Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title
Judicial Branch Education: Modifications and Revisions Proposed for New Judge Education

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
CJER Governing Committee
Hon. Robert L. Dondero, Chair

Agenda Item Type
Action Required

Effective Date
June 28, 2013

Date of Report
June 20, 2013

Contact
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Executive Summary

At its meeting on February 5, 2013, the CJER Governing Committee accepted a report from a working group it had appointed to review and evaluate CJER's new judge education programming required under rule 10.463(c)(1) and to submit recommendations to the Governing Committee for consideration. After reviewing the working group's findings and recommendations, the Governing Committee endorsed the group's recommendations and is now presenting these (with some modifications made by the committee) to the Judicial Council for consideration and adoption. These recommendations also respond to the council's directive #80.

Recommendation

The CJER Governing Committee has determined that the New Judge Education Workgroup's examination and review of new judge education has confirmed that the model is, by and large, effective and efficient. The Governing Committee hereby submits the workgroup's recommendations, as modified and revised by the committee, for the Judicial Council's consideration and adoption and in response to the council's directive #80:

1. New Judge Orientation (NJO), the B. E. Witkin Judicial College (as modified in 2011 and 2012 to reduce both length and content), and the Primary Assignment Orientations (PAOs) should remain as currently designed and delivered because the current content and method of delivery are the most effective and efficient way to provide this education.
2. CJER, the Judicial College Steering Committee, and the PAO faculty teams should continue evaluating and refining the new judge education programs through the work of the curriculum committees and workgroups to eliminate any unnecessary overlap among NJO, the Judicial College, and the PAOs.
3. The Judicial College Steering Committee should explore the use of WebEx as a way to connect seminar groups after the college has concluded to answer questions, see how the college has affected participants' work back at their courts, and gain feedback from participants on the college after they have had a month or two to digest the learning and apply it.
4. PAO faculty teams and education attorneys should continue to explore ways to increase the efficiency of delivering PAO education by:
   - Examining the possibility of moving some content to blended learning options without reducing the quality of the learning experience;
   - Having the PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment, along the lines of the civil law PAO for experienced judges with civil law experience; and
   - Having the curriculum committees consider whether subject matter institutes, where appropriate, can fulfill the education requirement for experienced judges returning to related assignments after two years.
5. CJER should explore the possibility of moving a PAO to Southern California.

Additional detail about these recommendations and the Governing Committee's review and modification of them is provided in the attached report of the New Judge Education Workgroup.

Previous Council Action

Rule 10.50 of the California Rules of Court, originally adopted by the Judicial Council effective January 1, 1999, defines the role, duties, and responsibilities of the CJER Governing Committee and subdivision (c) outlines several duties, including the following:

> **(c) Additional duties**
> In addition to the duties described in rule 10.34, the committee must:
> [¶] . . . [¶]
> (3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;
>
> (4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court

staff in order to ensure coordination, consistency, and collaboration in educational services;

At the August 17, 2011, meeting of the Trial Court Presiding Judges Advisory Committee (TCPJAC), during a brief presentation by Dr. Diane Cowdrey, CJER Director, about how CJER notifies the courts when new judges complete their required education, some TCPJAC members inquired about extending the time limit for new judges to complete their PAO requirements under the education rules. This led to a broader discussion of new judge education and the amount of time new judges are required to be away from court attending education programming, a total of four weeks within a two-year period (often completed within the first year). Dr. Cowdrey agreed to bring these concerns to the CJER Governing Committee. Moreover, the current fiscal environment created a need to review whether there was any way to reduce the cost of these programs while still providing the necessary education. Dr. Cowdrey brought this issue to the CJER Governing Committee at its August 23, 2011, meeting.

Pursuant to the duties in rule 10.50, outlined above, and the recent discussion with the TCPJAC, the CJER Governing Committee subsequently included the following item in its 2012 Annual Agenda as a top priority and appointed a working group made up of representatives of the committee, experienced CJER faculty, and members recommended by the TCPJAC Chair:

> CJER Governing Committee Annual Agenda 2012 (excerpt):
> [¶] . . . [¶]
> **(3) Evaluate New Judge Education—**Due to concerns that have been raised and inquiries made by the TCPJAC regarding the amount of time new judges spend at education events during their first two years on the bench, we propose to convene a workgroup of judges and stakeholders experienced in this area of judicial education to examine our current approach to new judge education and make recommendations to the Governing Committee.

Rule of Court 10.462(c)(1), originally adopted by the Judicial Council effective January 1, 2007, outlines the education requirements for new judges, as follows:

> **(c) Content-based requirements**
> (1) Each new trial court judge and subordinate judicial officer must complete the "new judge education" provided by the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research (CJER) as follows:
> (A) The New Judge Orientation Program (NJO) within six months of taking the oath as a judge or subordinate judicial officer. For purposes of the [NJO] Program, a judge or subordinate judicial officer is considered "new" only once, and any judge or subordinate judicial officer who has completed the [NJO] Program, as required under this

rule or under former rule 970, is not required to complete the program again. A judge or subordinate judicial officer who was appointed, elected, or hired before rule 970 was adopted on January 1, 1996, is not required to complete the program.

(B) An orientation course in his or her primary assignment (civil, criminal, family, juvenile delinquency or dependency, probate, or traffic) within one year of taking the oath as a judge or subordinate judicial officer; and

(C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer, unless the new judge completed the Judicial College as a new subordinate judicial officer, in which case the presiding judge may determine whether the new judge must complete it again.

In addition, Judicial Council directive #80 directs the Administrative Director of the Courts to evaluate efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible. This Judicial Council directive came out of the Strategic Evaluation Committee (SEC) Report's recommendation 7-20(a).[1]

Rationale for Recommendation

The New Judge Education Workgroup was charged with evaluating the following four inquiries and returning to the Governing Committee at the end of calendar year 2012 with recommendations:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?

2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education which could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?

3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO) or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?

[1] For the full text of directive #80 and the SEC recommendation on which it is based, see *www.courts.ca.gov/19567.htm*.

4. How best can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be addressed?

The findings of the New Judge Education Workgroup, which are discussed below and with which the CJER Governing Committee agrees, support the recommendations presented to the council in this report.

Findings

The workgroup found that overall the current approach of new judge education meets the needs of new judges in a very effective and efficient manner. While live, face-to-face programs are more costly, the workgroup determined that delivering these foundational programs using this method is the most appropriate for new judges. However, the workgroup did identify several areas where changes and modifications should be considered in order to ensure that this education model continues to be effective.

The workgroup found that it was critical for the Governing Committee to enhance its review and evaluation of the NJO, Judicial College, and PAO programs and their curricula, especially where content appeared to overlap among the three programs. Elimination of *unnecessary* overlap was deemed by the workgroup as very important in order to maintain the effectiveness of this overall education model. But the workgroup also acknowledged that overlap was necessary in some areas, particularly in the area of judicial ethics.

The workgroup determined that technology could be employed to elicit more effective evaluation of the educational experience after participants have returned to court. College seminar leaders could connect with their groups via WebEx, for example, after the college to assess how that program impacted their work, and answer questions. This would help keep the college curriculum relevant and reinforce it.

The workgroup did determine that some efficiency could be achieved in the current Primary Assignment Orientation programming. First, the workgroup recommended that the Governing Committee integrate technology more fully into these programs. Technology could ultimately move appropriate content to a distance-delivery model, thereby freeing up the live component of a program for more-focused education or shortening the overall length of a program. Also, the workgroup felt that shorter, more-focused orientation courses could be developed for experienced judges who are returning to an assignment they previously held. The workgroup acknowledged that the Civil Law Curriculum Committee had taken this step in developing a Primary Assignment Orientation for experienced judges and encouraged the Governing Committee to explore this for the other PAOs.

The workgroup did note that, in response to budgetary reductions, in 2011, the Judicial College was reduced by 1.5 days, and several introductory courses were removed from the curriculum.

Subsequently, in 2012, one half day was restored, and one of the introductory courses, family law, was restored, in response to slightly improved budget conditions.

Enhanced review process

Adoption of the recommendations presented in this report also will enable the Governing Committee to implement a more regular review process of the new judge education model to ensure that it continues to be both effective and efficient.

Comments, Alternatives Considered, and Policy Implications

The Governing Committee reported on this final report of the New Judge Education Workgroup at the TCPJAC Executive Committee meeting on March 21. The TCPJAC had no comments that would have altered the submitted recommendations. These recommendations affirm the policy about education for new judges and the need for these three programs, incorporating the modifications recommended by the New Judge Education Workgroup (e.g., incorporating more blended learning, developing shorter orientation courses for experienced judges, and considering alternative locations for some of the orientation programs).

Implementation Requirements, Costs, and Operational Impacts

Some of the recommendations could result in increased costs and staff time, especially if additional orientation courses are developed for experienced judges. But these shorter courses would reduce time away from court, which would be beneficial to the courts[2]. Other recommendations that involve incorporating more distance education into these programs could also reduce costs.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because the recommendations in this report focus on improvements to new judge education, they support Judicial Council Strategic Goal V, Education for Branchwide Professional Excellence.

Attachments

1. Letter from Judge Jahr to Justice Miller
2. New Judge Education Workgroup Report
3. Assigned Judges Program Summary of Assignment Policies and Protocols

[2] Because the Assigned Judges Program backfills for judges who are away from court attending education programming, a summary of its assignment policies and protocols is attached to this Report.

Judicial Council of California
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

May 20, 2013

Hon. Douglas P. Miller
Chair, Executive and Planning Committee,
Judicial Council of California
3389 Twelfth Street
Riverside, California 92501

Dear Justice Miller:

As you are aware, Judicial Council directive #80 requires that I evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible and report those findings to the Judicial Council. In fulfillment of this directive, please find enclosed a report from the CJER Governing Committee to the Judicial Council detailing the work and conclusions of the New Judge Education Workgroup it had appointed to evaluate new judge education. This report will be presented to the Judicial Council at the meeting in June. Justice Robert Dondero, Chair of the CJER Governing Committee, Judge Mary Ann O'Malley, a member of the New Judge Education Workgroup, and Dr. Diane Cowdrey, Director of CJER will be presenting.

Based on this report and the Governing Committee's recommendation, I support the findings of the workgroup. Summarized, they are as follows:

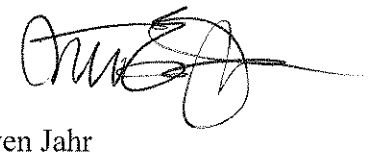
- The new judge education model is, by and large, effective and efficient.
- Some efficiencies have already been implemented in response to the judicial branch's current circumstances:

  - The Judicial College was shortened over the past two years, resulting in operational savings.
  - The Judicial College seminar leaders also serve as faculty for many courses, thereby reducing both the overall demand for faculty and their time away from court.
  - New Judge Orientation has recently been redesigned and the new program curriculum has reduced the faculty teams from six to four.

- Some adjustments could be made to increase the efficiency and effectiveness of this model, including having:
  - CJER explore holding a Primary Assignment Orientation (PAO) in Southern California;
  - Curriculum Committees explore developing shorter PAOs for experienced judges;
  - Curriculum Committees consider offering the statewide subject matter institutes as a substitute PAO for experienced judges;
  - Curriculum Committees continue to incorporate distance-education methods into their live programming in an effort to reduce the live component while retaining the overall educational effectiveness of the programs; and
  - The Judicial College Steering Committee explore the use of WebEx to more effectively follow up with and gain feedback from college participants after they have had a month or two to digest and apply the learning.

