirement is reduced to 7 hours.