As you will see from this report, the process of evaluating new judge education has been very thorough, well thought out, and complete.

Very truly yours,



Steven Jahr
Administrative Director of the Courts

SJ/sl
Enclosure

New Judge Education Workgroup Report

SUBMITTED TO THE CJER GOVERNING COMMITTEE BY THE NEW JUDGE EDUCATION WORKGROUP ON OCTOBER 26, 2012; ACTION TAKEN BY CJER GOVERNING COMMITTEE ON FEBRUARY 5, 2013

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

CENTER FOR JUDICIARY EDUCATION AND RESEARCH

Executive Summary of the New Judge Education Report
CJER Governing Committee, June 2013

Introduction

In February 2012, the CJER Governing Committee requested that the education programs for new judges be studied, as a group, to determine whether the current approach was the most effective and efficient. The Governing Committee commissioned a New Judge Education Workgroup to conduct this study, which took approximately eight months. The New Judge Education Workgroup grappled with and answered an overarching question: is the current 20 days of live, face-to-face education for a new judicial officer within the first two years days of their term of office the most effective and efficient method to ensure public trust in the judiciary? The Workgroup concluded that current programs—with the current reductions in place and some additional recommendations—comprise the most effective, comprehensive, and efficient method to achieve both education and orientation for judges making the transition from lawyer to judge. The Workgroup recognized that after taking the oath of office, judges immediately begin to make decisions that affect public safety and all aspects of the lives of the litigants before them, and that sufficient training is essential.

Charge of the Workgroup

The Workgroup was tasked by the Governing Committee with answering four questions:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College, New Judge Orientation, or the Primary Assignment Orientations, and if so, what content and what delivery method is the most appropriate?
4. How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?

Process

The New Judge Education Workgroup was formed by the CJER Governing Committee in February 2012 with representatives from the Trial Court Presiding Judges Advisory Committee (TCPJAC) and consisted of:

Hon. George J. Abdallah, Jr., Chair
Superior Court of San Joaquin County
Hon. Christopher R. Chandler
Presiding Judge, Superior Court of Sutter County
Hon. Janet Gaard
Superior Court of Yolo County
Hon. Adrienne M. Grover
Court of Appeal, Sixth Appellate District
Hon. Mary Thornton House
Superior Court of Los Angeles County
Hon. Patricia M. Lucas
Superior Court of Santa Clara County
Hon. L. Jackson Lucky IV
Superior Court of Riverside County
Hon. Beverly Reid O'Connell
Superior Court of Los Angeles County
Hon. Mary Ann O'Malley
Superior Court of Contra Costa County
Hon. Theodore M. Weathers
Superior Court of San Diego County

The Workgroup commenced its study of new judge education by reviewing a number of documents, including course curricula (old and revised) of all new judge programs, participant evaluations for those programs from 2008–2011, course outlines for all programs, advantages and disadvantages of various delivery methods, and the CJER curriculum development process.

The Workgroup also reviewed a survey conducted in 2010 of B. E. Witkin College participants from the previous five years to ascertain the long-term effectiveness of the College courses. Members of the Workgroup also interviewed presiding judges and sought feedback from a variety of judicial officers as to how new judge education could be improved. Reports by members of the 2011–2012 B. E. Witkin Judicial College Steering Committee were made, both in writing and orally.

Additionally, the Workgroup solicited input from the TCPJAC and received comments from seven courts on the three programs under review. They discussed specific

suggestions that were made and the benefits and disadvantages of each (such as separating the two weeks of the college by several months or going straight through the weekend). They discussed input from the Director of the Commission on Judicial Performance and Judge David Rothman (Ret.) who has taught judicial ethics at the College and NJO for over 20 years.

Findings of the New Judge Education Workgroup

The Workgroup found that overall the current approach of new judge education meets the needs of new judges in a very effective and efficient manner. While live, face-to-face programs are more costly, the workgroup determined that delivering these foundational programs using this method is the most appropriate for new judges. In addition, some efficiencies to these program had already been made. At NJO, the number of faculty had been reduced from six to four. The College agenda had been reduced two years ago, with resultant operational savings, and most seminar leaders also doubled as faculty. Moreover, the workgroup did identify several areas where changes and modifications should be considered in order to ensure that this education model continues to be effective.

The Workgroup found that it was critical for the Governing Committee to enhance its review and evaluation of the NJO, College, and PAO programs and their curricula, especially where content appeared to overlap among the three programs. Elimination of unnecessary overlap was deemed by the Workgroup as very important in order to maintain the effectiveness of this overall education model.

In addition, the Workgroup recommended that the Governing Committee integrate technology more fully into these programs for two reasons. One, technology could ultimately move appropriate content to a distance delivery model, thereby freeing up the live component of a program for more focused education or shortening the overall length of a program. Second, technology could be employed to elicit more effective evaluation of the educational experience after participants have returned to court. College seminar leaders could connect with their groups via WebEx, for example, after the College to assess how that program impacted their work, and answer questions. This would help keep the College curriculum relevant and reinforce it.

The Workgroup did determine that some efficiency could be achieved in the current primary assignment orientation programming. The workgroup felt that shorter, more focused, orientation courses could be developed for experienced judges who are

returning to an assignment they previously held. The Workgroup acknowledged that the Civil Law Curriculum Committee had taken this step in developing a primary assignment orientation for experienced judges and encouraged the Governing Committee to explore this for the other PAOs.

The Workgroup did note that, in response to budgetary reductions, in 2011, the Judicial College was reduced by 1.5 days, and several introductory courses were removed from the curriculum. Subsequently, in 2012, one half day was restored, and one of the introductory courses, family law, was restored, in response to slightly improved budget conditions. Reductions in faculty had already been made at both NJO and the College.

Overview of Programs for New Judges

New judge education includes five days of New Judge Orientation, a Primary Assignment Orientation course in the area of the judge's primary assignment (typically five days long), and eight and one half days at the B. E. Witkin Judicial College. These programs are continuously updated in both content and approach by the various committees, workgroups, faculty, and CJER staff. All programs include subject matter content delivered by judges who are considered experts in their area and conducted in a classroom or small group setting, or a combination thereof. Each program is structured for judges to interact and discuss best practices, the relationship of the judge to the judicial branch, the relationship of the judge to court administration, and the relationship of the judge to the public.

At the College, the art of judging is at the core of each course, each small group, and each opportunity for the new judge to interact with judges from across the state. Courses such as "Court as Employer," "Americans with Disabilities Act," and "Alcohol and Drugs in Court," in addition to tours of San Quentin and Delancey Street, are offered only at the College.

At New Judge Orientation (NJO), the emphasis is ethics, the mastery of legal content, and emphasis on the art of judging. The goal is to develop a judge who is knowledgeable and capable in deciding the cases before him or her, thus engendering trust in the justice system and cutting the costs of appeals and/or reducing referrals to the Commission on Judicial Performance.

The Primary Assignment Orientation (PAO) courses provide nuts-and-bolts content in each of the substantive law assignment areas: civil, criminal, family, dependency,

delinquency, probate and traffic law. These courses are highly interactive and often include blended learning, for example, participants view online video lectures or courses before or during the course. Participants use hypothetical case scenarios, group discussions, and role-playing so that the lectures are integrated with practical experience. While not required, many experienced judges changing assignment do attend PAO courses. In fact, experienced judges now often constitute the majority of participants in Primary Assignment Orientation courses.

Workgroup Recommendations and Governing Committee Actions

Recommendation #1: The Workgroup recommended that NJO, the College, and the PAOs (as recently modified), remain as currently designed and delivered. The Workgroup found that the current content and method of delivery were the most effective and efficient way to provide this education.

> Governing Committee Action: Adopted. [Note: In 2011, the College was reduced by 1.5 days, and several introductory courses were removed from the curriculum. In 2012, one half day was restored, and one of the introductory courses, family law, was restored. College seminar leaders also serve as faculty for many of the courses, thereby reducing faculty costs and time overall. NJO had recently been redesigned and the faculty team reduced from six to four, resulting in savings in cost and in time away from the court.]

Recommendation #2: The Workgroup recommended that CJER, the B. E. Witkin Judicial College Steering Committee, and the PAO faculty teams continue to evaluate and refine the New Judge Education programs through the work of the curriculum committees and Workgroups to eliminate unnecessary overlap among NJO, the College, and the PAOs.

> Governing Committee Action: Adopted

Recommendation #3: The Workgroup recommended that the B. E. Witkin Judicial College Steering Committee explore the use of WebEx as a way to connect seminar groups, after the College had concluded, to answer questions and to see how the College has impacted their work back at the court. This would also be a way to gain feedback from the participants on the College after they have had a month or two to digest the learning and apply it.

> Governing Committee Action: Adopted.

Recommendation #4: The Workgroup recommended that PAO faculty teams and education attorneys continue to explore ways to increase the efficiency of delivering PAO education. First, the Workgroup recommended that the faculty teams and education attorneys examine the possibility of moving some content to blended learning options without reducing the quality of the learning experience. Second, the Workgroup recommended that PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment. The goal would be shorter PAOs for that audience and at less cost to the courts. The Workgroup did recognize that a separate orientation course already exists for experienced civil law judges returning to that assignment. The Workgroup also recognized that both these possibilities could result in increased costs and resource demands for CJER.

> Governing Committee Action: Adopted, but with modification. In addition to designing shorter PAOs for experienced judges, the Curriculum Committees should also consider a recommendation that the subject matter (*e.g.*, Civil, Criminal, etc.) Institute, where appropriate, would also fulfill the education requirement for the experienced judges returning to an assignment after two years.

Recommendation #5: The Workgroup recommended that CJER explore the possibility of moving a PAO to southern California.

> Governing Committee Action: Adopted.

Additional Actions

The Governing Committee has recommended to the Executive and Planning Committee that the Dean of the Judicial College be appointed as an advisory member. This appointment will ensure that the Governing Committee is more fully connected and engaged in the development and delivery of this critical judicial education program.

INTRODUCTORY LETTER FROM THE CHAIR OF THE WORKGROUP:

The rule of law governing the families, fortunes, and freedoms of all Californians is placed in the hands of 2,000 judicial officers. In order to serve the interests of the state's citizens, California has established the preeminent judicial education system in the United States.

In the 1960s, members of the judiciary instituted a formal education system for the new judicial officer. The programs were developed to assist and train new judicial officers as they made the transition from advocate to judge. In 1973, development and operation of education programs for the judicial branch was turned over to a new and independent entity: The Center for Judicial Education and Research (CJER) (CRC 10.50). CJER's role has expanded over the decades. CJER now also provides education for court staff and administrators and, through its Governing Committee, serves as an Advisory Committee to the State's Judicial Council. CJER also serves as the Office of Education of the Administrative Office of the Courts. The education that is provided is the foundation to a career in the judicial branch. The uniform, critically developed, high-quality education is intended to assure all Californians of a well-prepared, fair, and impartial judiciary.

In keeping with its historical approach to CJER's growth and development, in March 2012, the CJER Governing Committee created the New Judge Education Workgroup (Workgroup) to review the current approach to new judicial officer education and to make recommendations to the Governing Committee. The Workgroup is composed of ten judges of the Superior Court of California and is assisted by thoughtful, committed, and knowledgeable staff attorneys. The members have varying years of experience as bench officers as well as varying years of experience in judicial education. Many of the members have served or are now serving as presiding judges.

In order to respond to the charge given by the Governing Committee, the Workgroup met in person by conference call and by Webinar. Each member reviewed the documented evolution and development of the New Judge Orientation, the Bernard E. Witkin Judicial College (College), and the Primary Assignment Orientation (PAO) programs. The members, both individually and as a Workgroup, reviewed each program's subject matter and schedule. The schedules were reviewed day by day and hour by hour.

It has been a great privilege to have undertaken this task for the benefit of the CJER Governing Committee, newly appointed and elected judicial officers, and our fellow Californians.

Judge George Abdallah
Superior Court of California, County of San Joaquin

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A. GOVERNING COMMITTEE CHARGE TO THE NEW JUDGE EDUCATION WORKGROUP

Summary

The CJER Governing Committee convened a Workgroup to review the current approach to new judge education and to make recommendations to the Governing Committee regarding the following:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO), or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?
4. How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?

Background

The Workgroup was formed to examine issues that have periodically been raised regarding new judge education, and these include:

- Concerns about the time spent away from the bench that is required of new judges to complete their education requirements (raised at a meeting of the Trial Court Presiding Judges Advisory Committee)
- Requests to add topics to the College and NJO curriculum
- Participant comments about content that was (intentionally) duplicated in more than one program for new judges
- Budget issues related to possible reduction in costs at the College
- Concerns about how content was selected for College

New judges are a critical audience, and therefore it was appropriate for the Governing Committee to request that these three programs be reviewed to ensure that appropriate content, efficient delivery, and respect for tradition, time, and costs are all considered.

Initial Proposal

The New Judge Education Workgroup focused on the four questions posed above and provided recommendations to the CJER Governing Committee at their October 2012 meeting. The Report of the Strategic Evaluation Committee (SEC) was published at the same time that this Workgroup was studying and evaluating new judge education. The Workgroup reviewed the comments made and issues raised in the SEC report relating to New Judge Education. The SEC report states and the Workgroup agreed that "*A well-educated judiciary is critical to the fair and efficient administration of justice, and is recognized as a stated goal of the judicial branch."*

The Judicial Council Report submitted to the Judicial Council at their April 2013 meeting, and this accompanying report, serve as responses to Judicial Council directive #80: "E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the Workgroup reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible."

In the past several years, the Workgroup noted that CJER has been aggressive in exploring and using a variety of delivery methods to provide education and training to the branch. The technology available for distance education has increased and improved, allowing CJER to take advantage of multiple delivery methods (see Distance Learning Options, Section M), which in some situations can substitute for live education, and in most situations can augment it. Combining multiple types of delivery methods has become much more commonplace, and this effort is referred to as blended learning.

The Workgroup reviewed what content is provided at each of the three major programs for new judges, using the work that has already been completed in this area, and considered the possible use of blended learning to meet the current needs. When looking at content where there is deliberate overlap, they also considered whether blended learning would be useful.

The Workgroup was asked to look at the costs associated with new judge programming including time away from the bench. As such, the Workgroup considered reducing the live education portions, *e.g.,* offering the College in a different format using a blended design. It was always a possibility that the Workgroup would recommend that no cost savings could be made and that the current format would be the best way to provide this critical education.

The Workgroup was an ad hoc committee that dissolved after it conducted its review and provided its recommendations to the CJER Governing Committee.

B. NEW JUDGE EDUCATION WORKGROUP ROSTER

Hon. George J. Abdallah, Jr. , Chair
Judge of the Superior Court of California,
County of San Joaquin

Hon. Christopher R. Chandler
Presiding Judge of the Superior Court of California,
County of Sutter

Hon. Janet Gaard
Judge of the Superior Court of California,
County of Yolo

Hon. Adrienne M. Grover
Judge of the Superior Court of California,
County of Monterey

Hon. Mary Thornton House
Judge of the Superior Court of California,
County of Los Angeles

Hon. Patricia M. Lucas
Judge of the Superior Court of California,
County of Santa Clara

Hon. L. Jackson Lucky IV
Judge of the Superior Court of California,
County of Riverside

Hon. Beverly Reid O'Connell
Judge of the Superior Court of California,
County of Los Angeles

Hon. Mary Ann O'Malley
Judge of the Superior Court of California,
County of Contra Costa

Hon. Theodore M. Weathers
Judge of the Superior Court of California,
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CENTER FOR JUDICIARY EDUCATION AND RESEARCH (CJER)

Ms. Karene Alvarado
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Ms. Maggie Cimino
Manager
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C. New Judge Education Program Descriptions

Description of New Judge Orientation

This one-week orientation program is designed to introduce new judges, commissioners, and referees to their judicial duties and to familiarize them with their ethical responsibilities in ensuring fairness in all proceedings, promoting uniform court practices, and improving the administration of justice. Enrollment is limited to 12 participants in each program, in order to ensure regular and meaningful interaction by all participants with faculty, the content, and each other. The curriculum for the program is the most structured of all CJER programs, in order to ensure that all essential content is covered, and that all new judges receive the same educational experience. Faculty for the program is trained on the NJO curriculum prior to teaching, and the curriculum is regularly updated by a Workgroup comprised of experienced faculty. During the program, participants meet with the Chief Justice, members of the Judicial Council, and AOC leadership. The program is typically offered ten times each year.

Description of B. E. Witkin Judicial College

The B. E. Witkin Judicial College of California marked its 46th year in 2012 in which it has presented its comprehensive educational experience to new members of the California judiciary. Participants in the Judicial College have found that it provides extensive training in many areas of the law and broadens their understanding of the judicial process and the role of judicial officers.

Judges, commissioners, and referees attending this intensive two-week educational program commit themselves to active participation in acquiring the knowledge, skills, and approaches needed to perform their judicial work fairly, correctly, and efficiently. A full schedule of classes, concurrent sessions, and small-group seminars in all phases of judicial work is offered. Participants also analyze judicial philosophies, styles, work methods, and their roles as public servants; improve their skills in the arts of judging, decision making, handling counsel, litigants, and witnesses, and explaining the judicial function to the public; and explore better ways to handle court business, increase court efficiency, and ensure fairness to litigants. Instructional methods emphasize problem-solving exercises, panel discussions, small-group seminars, case studies, role-playing, and other innovative learning methods. Frequent small-group seminars allow students to clarify and evaluate their understanding of the course content. Specially prepared program materials are provided for study at the college and for later reference as practice aids.

Under the leadership of the Judicial College Steering Committee, and the appointed Judicial College Dean, instruction is provided primarily by more than 55 highly qualified judges, commissioners, and referees selected for their recognized abilities as judges, teachers, and legal writers, and for their interest in improving the administration of justice. Experts and representatives from component agencies within the California justice system also

participate to increase the judiciary's awareness of interagency problems and to coordinate responses to these problems. Faculty does not receive compensation, other than reimbursement for travel and lodging expenses according to state rules.

Description of Primary Assignment Orientation Courses

The Primary Assignment Orientation courses provide nuts-and-bolts content in each of the substantive law assignment areas: civil, criminal, family, juvenile, probate, and traffic law. These courses are highly interactive and often include blended learning, in that participants view online video lectures or courses before or during the course. Faculty lectures are supplemented with faculty demonstrations of how to conduct hearings or how to question parties (*i.e.*, expert witnesses, self-represented litigants, or children). Participants use hypothetical case scenarios, group discussions, and role-playing to integrate the lectures with practical experience. These courses are designed to satisfy both the content-based requirements of California Rules of Court 10.462(c)(1)(B), applicable to new judges and subordinate judicial officers, as well as the expectations and requirements of Rule 10.462(c)(4), applicable to experienced judges and subordinate judicial officers new to, or returning to, an assignment. CJER has found that many participants at the PAO programs are experienced judges returning to an assignment.

D. Evolution of Each of the Three New Judge Education Programs

Evolution of New Judge Orientation

The New Judge Orientation curriculum is updated annually to ensure that the law is current and has been revised several times over the years to ensure that the hypotheticals are effective. In 2009, the faculty recommended, based upon their own experience with the curriculum, as well as participant feedback, that the fairness segments of the curriculum should be reevaluated and revised. In June of 2009, the NJO Fairness Curriculum Workgroup was established to do this work. The Workgroup was composed of several experienced NJO faculty and several members of what was then the Fairness Education Committee.

The NJO Fairness Curriculum Workgroup met by conference calls over the course of a year to discuss what changes should or should not be made to the curriculum. The Workgroup started by formulating the participant goals for this segment of the course, and from there determined whether the existing curriculum fulfilled those goals. After determining those areas where changes were to be made, individual members of the Workgroup worked on revisions or created new content. For example, a new sentencing hypothetical and stereotyping exercise were created, and new exercises were incorporated into the sections dealing with social cognition and fairness. Much of the content remained the same, but the order in which topics were taught was rearranged to create an easier flow of the material for participants to absorb.

The Workgroup concluded its mission with the roll out of the revised fairness segments of the NJO curriculum in 2010. However, the Workgroup concluded that more work needed to be done and recommended that the fairness and ethics content be woven throughout the entire New Judge Orientation curriculum. A new NJO Curriculum Workgroup was formed in the fall of 2010 to undertake this task. This new Workgroup was composed of three members from the NJO Fairness Curriculum Workgroup and four experienced NJO faculty.

The NJO Workgroup began with a two-day in-person meeting. All members agreed that integrating fairness and ethics throughout the NJO curriculum would make the curriculum more effective by reinforcing the concept that ethics and fairness are the underlying principles fundamental to the judicial officer's role. A list of concepts/content was created of all the topics that new judges needed to learn, and all the content that is taught in NJO was included. As retired Judge David Rothman, author of the *California Judicial Conduct Handbook*, suggested, how do we "blend the trials and ethics curriculum into a seamless whole: teaching the best practices and law in trials along with the interplay of ethics and fairness, while being sure these best practices and law of each subject are made clear?" This became the Workgroup's mission for the next two years. Meeting via videoconference and conference calls, the NJO Workgroup volunteered their time to work on how best to integrate what were discrete segments on ethics/fairness and trials/evidence and integrate ethics and fairness throughout the curriculum.

The original NJO curriculum was taught by a faculty team made up of two ethics specialists and two trials specialists who taught from Monday through Wednesday afternoon and from Wednesday through Friday, respectively. Two seminar leaders assisted the students and faculty during the entire week for a total of six faculty per week. With the blending of ethics/fairness and trials/evidence segments, both ethics and trials faculty were required throughout the program.

Reductions in CJER's Mod Funds, starting in fiscal year (FY) 2011–2012, necessitated some changes to NJO. Funding for faculty was reduced from six to four people, some lunches were eliminated, and participant travel reimbursement was eliminated.

Based on budget and curricular changes, four faculty stay the entire week. At a meeting with the Workgroup and June NJO faculty team, it was agreed that this was the better model, given the demands on the faculty.

Evolution of B. E. Witkin Judicial College

The B. E. Witkin Judicial College Steering Committee (previously the New Judge Education Committee) is responsible for planning the Judicial College. The Steering Committee members are expected to serve as seminar leaders at the program, so that they are familiar with the program and able to experience the program they designed. The committee reviews the new judge education curriculum and receives input from the substantive law curriculum committees with respect to the content that should and should not be included

at the program to ensure essential education is covered and unnecessary duplication is avoided.

Each year the committee also carefully reviews all participant evaluations and often makes changes to the program based upon participant feedback. For example, courses that were not well-received are redesigned or dropped from the program.

Similar to NJO, Mod Funds to support the College were reduced in FY 2011–12. As a result, the length of the College was shortened. Before 2011, the program lasted a full two weeks, beginning on Sunday night, and continuing through Friday afternoon, then beginning again the next week on Monday morning and ending Friday afternoon. In 2011, the program was shortened by one-and-a-half days, to begin on Monday afternoon both weeks, and end on Friday afternoon both weeks. The opening dinner, which had been offered on Sunday night, was cancelled. The shortening of the program obligated the Steering Committee to meet and identify the content that was ultimately removed. Additionally, funds to support travel for participants were eliminated.

Other changes that have been made to the program in an effort to reduce costs and increase efficiencies include reducing the amount of materials printed for the program (only materials actually used in class are printed; resource materials are now found online only), eliminating the use of binders and shifting to the use of spiral or tape binding only, and reducing the number of CJER on-site staff at the program. All materials are posted online to Serranus.

In 2012, the College Steering Committee recommended adding back four hours of education. Because there were fewer participants (fewer judges appointed by the Governor), the reduced funding was sufficient to cover those costs.

Evolution of Primary Assignment Orientation Courses

Civil Law Orientation

CJER currently offers three separate civil law orientation courses:

1. Basic Civil Law Orientation,
2. Civil Law Orientation for Experienced Judges, and
3. Limited Jurisdiction, Small Claims and Unlawful Detainer Orientation.

In 2008, there was only what was then called the “Civil Law Overview.” This course was offered to all judges and subordinate judicial officers who were new or returning to a civil assignment. Judges who had an extensive civil practice before taking the bench often found this course too basic. Based on evaluation and participant comments, the Civil Law Education Committee (now the Civil Law Curriculum Committee) directed that a separate orientation course for experienced judges be created. The committee also decided to create

a separate orientation course for judges who handled only limited jurisdiction cases. The two new courses were created by Workgroups composed of experienced civil law orientation faculty and some Civil Law Education Committee members.

The first "Overview for Experienced Civil Law Judges" was offered at the Fall Continuing Judicial Studies Program in October of 2008, and the course is now offered annually. The faculty members review the course curriculum both before and after the course, and they update the content every year depending on the latest developments in the civil law area. The course emphasizes areas of civil law that judges who are experienced in civil law might find complex and new issues with which they might not be familiar.

The Basic Civil Law Orientation is offered for judges and subordinate judicial officers who are new to a civil law assignment and, like the Civil Law Orientation for Experienced Judges, is offered annually. Faculty members review the curriculum every year and update it as necessary with new cases, statutes, and rules affecting civil law. After the course, the faculty members also revise the content based on participant evaluations.

The Limited Jurisdiction, Small Claims and Unlawful Detainer Orientation course was first offered as a pre-institute workshop of the 2008 Civil Law Institute. This course was developed for judges and subordinate judicial officers in a civil assignment who do not handle unlimited civil cases. Faculty review the curriculum before each course offering and update the content based on new case law, statutes, and rules of court. In 2011, content on foreclosures and unlawful detainers was added to the curriculum as a result of the increase of those case filings.

Civil content at the Judicial College includes civil settlement, civil post-trial motions, restraining orders in civil cases, civil discovery, and unlawful detainers, but these topics are covered in greater depth at the College and only briefly at the PAO.

Criminal Law Orientation

The content of the Criminal Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law. For example, significant changes in sentencing law have taken place over the last several years, and the orientation course has been revised accordingly.

The majority of the concurrent sessions in the second week of the College include criminal content. The Criminal Law Curriculum Committee has continued to work closely with the B. E. Witkin Judicial College Steering Committee, in the planning of the Judicial College. The New Judge Education Workgroup has been provided with a detailed overview of the relationship between the criminal law content offered at the College and that included in the orientation course in order to identify overlapping content and to guide program assessment and planning.

Family Law Orientation

The content of the Family Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law. In addition the delivery of the content has been revised over time, allowing for more hypotheticals and more or less time for certain topics. Although some new judges have mentioned that there is overlap with regard to the content in the family law orientation and the College courses, "Domestic Violence Awareness" and "Working With Self-Represented Litigants," this overlap is intentional, and much effort has been made to ensure that the two programs are not unnecessarily duplicative. Intentional overlap is the result of a Primary Assignment Workgroup and the College Steering Committee agreeing that an area of content requires the additional emphasis for new judges and is therefore approved for duplication. There is also a course at the College entitled "Introduction to Family Law," which is fairly duplicative of the Family Law Orientation course, but which is attended by those new judges who do not take the Family Law Orientation course.

Juvenile Law Orientations: Dependency and Delinquency

Since 2008, there have been a number of changes to the two juvenile law primary assignment orientation courses (the dependency orientation and the delinquency orientation). In January 2008, the Dependency and Delinquency PAOs were each three days, and they were followed by a one-and-a-half-day course entitled "Highlights in Delinquency" and "Highlights in Dependency." These one-and-a-half-day courses were an attempt to meet the needs of those who preside over both types of cases, but they were not successful. In 2009, the one-and-a-half-day highlights courses were dropped, and the three-day orientations were reinstated. In 2010, the courses were each expanded to four-and-a-half days and have been very successful at that length, since they now include more essential content (substance abuse, mental health issues, child development, etc.). The persistent struggle to meet the education needs of those who hear both dependency and delinquency cases continues. The most recent attempt is being addressed in the 2012–2014 Education Plan cycle by offering a Webinar close in time to when the live course is offered (*e.g.*, live course on Dependency with Webinar on Delinquency). The Webinar will be a stopgap course for those who are either in both assignments or are assigned to a dependency or delinquency court months before or after the PAO was offered. We are hopeful that this will meet participant needs.

Due to reduced resources that led to the shortening of the Judicial College, the two juvenile law course offerings at the College were removed from that program. As a result there is virtually no overlap between the juvenile orientation courses and the Judicial College curriculum at this time.

Probate Law Orientation

The content of the Probate Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law.

Recently, there have been constant updates in the areas of trusts and estates, conservatorship, guardianship, and Lanterman-Petris-Short (LPS) law. Some of the legislative updates were in part due to the increased requirements imposed upon probate courts by the Omnibus Conservatorship and Guardianship Reform Act of 2006, along with the lack of funding to implement the new requirements and the subsequent economic downturn. Aside from updates in the law, the most significant recent change in the course is the addition of a segment on civil protective orders and handling elder abuse cases, which entailed the shortening of the probate conservatorship segment on the same day. The civil protective orders component was added in response to Rule 10.464 of the California Rules of Court, which sets forth education requirements and expectations for judges and subordinate judicial officers on domestic violence issues and mandates that domestic violence education be included in the Probate Orientation, among other courses.

In addition, in 2010 the Probate Curriculum Committee recommended that the LPS segment of the course be held regionally in order to be accessible to judges and subordinate judicial officers who have an LPS or mental health assignment, but not a regular probate assignment. The half-day LPS orientation was held in three regional locations in 2012 and will be a regular offering.

In past years an introductory probate law course was offered at the Judicial College, but as a result of several years of very low enrollment, that course is no longer offered. It appears that very few new judges are placed in a probate assignment.

Traffic Law Orientation

Before 2010, CJER offered a Traffic Institute every two years. In 2011, rather than offering an institute, three, two-day regional Traffic Orientation courses were offered. Now the Traffic Orientation is offered once per year, and there is no traffic content at the College.

E. WORKGROUP EVALUATION PROCESS

Overview of Process

The Workgroup focused on both effectiveness and efficiency. The content for all New Judge Programs was reviewed for completeness, whether the content was essential for new judges, and possible unintentional overlap of content. The Workgroup found that only 5 percent of a new judge's time in the first two years is spent attending NJO, the College, and one PAO program.

The Workgroup examined the evaluations for each of the new judge education programs for themes and issues raised by judges who attended the program(s) over the past two years. The Workgroup evaluated the possibility of shortening the current schedule for each program in light of travel demands, out-of-court time, and overall cost. These scenarios for the College are presented in Section G. This was balanced with the need for excellent, comprehensive education for new judges that includes both group interaction and building

a community of support for new judges to assist them in the transition from advocate to judge.

The Workgroup, through Judge Mary Ann O'Malley, solicited comments from Trial Court Presiding Judges related to the Workgroup charge. Seven courts responded with comments for the Workgroup's consideration.

The Workgroup considered cost and recognized that live delivery is the most costly. It was difficult to quantify new judge education in terms of dollars and cents. The Workgroup did analyze multiple delivery options and thoroughly reviewed the curriculum designs, the course outlines, and the evaluations, as well as feedback from several Presiding Judges and recent new judge program attendees. CJER staff provided a brief history of CJER's curriculum development history and process (see Curriculum Development Process Summary, attached).

New Judge Orientation

The Workgroup reviewed the recently completed extensive revision of the New Judge Orientation curriculum as well as the schedule for the program. The Workgroup met with Judge David Rothman, author of the *California Judicial Conduct Handbook* and a member of the New Judge Orientation Curriculum Workgroup, who discussed the revisions to the NJO curriculum. Judge Rothman made a very compelling presentation to the Workgroup on the value and significance of the New Judge Orientation content and his strong belief in the need for new judges to have the opportunity to attend all three programs (New Judge Orientation, B. E. Witkin Judicial College, and Primary Assignment Orientation) in their current form. He also addressed the issue of intentional duplication especially in the areas of ethics, demeanor, and fairness as necessary to reinforce the importance of each in the daily life and work of a judge.

Judge Rothman's letter to the Chief Justice and Judicial Council (Regarding: The Strategic Evaluation Committee Report, Item SP 12-05 Comment on Section 7—Education Division and Judicial Education) was provided to the Workgroup for consideration and can be found in Section I of this document.

Additionally, the Workgroup reviewed and discussed the New Judge Orientation 2011 and 2012 evaluations.

Lastly, the Workgroup considered and weighed the concerns expressed by the Commission on Judicial Performance in its September 14, 2011, correspondence to the Director of CJER, Dr. Diane Cowdrey, in Section J.

B. E. Witkin Judicial College

The Workgroup spent significant time reviewing evaluations of curriculum and content for the B. E. Witkin Judicial College. Evaluations included those from the 2008, 2009, and 2011 College participants and the 2010 Survey of Past College Attendees.

The Workgroup members reviewed the 2012 B. E. Witkin Judicial College course schedule and course descriptions, and discussed the program content and design at length at its May and June meetings. The Workgroup members, which included Presiding Judges (current and past) and faculty (current and past) for the College, NJO, and PAOs, discussed their personal experiences as court leaders and faculty, as well as the feedback received from participants in the evaluation documents.

The issue of further shortening the college was discussed from the perspective of cost, efficiency, and programmatic loss. The Workgroup examined several potential scenarios and evaluated the potential gains and losses resulting from each scenario.

The Workgroup members studied and discussed the issue of intentional and unintentional overlap between the College and the other New Judge education programs. They also reviewed online educational offerings for new judges.

Primary Assignment Orientation

The Workgroup reviewed the curriculum designs for each area of the law, focusing on the content that each committee identified as essential for new judges. The Workgroup then reviewed the outlines for each of the nine Primary Assignment Orientation courses as follows: Civil Law Basic PAO, Criminal Law PAO, Family Law PAO, Juvenile Delinquency PAO, Juvenile Dependency PAO, Probate PAO, Traffic PAO, Experienced Civil Law PAO, and Limited Jurisdiction Civil Law PAO.

The Workgroup also reviewed an analysis by the Criminal Law Curriculum Committee and CJER staff of overlap that exists between content offered at the Criminal Law PAO and the Judicial College. The Workgroup understands that this analysis is representative of that which has been done for the other PAOs, and that the criminal law analysis is the most extensive because the bulk of subject matter content at the Judicial College is criminal law.

F. Findings as to Questions Posed in Charge by Governing Committee

1. *Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?*

The Workgroup found that the current approach meets the needs of new judges in a highly effective and efficient manner. CJER, through its curriculum and oversight committees, has instituted an objective, critical, and insightful assessment of each of its programs. These assessments result in ongoing program refinements in delivery, calendaring, and content. CJER's Director and staff demonstrate a keen awareness of the economics associated with program delivery, and they work diligently to reduce costs and maintain allocated budgets. They also rely on the acumen of experienced judicial officers and CJER's internal curriculum plans to identify new judges' needs and to develop responsive program content. The program planning, delivery methods, and assessment process result in a flexibility that allows for a timely incorporation of changes in the law.

The Workgroup also found that presenting these foundational new judge education programs through face-to-face programs is especially effective and efficient. Although distance delivery methods are less costly, it does not outweigh the benefits of live, face-to-face education for new judges. Live, face-to-face delivery incorporates mentoring practices and approaches by experienced judicial officers. This approach adds a crucial refinement to the presentation of the designed program content. Among other benefits, during the live presentations, the instructors and seminar leaders immediately address the new judges' expressed concerns and questions, thereby enhancing the curriculum, building an atmosphere of trust, and assisting the new judge in gaining both knowledge and confidence. Further, it has been regularly reported to oversight committees that the mentoring process continues beyond program schedules—at all casual and planned contacts with instructors and seminar leaders.

The instructors and seminar leaders remain an available, invaluable resource who can be called upon throughout a new judge's career.

In making its findings, the Workgroup read and considered several years of participant survey responses. Upon being surveyed, typical new judge remarks have included the following that strongly support the Workgroup evaluation of the efficacy of live programs:

> *"Each (faculty) added unique elements to wonderful whole. I can't think of changes to improve."*
>
> *"[R]eceiving wisdom of such gifted, knowledgeable and talented judges; observing judicial demeanor and best practices modeled; interaction between participants and faculty; practical focus and structure on dealing with foundation of good judging . . . "*

2. *Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?*

The Workgroup found that new judge education is currently well-supported by distance products that can be found online in the Serranus Judicial Education Toolkits. The New

Judge Toolkit was especially developed to provide information and education for judges prior to their participation in NJO or the College. The Workgroup supports the continued development of education for new and experienced judges that can be accessed at the time of need rather than at a program. It did not, however, fill the need for live education that creates and supports a network or community of judges. Each of the current live programs that are the focus of this report offers judges the opportunity to work with their colleagues across county lines, share expertise, and support the development of consistent statewide practices.

The Workgroup found that the seminar meetings and relationships with seminar leaders were an essential part of new judge education and often focus on "the art of being a judge."

The Workgroup found that the format of the College as two consecutive weeks rather than two separate weeks creates the best environment for learning and exchanging of ideas, building trust, and building lasting relationships with faculty and among participants. Additionally the Workgroup noted that no cost savings would be realized by separating the program into separate weeks.

3. *Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO), or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?*

The content included in each of the live programs is identified and developed by judges serving on Workgroups for this specific purpose. Each year the content is examined to be certain it appropriately and completely meets the needs of new judges, and that the delivery methods chosen are the most efficient and effective for that content.

In addition, the CJER Curriculum Committees in each area of substantive law and the Judicial Ethics and Fairness Curriculum Committee work to identify the content that they recommend is developed for distance delivery. This process is driven by experienced judges, and the resulting products are designed and developed with judicial Workgroups and education attorneys working together to build the final product.

This current process for identifying content, developing programs, and delivering education for new judges was validated and supported by the Workgroup.

4. *How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?*

The current process includes a review by the education attorneys who staff each program followed by a discussion of the respective Workgroups on how to limit the overlap to intentional rather than unintentional duplication of content. Content overlap that does occur is intentional, having been identified and approved by Workgroup members for each

of the new judge programs as educationally necessary and essential for the transition from advocate to judge.

Some content is covered in both the PAO and the College, but for specific reasons. For example, some areas are covered in the PAOs with specific focus on the mechanics, whereas at the College, the judge's role in that area is covered in greater depth (interpreters, pleas, evidence, jury selection, trial management). Additionally, at the College, there is some content provided in concurrent sessions, which might be covered at a PAO. This is so that judges can choose to take a concurrent session in an area that may not be their primary assignment, but one in which they still need to have a working knowledge. Another reason is that some content is fairly complex and completely foreign to judges who lack a criminal law background (*e.g.*, gang issues, felony sentencing, search and seizure). The Workgroup found these rationales satisfactory.

The substantive law curriculum committees regularly work with the Judicial College Steering Committee to review the content offered at each of the new judge education programs (NJO, the PAOs, and the College) to ensure that (1) the content that the curriculum committees have determined to be essential for new judges is included in at least one of the three new judge education programs, and (2) that the essential education is duplicated within the new judge education programs only when necessary.

G. WORKGROUP RECOMMENDATIONS

Recommendations for New Judge Orientation

Recommendation #1: The Workgroup recommended that New Judge Orientation remains as currently designed and delivered. The Workgroup found that the current content and method of delivery are the most effective and efficient way to provide this education.

Recommendation #2: The Workgroup recommended that CJER continue to evaluate and refine the NJO program through the work of its curriculum committees and Workgroups to eliminate unnecessary overlap with College and PAOs.

The basis for the above recommendations is contained in the discussion below.

Issue #1: Changes to NJO design and delivery

The Workgroup discussed the benefits and drawbacks of possible changes, including regionalizing the program and shortening the program to less than one week. The Workgroup also discussed the option of putting some of the content online. After studying the evaluations and feedback from Presiding Judges, and taking into consideration their own experience as attendees and as faculty/seminar leaders for New Judge Education Programs, the Workgroup members determined that the current format is critical to the effective delivery of the content. Offering the program regionally would limit the statewide perspective that program participants are provided in the current format. The Workgroup

felt it was essential that a new judge gain an appreciation that he or she is joining the California Judicial Branch, the third branch of government, not solely the local bench.

The Workgroup found that only 5 percent of a new judge's time in the first two years is spent attending NJO, the College, and PAO. The one exception would be the few judges who attend multiple PAOs. New judge education is focused on preparing judicial officers for their career, moving from advocate to neutral judge. The seminar setting for both NJO and the College supports the learning and change from advocate to judge and encourages community building, mentoring, resource sharing, and identifying with their new role as judge.

Issue #2: Overlap of Content

CJER currently has a robust process that connects the education attorneys with the curriculum committees and Workgroups that oversee new judge education to continually identify possible content overlap and evaluate whether existing overlap is essential for emphasis or unintentional and could be eliminated from one program while covered in another. The education attorneys are the links between the groups planning the education each year and work together with their respective committees to continually refine the curriculum and courses to include as little overlap as possible while still meeting the need to emphasize and reinforce some content as identified by the committees and Workgroups.

Recommendations for B. E. Witkin Judicial College

Recommendation #1: The College program, as recently modified in 2011 and 2012, reflected reductions in both length and content and should continue as currently constituted. The Workgroup found that the current content and methods of delivery were the most effective and efficient way to provide this unique orientation and education for the new judicial officer.

Recommendation #2: The Workgroup recommended that the B. E. Witkin Judicial College Steering Committee explore the use of WebEx to connect seminar groups after the College had concluded as a way to answer questions and to see how the college has impacted their work back at the court. This would also be a way to gain feedback from the participants on the College after they have had a month or two to digest the learning and apply it.

Recommendation #3: B. E. Witkin Judicial College Steering Committee, with the assistance of CJER Education Attorneys, should continue to evaluate and refine the program to eliminate unnecessary overlap with NJO and PAOs.

The basis for the above recommendations is contained in the discussion below.

Issue #1: The Length of the College

Some Presiding Judges and College participants have voiced concerns about the length of the College. Some Presiding Judges expressed the difficulty in covering the courts presided over by College participants for a two-week period. Participants voiced concerns about the length of the College from the perspective of information overload, overlap with the Primary Overview Course and NJO, and the length of time away from home and families.

The concerns of the Presiding Judges are understandable. Regardless of the size of the court, coverage for a courtroom for two weeks is administratively difficult in the best of times and certainly more problematic in these times. With the addition of a primary assignment orientation requirement to the NJO and College requirement in the first two years, the additional administrative burdens might well be solved by shortening the College.

The Workgroup wanted to place the time away by a new judicial officer in perspective. The College, NJO, and PAO courses comprise at least 20 days of education in a new judicial officers' first two years after their oath. The Standards of Judicial Administration suggest that a judicial officer engage in at least 8 days of education each year. Thus, in a two-year period, that time is only lengthened by four days for the new judicial officer. When one looks at the conceivable number of days on the bench in a two-year period and deducts the 20 days for the two-year period, education of the newest members of the bench is 5 percent of their time.

The Workgroup discussed the following possible scenarios suggested by a small number of past college attendees and Presiding Judges:

Option #A: Shorten the College from 10 days to 8 days by scheduling classes that run from Saturday to Saturday.

- This would only compound and worsen past participants' concerns with the exhausting college course schedule that currently exists to give participants the weekend off; going straight through one or two weekends would add to this level of exhaustion, and thereby potentially reduce the learning for the participants.
- Past participants have expressed concern about being away from families for the two Monday to Friday weeks of the current schedule. Changing from two 5-day weeks to a solid 7- or 10-day schedule might be equally challenging for families.
- Holding the College over a Saturday or Sunday would conflict with the religious practices and observances of some of the judges, making it difficult or impossible for them to attend.

For these reasons, Option A was rejected.

Option #B: Instead of two consecutive weeks, separate the two weeks over the two-year period, so that the College curriculum is staggered. The Workgroup could not identify any

cost savings for this scenario, so from an economic standpoint, this option would only assist courts administratively, not fiscally.

- This option would dampen one of the stated goals of the College which is to begin building and reinforcing a community of statewide judges—interruption of this process might occur.
- Seminar groups (a highly rated part of the program) would only just be reaching the necessary levels of familiarity and trust that support learning and develop ongoing relationships at the end of the first week.
- Scheduling for return to "Part 2" by all attendees who attended a particular "Part 1" would be challenging. It would be preferred by most and be deemed essential to attend with your College Seminar group—but court calendars may not make that possible to accommodate. Changing to a different college group for Part 2 was not advisable in the estimation of the Workgroup.
- Continuity of faculty and seminar leaders on second week might be challenging.
- Presiding Judges of some courts told the Workgroup that two separate weeks would be more difficult for them to schedule around than two consecutive weeks.

For these reasons, Option B was rejected.

Option #C: In some fashion, shorten the College by one or two days.

- The Workgroup was advised that since 2011, the College had already been reduced by a number of hours equivalent to one day. (The College starts on Monday, rather than Sunday of the first week, and Monday afternoon of the second week, rather than Monday morning. This has eliminated costs associated with opening dinners, travel, and overnight accommodations.) The Steering Committee is reluctant to engage in further cuts, as that would impact the content of the course work.
- As a result of the modifications already in place, the Workgroup discussed this at length, including which day or days might be eliminated and how that would benefit the court. The Workgroup determined that the benefit of gaining one day for the court over keeping the content intact and maintaining the current schedule was not sufficient to recommend the change.
- The Steering Committee is continually looking for more time to cover even more content at the College. The Steering Committee has a waiting list of content suggestions that have been made to add to the College.

For these reasons, Option C was rejected.

Option #D: Shorten the College by moving some of the content online.

- This option highlights the difference between orientation versus education. The purpose of New Judge Education via NJO and the College is to offer information, surely, but it is also to offer ”art of judging” guidance by senior judicial officers and through group discussions in a safe-harbor environment. This atmosphere cannot be achieved through online education.
- Although the Workgroup places a high value on CJER’s online offerings, it was the consensus of the group that the College serves the dual purpose of educating and providing a community of interests and mentoring for new judges that must be delivered in a live, face-to-face environment even if this is at a higher cost.

For these reasons, Option D was rejected.

Issue #2: College Course Content: Duplication and Overlap

The College Steering Committee has been committed to eliminating duplication and overlap since instituting PAO courses. Currently, program Workgroups and CJER staff attorneys work to identify unintentional overlap and move that content to other delivery options.

The attention to unintentional overlap is given by all the education attorneys as part of their work with Workgroups and curriculum committees. Fine-tuning is a continual process. In past years, when overlap was identified, some family and juvenile content was eliminated from the College, but upon later review, family law content was added back in. Again, constant evaluation and modification by the College Steering Committee is ongoing in order to be responsive to the courts and individual new judges’ needs.

The Commission on Judicial Performance (CJP) has identified common ethical missteps by new judicial officers (within their first five years on the bench). The CJP findings prompted both the NJO Workgroup and the College Steering Committee to take a hard look at ethics content at both NJO and the College. The NJO Workgroup developed a new format for NJO based upon Judge Rothman’s “8 Pillars” model, integrating ethics content throughout the NJO program. Judge Rothman, who is both a member of the NJO Workgroup and serves as faculty for the ethics course at the College, also integrated the “8 Pillars” model in the College ethics course. Judge Rothman and members of the NJO Workgroup worked to identify unintentional overlap in NJO and College ethics content, while maintaining intentional overlap necessary to reinforce the core ethical concepts for new judges by repetition. Much of the education for a new judge only makes sense once he or she has a context. Simply stated, new judges don’t know what they don’t know. NJO functions as a type of ”issue spotting” educational experience. The College goes over important material already introduced, but as participants have more time on the bench, coverage of the ethics content at the College is wider in scope and deeper in exploration. Therefore, the best possible model of monitoring the overlap and knowing what is necessary for repetition is achieved.

Issue #3: Cost, Content, and Perception Issues

The Workgroup was asked to look at whether efforts were being made to adjust to cost, content, and perception issues that have arisen in the past four years.

As has been expressed throughout and deserves emphasis here, the College is continually being fine-tuned by the Steering Committee. This fine-tuning has resulted in the following changes:

1. The College has been shortened by 8 hours.
2. Some content has been eliminated and some returned, based upon review of the evaluations.
3. The Steering Committee eliminated the non-education content.
4. The College has essentially ”gone paperless” by moving reference materials online, limiting the amount of paper course materials to those actually signed up for the course, and thereby eliminating costly binders.
5. Fewer CJER staff are present onsite at the College.
6. Fewer formal dinners are included in the program to cut costs.
7. Most of the seminar leaders also serve as faculty for one or more courses in addition to leading their seminar groups, thereby serving “double-duty.”

One issue has been the recent site of the College at the Hayes Conference Center in San Jose. Previous colleges have been housed at the Clark Kerr Campus at UC Berkeley and the Holiday Inn in downtown San Francisco. Clark Kerr was primitive at best and generated multiple complaints: bugs, break-ins, mold, bunk-beds, and shared restrooms. Renovations performed in 2011 led Clark Kerr to raise its prices, rendering it more expensive than its hotel competitors, with fewer amenities. Holiday Inn conference rooms were in the basement, the hotel did not engender a campus atmosphere, and numerous safety complaints were made about the facility. Other sites that have bid on the Judicial College program have not had enough meeting rooms to accommodate the program’s needs.

State contracting guidelines mandate that the site that offers accommodations suitable for the program at the lowest bid must be selected. For the last several years, the only location that fits that description is the Hayes Conference Center. The Hayes Conference Center easily and comfortably accommodates all the program’s needs—providing sufficient meeting space, comfortable sleeping rooms, and a crime-free, safer environment. The problem has been that it is the site of the Hayes Mansion, a historical landmark, and the grounds are lush. This has led to the perception that despite its cost being bid at the same price as or lower than the other locales, the ”lushness” has been commented upon in the media as inappropriate for training in these hard economic times. The CJER Governing Committee was concerned about these perceptions, but did not wish to compromise the quality educational experience engendered by eliminating uncomfortable accommodations and inadequate teaching space found at the other locations previously housing the College.

As noted throughout this report—and relied upon by the Workgroup—comprehensive evaluations are made by the participants and the instructors to ensure that course content is accurate, delivered well, and delivered in a cost-effective fashion. There was also a survey conducted of past attendees who were 2, 3, and 4 years out from their college experience. Although the length of the College was a concern for a small number of respondents, the uncomfortable facilities provided by the Holiday Inn and Clark Kerr were a frequent source of negative feedback.

Issue #4: The Need for In-Person Training

The Workgroup was tasked with determining whether and why face-to-face instruction was necessary, and whether the College should be streamlined to include remote and/or distance learning through online courses, Webinars, and other mechanisms.

The Workgroup concluded that the small seminar groups were essential to the success of the College and the learning environment. Seminar groups cover content that is critical to the judge's job, but not covered formally elsewhere, *e.g.*, handling blanket papering by a party and stress management, managing staff appropriately with respect to the role of a judge, asking for help, and knowing where to go for help, just to name a few of these topics. These are essential for new judges, and not all are covered comprehensively in other statewide and local training. The design of the seminar groups and meetings is one that encourages dialogue among the judges—sharing experiences, asking questions, and taking advantage of the more experienced seminar leaders. Seminar groups are very learner centered, providing time to reflect and share. Nowhere else is an understanding of a judge's role as part of the third branch of government covered—this is the essence of the emphasis of orientation versus education.

Data from surveys of past College participants have demonstrated strong support for the seminar groups as integral to the education offered at the college and personally valuable as relationships are often formed that last for years. In the 2010 survey of past participants at the College, 70 percent responded in the positive to the seminar meetings they attended. One participant wrote: *"The group meetings were useful in two ways, first as an opportunity to get to know and interact with the group members and, second as an opportunity to gain insight from group members who had particular expertise in various areas."*

In short, the College is about learning, changing behavior, and avoiding potential missteps before they occur. To achieve these results, standard learning principles require live courses. A live classroom/group discussion setting is the most effective way to ease the transition from advocate to neutral judge. The quality and quantity of mentoring that is offered at New Judge Education programs could not occur in an online environment. A solid support system and lifetime friendships and professional relationships begin at NJO and the College. Because a judge cannot look to another organization or government entity to support him or her in their work, these relationships become foundational to his or her learning.

The Workgroup recommended that seminar groups be encouraged to use online resources to continue their discussions after the College; many already have reunions and keep in touch, as their experience together at the College was a bonding opportunity that transcended court district boundaries. The isolating nature of the judicial officer's job can lead to stress and missteps. The long-term support provided by tightly bonded seminar groups can help judicial officers offset their isolation.

Issue #5: Course Content in General

The issue is whether or not course content is relevant to today's judicial officer due to a judge's prior knowledge in a field, the specific assignment, and the existence of PAOs for subject matter education.

It is axiomatic that a knowledgeable judicial officer promotes public trust and confidence in the branch, and the public is best served. To that end, recent college content has been designed to build from one week to the other, from one program to another. These are not stand-alone education programs. They are designed to work together to cover the essential knowledge and skills a new judge needs to be effective on the bench.

The variety of courses has also become necessary for public trust in a judge as trying budget times make it more likely that a judge cannot be a specialist. Judges are now being asked more and more to be interdisciplinary, sitting on multiple assignments due to the challenging budget environment. Even a small amount of exposure to content for some areas increases confidence, and that is a benefit to the new judge and the Presiding Judge. This is especially true of small courts and is important when looking at the content to include in the College.

The Workgroup considered a suggestion regarding the plenary session: *"As to Judicial College—allow opt-out of specific classes in which judicial officer is already familiar and replace with assignment specific updates only."* This position ignores the fact that judges learn from different perspectives of their colleagues and faculty, not just their personal knowledge. Learning and applying knowledge as a judge is most likely different from that of a practitioner.

The Steering Committee's 2010 survey of judges who attended the College in years past demonstrated that after some time following the college, the necessity of plenary courses was understood and appreciated. Out of concern for this comment, the College Steering Committee started planning a new college schedule without using the past college schedule. This was done to see if, from a purely curriculum planning perspective, a different college program would emerge. Even starting from scratch, the Steering Committee still arrived at effectively the same content contained in the existing college schedule.

The SEC Report noted: "*With respect to judicial education, the Education Division is to be commended for its practice of surveying judicial officers to determine whether education course content has been taught in satisfactory fashion. This is one of several instances in which an AOC division makes a consistent effort to determine whether its end-use consumers are satisfied with its services."*

As discussed above, the College Steering Committee has relied heavily over the years on feedback from participants and has altered the College content accordingly.

Recommendations for Primary Assignment Orientation Courses

*Recommendation #1***:** For the PAOs for new judges, the Workgroup recommended that each course remain as currently designed and delivered for the time being. The Workgroup found that the current content and methods of delivery were the most effective and efficient way to provide this education.

Recommendation #2: The Workgroup recommended that PAO Workgroups and education attorneys continue to annually examine the possibility of moving some content to blended learning options without reducing the quality of the learning experience.

Recommendation #3: The Workgroup recommended that PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment or use blended learning (a combination of live, online, video, WebEx, etc.) for delivery of some of the content to that audience. The goal would be shorter PAOs for that audience and at less cost to the courts. The Workgroup did recognize that a separate orientation course already exists for experienced civil law judges returning to that assignment. The Workgroup also recognized that both these possibilities could result in increased costs and resource demands for CJER.

Recommendation #4: The Workgroup recommended that PAO Workgroups, with the assistance of CJER education attorneys, continue their current practice of evaluating and refining the programs to avoid unnecessary overlap with NJO and College curriculum, recognizing that some of the overlap is intentional and necessary to emphasize the importance of the content.

*Recommendation #5***:** The Workgroup recommended that CJER explore the possibility of moving a PAO to southern California.

The basis for the above recommendations is contained in the discussion below.

Issue #1: Live vs. distance delivery

The Workgroup discussed online or distance delivery of the content offered at the PAOs and concluded that a new judge needs the opportunity to work with experienced judges, learning from and with his/her colleagues.

Although many of CJER's online products support this education, it is important to note that although the online products are an effective way to introduce judges to new content, the live training is the most effective way to provide new judges a way to explore the content in detail—to safely ask questions, practice skills, and consider alternatives.

The Curriculum Committees for each substantive law area have discussed and come to the same conclusion: that PAOs for new judges need to be delivered live. These same committees identified additional content for distance delivery that expands the learning beyond the PAO.

Issue #2: Experienced Judges

The Workgroup recognizes that PAOs often have very experienced judges returning to an assignment, and they have different needs than a new judge. These judges may be served by online delivery of some or all of the content in a PAO.

One serious concern of the Workgroup was that if PAO content is offered online for experienced judges, those judges will not be able to find the time to complete the online learning. Live delivery provides an uninterrupted time and space for education and focuses the learners on the content and applying the learning.

Issue #3: Content Overlap

The Workgroup found that a comprehensive review of content for PAOs for potential overlap of content with the College was done by the PAO Workgroups with the assistance of CJER staff. Some content was only touched on in the PAO and then covered in greater depth at the College. Some content has been flagged by a Workgroup and faculty as necessary to repeat in an effort to emphasize the significance of the content. Overlap between NJO and the College in the areas of ethics and fairness particularly is intentional and necessary.

Issue #4: Moving one or more PAO programs to southern California

This recommendation might result in a reduction in both travel costs for the courts and in the time away from the bench. The Workgroup did recognize that this would increase the cost for CJER to support the program. The cost-effectiveness for this change would need to be analyzed against the possible loss of a statewide opportunity for judges to meet and learn in a community setting and the total savings, if any. It is anticipated that judges from the north could attend a PAO in southern California, but more likely that judges from the north would attend in San Francisco and judges in the south would attend in Southern California to save time and money for hotels and travel.

Closing

Despite the identical language, literature, tools, and tactics deployed by lawyers, the transition between lawyer and judicial officer is not easy: although lawyers and judges

speak the same language and use the same legal principles, they deploy them in a way that was merely observed and not practiced. Leaving the world of advocacy to enter the world of objectivity after a 30-second oath is not easy; there is definitely a great deal at stake in this transition process. Regardless of where a judge practices his other judicial skills—Northern, Central, or Southern California, small judicial district or a large one, from one with high crime, high economies, or rural concerns—all are tasked with making decisions that directly impact people's lives. Should this tenant be evicted? Should this defendant spend 30 days or 30 years in a jail cell? Where should a child grow up—in foster care? In the care of one parent over the other when you've had less than 5 minutes to size up the warring parents? Will this small claims case, with only one side who can appeal, even though a small amount, impact the small business owner in front of you? Do we issue that injunction to change the course of a corporation's life, the lives of its employees, and the lives of its customers?

California's New Judge Education programs are designed to address the dichotomy that exists between lawyering and judging. New judge education is critical to sustaining the credibility of our branch of government and to making sure that we are mindful of our roles as judges, mindful of the rule of law, and that our decisions are reasoned and carried out with both compassion and objectivity. These programs provide the opportunity for new judges to engage meaningfully and over time with their peers and experienced judges to ensure that they successfully make the transition from advocate to judge. The Workgroup that reviewed these programs made their recommendations based on this understanding and what will ultimately best serve the people of California.

H. List of Documents Reviewed by the Workgroup

1. Overview of revised New Judge Education curriculum as provided by Judge David Rothman
2. Outline of revised New Judge Orientation curriculum
3. Overlap between Criminal Law Orientation and B. E. Witkin Judicial College
4. Commission for Judicial Performance letter to Diane Cowdrey dated September 14, 2010 (attached)
5. CJER curriculum development process overview (attached)
6. Delivery methods matrix (attached)
7. 2012 B. E. Witkin Judicial College course schedule and course descriptions
8. Evaluations for:
    - 2008, 2009, 2011 Colleges
    - 2010 Survey of Past College Attendees
    - 2012 Primary Assignment Orientations (PAO)
    - 2011–2012 New Judge Orientation
9. Course Outlines/Table of Contents for Primary Assignment Orientations
    - Civil Law Basic Orientation
    - Criminal Law Orientation
    - Experienced Civil Law Orientation
    - Family Law Orientation
    - Family Law Teaching Grid With Time Allocations
    - Juvenile Delinquency Orientation
    - Juvenile Delinquency Grid With Time Allocations
    - Juvenile Dependency Orientation
    - Juvenile Dependency Grid With Time Allocations
    - Limited Civil Law Orientation
    - Traffic Orientation
    - Probate Law Orientation
10. Curriculum Plan Table of Contents for:
    - Civil Law Curriculum
    - Criminal Law Curriculum
    - Family Law Curriculum
    - Juvenile Delinquency Law Curriculum
    - Juvenile Dependency Law Curriculum
    - New Judge Education Law Curriculum
    - Revised NJO Curriculum With Time Allocation

I. LETTER FROM JUDGE DAVID ROTHMAN DATED JULY 22, 2012

July 22, 2012

To
The Honorable Tani Cantil-Sakauyue
Chief Justice of California
and the Judicial Council of California

From
David M. Rothman
1729 Madera Street
Berkeley, CA 94707

Regarding: The Strategic Evaluation Committee Report, Item SP 12-05
Comment on Section-7 – Education Division and Judicial Education

Dear Chief Justice and Members of the Judicial Council:

Thank you for the opportunity to address the Report of the Strategic Evaluation Committee (SEC). I would like to give my views on certain portions of the part of the Report that deal with judicial education aspects of the section regarding the Education Division of the Administrative Office of the Courts (AOC). I will not be commenting on any other parts of the Report.

The present budget crises in our state combined with certain findings in the SEC Report raise concerns for the future of the one of the oldest and highly regarded judicial education programs in the United States, with consequential harm to the quality of our judiciary and the people of this state.

General comment on "Cost Benefit Analysis"

The Education section of the SEC Report contains a number of evaluations based on a "cost-benefit" conclusion in regard to judicial education programs. The Report, however, does not contain an explanation of the standards by for making such cost-benefit conclusions.

What all judicial officers (whom I will call judges here) do, the art of judging, and the fundamental mission of the central principle of of being a judge (assuring the honesty and integrity of the process of decision making and the decisions they make, including the courage to do what it right), is something that judges learn through experience, education programs and by constantly seeking to gain self-awareness. I do not believe that the value of any of this is measurable by examining the "cost-benefit" of the educational components of such efforts. Judges are not little businesses that produce products. They are guardians of our Constitutions, the Rule of Law, our system of justice, and our liberty.

Local judicial education programs as a substitute for the statewide model

The Report suggests that education programs in large courts may be a substitute of some of CJER's programs that require judges from around the state to attend, such as new judge education programs and new assignment programs. (Pp. 107-108)

Obviously reliance on a variety of sources for judicial education in addition to CJER is beneficial to judges, including self study, programs provided by legal education providers, local court programs, and California Judges Association education programs. All are important in assuring that judges are well trained, fulfilling their obligations under the Code of Judicial Ethics to establish, maintain and enforce "high standards of conduct," and "maintain professional competence in the law. " (See Canons 1, 2A, and 3B(2)) None, however, are a substitute for CJER's core programs.

Over the last half century the judicial institution, first through the California Judges Association and shortly thereafter through the Judicial Council, assumed the duty of assuring that all judges in California have a common understanding of what it means to be a judge. Over the years we have come to accept that there are not 58 legal systems in California administering a "law unto themselves," but a single rule of law with highest standards and best practices accepted throughout the state that assure the rule of law.

The suggestion in the Report that large local courts may be able to undertake some of what CJER does poses the potential of undermining the achievements of judicial education of the past 50 years and eliminating important values for judicial education of these programs.

For example, the Report's conclusion based on "cost-benefit considerations" in reviewing this subject ignores the value of live, in person, programs where judges from around the state meet and study together. The personal connections and discussions among judges from courts all over the state, large and small, rural and urban, north and south, are a critical element of CJER's judicial education program. In every program I have taught the participant judges from diverse backgrounds and courts share their knowledge, problem solving, perceptions and ideas. Almost invariably we realize that everyone (including faculty) learns as much from one another as they do from the faculty. This and many other benefits of meetings among judges from diverse courts should not be rejected because one has difficulty placing a value on what is learned.

One must also be concerned that the focus of local court education may tend to subjects and content that are perceived by court managers as "useful", "practical," "bread and butter," and aimed at the efficient functioning of the local court, rather than those subjects that focus on the basic premises of what it means to be a judge and judging.

New judge education

The Committee's Report contains reference to the concerns of "many judicial officers and courts" about having new judges away from their courts for the one week for New Judge Orientation and two weeks for the Judicial College. (Report p. 107) There is also concern expressed in regard to education required for a judge's new assignment.

In my 34 years of CJER teaching (as well as my years in managing the West District of the Los Angeles Superior Court) this concern is regularly voiced. It is understandable that a court might not want to suffer the loss of a new judge for so long. Even so, I am convinced by my experience that most judges and presiding judges in California who have this concern know that, in the long run, the loss of three or four weeks of education is inconsequential when weighed against the value to the system of justice of providing comprehensive judicial education to new judges.

It is, of course, never inappropriate to reexamine and improve what the Judicial College and NJO are doing. These are core institutions of California's judiciary and their curriculum and management are of great importance to the people of this state, our judges and the Judicial Council. In addition CJER's management and structure should also be studied and improved. But proposals for actions that could result in undoing the Judicial College and NJO should be declined.

Finally, we need to be mindful that judicial education is an essential component of judicial accountability. Adequate judicial education helps insure that the conduct of judges meets the highest standards, and that a judge cannot credibly claim that the judge did not know his or her ethical responsibilities. The stakes are high when the quality of the judicial education institutions is compromised.

Attorneys in CJER

Recommendation No. 7-20 the Committee Report contains the conclusion that "education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary. " This conclusion seems to rest on the idea that what attorney educators do can be done by non-attorney staff members at less cost. I believe this conclusion is wrong.

It is true that attorneys cost more. It is not true that they are "unnecessary" in the role of managing and planning education programs and publications. CJER's first and most critical job is the planning and administering programs for education of judges, and these programs must include careful quality control by a staff that includes lawyers. The judicial education curriculum is fundamentally about legal issues (the constitution, statutes, rules, case law, procedures, the Code of Judicial Ethics, and so on) from the point of view of a judge. Eliminating lawyers from

education staff at CJER to save money would leave the judge-lecturer without the back-up necessary to prepare and deliver reliable content.

Final note

There is no question that much can be done to improve the accountability and functioning of AOC as well as judicial education in California. Building trust among judges and the public by objective appropriate analysis and constructive change, although hard, painful and difficult, is always necessary, appropriate and doable. It will take work, understanding and patience (three essential qualities of being a judge). We need to remind ourselves of Coach John Wooden's advice: "Be quick, but don't hurry."

Sincerely yours,

David M. Rothman
Retired Judge of the Los Angeles Superior Court
CJER Faculty member B. E. Witkin California Judicial College (1981 to present), and
New Judge Orientation (1978 to present)
Author of the *California Judicial Conduct Handbook*

J. Letter from Victoria B. Henley to Dr. Diane Cowdrey

State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102-3660
(415) 557-1200
FAX (415) 557-1266
Web Site: http://cjp.ca.gov

September 14, 2011

Diane Cowdrey, Director
Education Division
Administrative Office of the Courts
455 Golden Gate Avenue, 6th Floor
San Francisco, California 94102

Dear Ms. Cowdrey:

This letter is at the request of the Commission on Judicial Performance to convey the members' concerns over an apparent increase in investigations involving new judges and the possible need for more intensive ethics education for new judges.

At the commission's last meeting, almost thirty percent of the matters considered by the commission in which there was a pending investigation or in which an investigation was opened involved judges with three or fewer years of experience on the bench. This seems disproportionately high for judges with that level of experience since the mean judicial experience for all California judges was 10.8 years as of 2009. The most common type of allegation was abuse of authority, followed by demeanor, bias and failure to ensure rights.

Approximately one year ago, the commission noticed a similar spike in the number of investigations involving new judges. I was authorized to contact David Rothman because of the potential significance of this information in planning New Judge Orientation.

The commission hopes that the proper training of new judges – including ethics training – will remain a priority for the Education Division/CJER.

Very truly yours,

Victoria B. Henley
Director-Chief Counsel

cc: Chief Justice Tani Cantil-Sakauye
Acting Director Ronald Overholt
Hon. David Rothman (Retired)

K. Additional Education Resources for New Judges Provided by CJER

Publications and Online Courses

In 1965, Government Code §§68551 and 68552 were enacted. Section 68551 authorized the Judicial Council to conduct institutes and seminars for the judiciary. Section 68552 authorized the Judicial Council to publish and distribute "manuals, guides, checklists, and other materials designed to assist the judiciary." With this statutory background and authorization, the California Center for Judicial Education and Research (CJER) was formed as a result of an agreement between the California Judges' Association (CJA) and the Judicial Council in 1973 to eliminate duplications of effort.

From the beginning, a significant part of CJER was producing publications for judicial officers that was based on the statutory authorization and the vision of CJER founders. The publishing effort took shape when CJER took responsibility for publishing the College Notebooks. These publications, originally written by judges who taught at the Judicial College, evolved through the years into the present offering of 62 different publications covering criminal, civil, small claims, domestic violence, probate and conservatorships, landlord-tenant, juvenile dependency and delinquency, traffic, and family law.

CJER has produced and now updates 56 publications ranging in size from benchguides of 120 pages or less to volumes of benchbooks between 600 and 900 pages (see list of CJER publications on pages 36–37).

This evolution did not happen in a vacuum. Throughout the process, CJER has had volunteer judges, either on the Benchguide Planning Committee, reviewing each individual publication, or more recently on the curriculum planning committees, providing judicial guidance and input. That judicial input provides a practical approach to the analytic text now written by CJER staff attorneys. Most of the publications include practical judicial tips suggested by reviewers through the years.

This evolution has continued as the publications became the basis of many of the online courses that have been developed specifically for self-study for judges and SJOs. Online courses are available in Juvenile Dependency and Delinquency, Criminal, Family Law, Small Claims, Traffic, and Landlord-Tenant. For the past eight years, CJER has produced and updated more than 20 online courses that provide education credits between 1 and 3.5 hours each. These courses, like the publications, are updated regularly and provide training on an as-needed basis.

The quality of the publications and online courses is demonstrated by the fact that the faculty for the new judge programs, including New Judge Orientation, the Judicial College, and the Primary Assignment Orientation courses, not only recommend CJER publications to the participants in the classes they teach, but use them as course reference materials as well, and refer to them repeatedly throughout the programs. Faculty for the Family Law

Orientation and the Juvenile Delinquency Orientation courses ask that participants in those courses review the videos and online courses in those areas before coming to class. And while new judges await the Orientation course offerings, they are encouraged to review the publications and online courses in their assignment areas.

Experienced judges and subordinate judicial officers also find the publications and online courses invaluable as both reference material as well as self-study material. They provide a quick resource that experienced judges use to research areas that are new to them or to make sure they are up to speed on new developments in an area with which they are already familiar.

Numerous published decisions refer to and recommend CJER publications to trial court judges, both as excellent resources and as tools to be used to avoid error. For example, the court recommended CJER publications to trial judges and referenced them as excellent legal resources in *Koehler v. Superior Court* (2010) 181 Cal. App. 4th 1153, 1158, citing CJER's Courtroom Control Benchguide, and in *Fasuyi v. Permatex, Inc.* (2008) 167 Cal. App. 4th 681, 691, citing CJER's Civil Benchbook, *California Judges Benchbooks: Civil Proceedings—Before Trial*.

In its decision in *In re I. G.* (1st Dist. 2005) 133 Cal. App. 4th 1246, 1254–1255, the court lauded the benefits of CJER's judicial education offerings (including publications), saying: "The sheer volume of cases demonstrating noncompliance with ICWA provides reason enough for supervising juvenile court judges throughout this state to take immediate steps to ensure that all judicial officers under their supervision avail themselves of these educational opportunities [offered by CJER]."

In its opinions in *People v. Hinton* (3rd Dist. 2004) 121 Cal. App. 4th 655, 661–662, and *People v. Norman* (3rd Dist. 2007) 157 Cal. App. 4th 460, 467, the court of appeal specifically cited CJER's publication *CJER Mandatory Criminal Jury Instructions Handbook* as tools to be used to avoid error. Even the California Supreme Court has chastened the lower court for not utilizing CJER's plethora of publications to avoid error. See *People v. Heard* (2003) 31 Cal. 4th 946, 966, which cited CJER's Death Penalty Benchguides on Pretrial and Guilt Phase, Penalty Phase and Posttrial, and Bench Handbook on Jury Management.

Serranus: New Judge Toolkit includes the following online tools and/or resources for new judges:

Welcome to the Judicial Branch

Introduction to the California Judicial Branch (video)

Ethics Guide for New Judges, Before You Take the Oath of Judicial Office
(By Judges for Judges Article, 2011)

An Ethics Guide for Judges & Their Families
(Adapted and reprinted with permission by American Judicature Society, 2003)

Procedural Fairness in California (May 2011)

Courtroom Control

Courtroom Control: Contempt and Sanctions (Benchguide 3)

Contempt (Ten-Minute Mentor)

Courtroom Control (online course)

How to Run a Busy Calendar (online course)

Ethics and Fairness

Fairness and Access (Bench Handbook)

Ethics Guide for New Judges, Before You Take the Oath of Judicial Office
(By Judges For Judges Article, 2011)

An Ethics Guide for Judges & Their Families
(Adapted and reprinted with permission by American Judicature Society, 2007)

Handling a Request for Disability Accommodation (Ten-Minute Mentor)

Procedural Fairness in California (May 2011)

Self-Represented Litigants

Handling Cases Involving Self-Represented Litigants (Bench Handbook)

Communicating With Self-Represented Litigants (online course)

Self-Represented Litigants: Special Challenges (online course)

See also Self-Represented Litigants in Ethics & Fairness Toolkit

Evidence and Hearings

Disqualification of Judge (Benchguide 2)

The Basics of Disqualification of Judges (Interactive Judicial Article Quiz)

Is It Hearsay? (online course)

Trial Evidence: Handling Common Objections (online course)

Working With Spoken Language Interpreters—The Basics (Ten-Minute Mentor)

Additionally, materials from New Judge Education programs are available in the toolkits.

CJER Publications for Judicial Officers include:

CJER Publications • Bench Handbook: The Child Victim Witness (2009) • Bench Handbook: Fairness and Access (2010) • Bench Handbook: The Indian Child Welfare Act (2013)	• Bench Handbook: Jury Management (2011) • Bench Handbook: Judges Guide to ADR (2008) • Bench Handbook: Managing Gang-Related Cases (2008)
• Disqualification of Judge (Benchguide 2) (rev. 4/10) • Courtroom Control: Contempt and Sanctions (Benchguide 3) (rev. 4/10) • Injunctions Prohibiting Civil Harassment and Workplace/Postsecondary School Violence (Benchguide 20) (rev. 3/12) • Landlord-Tenant Litigation: Unlawful Detainer (Benchguide 31) (rev. 1/13) • Small Claims Court (Benchguide 34) (rev. 1/13) • Misdemeanor Arraignment (Benchguide 52) (rev. 9/12) • Right to Counsel Issues (Benchguide 54) (rev. 10/12) • Bail and OR Release (Benchguide 55) (rev. 1/13) • Motions To Suppress and Related Motions: Checklists (Benchguide 58) (rev. 3/11) • Deferred Entry of Judgment/Diversion (Benchguide 62) (rev. 3/11) • Competence To Stand Trial (Benchguide 63) (rev. 2/10) • Sentencing Guidelines for Common Misdemeanors and Infractions (Benchguide 74) (rev. 1/13) • Misdemeanor Sentencing (Benchguide 75) (rev. 7/12) • DUI Proceedings (Benchguide 81) (rev. 2/13) • Traffic Court Proceedings (Benchguide 82) (rev.1/13) • Restitution (Benchguide 83) (rev. 2/13) • Probation Revocation (Benchguide 84) (rev. 8/11) • Felony Arraignment and Pleas (Benchguide 91) (r***e***v. 9/08) • Preliminary Hearings (Benchguide 92) (rev. 5/12) • Death Penalty Benchguide: Pretrial and Guilt Phase (Benchguide 98) (rev. 6/11) • Death Penalty Benchguide: Penalty Phase and Posttrial (Benchguide 99) (rev. 6/11)	• Juvenile Dependency Initial or Detention Hearing (Benchguide 100) (rev. 5/11) • Juvenile Dependency Jurisdiction Hearing (Benchguide 101) (rev. 5/11) • Juvenile Dependency Disposition Hearing (Benchguide 102) (rev. 6/11) • Juvenile Dependency Review Hearings (Benchguide 103) (rev. 8/11) • Juvenile Dependency Selection and Implementation Hearing (Benchguide 104) (rev. 6/11) • Juvenile Delinquency Initial or Detention Hearing (Benchguide 116) (rev. 2/11) • Juvenile Delinquency Fitness Hearing (Benchguide 117) (rev. 2/11) • Juvenile Delinquency Jurisdiction Hearing (Benchguide 118) (rev. 2/11) • Juvenile Delinquency Disposition Hearing (Benchguide 119) (rev. 2/11) • LPS Proceedings (Benchguide 120) (rev. 3/10) • Adoptions (Benchguide 130) (rev. 8/09) • Custody and Visitation (Benchguide 200) (rev. 10/12) • Child and Spousal Support (Benchguide 201) (rev. 10/12) • Property Characterization and Division (Benchguide 202) (rev. 5/10) • AB 1058 Child Support Proceedings: Establishing Support (Benchguide 203) (rev. 9/12) • AB 1058 Child Support Proceedings: Enforcing Support (Benchguide 204) (rev. 9/12) • Conservatorship: Appointment and Powers of Conservator (Benchguide 300) (rev. 5/10) • Conservatorship Proceedings (Benchguide 301) (3/10) • Probate Administration (Benchguide 302) (12/10)
	• On-Call Duty Binder (2013)

California Judges Benchbooks: Civil Proceedings Discovery, 2d ed 2012 & Update Before Trial, 2d ed 2008 & Update Trial, 2d ed 2010 & Update After Trial, 1998 & Update	❑ Small Claims Court and Consumer Law (2012 ed) ❑ California Judges Benchbook: Domestic Violence Cases in Criminal Court (2013 ed) ❑ California Judges Benchbook: Search and Seizure (2nd ed) & Update ❑ Mandatory Criminal Jury Instructions Handbook (2013 ed) ❑ 2013 Felony Sentencing Handbook

Online Courses

Civil

- ADA in State Court
- California Unlawful Detainer Proceedings
- Civil Trial Evidence
- Communicating With Self-Represented Litigants
- Courtroom Control
- How to Run a Busy Calendar
- Is It Hearsay?
- Jury Challenges
- Punitive Damages
- Relevance and Its Limits
- Self-Represented Litigants: Special Challenges
- Small Claims Court: Procedures and Practices
- Small Claims Court: Consumer and Substantive Laws
- Trial Evidence: Handling Common Objections
- Unlawful Detainer
- You Be The Judge—Hearsay and Its Exceptions

Family

- Calendar Management in Family Court
- Communicating With Self-Represented Litigants
- Custody and Visitation
- Custody & Visitation Primer for Judges and Other Bench Officers in California
  Determining Income
- Child and Spousal Support
- Characterizing Property
- Dividing Property
- How to Run a Busy Calendar
- ICWA Inquiry and Notice
- Self-Represented Litigants: Special Challenges

Judicial Ethics

- Communicating With Self-Represented Litigants
- Courtroom Control
- Judicial Ethics for Temporary Judges
- Real World Judicial Ethics I
- Real World Judicial Ethics II: War Stories
- Real World Judicial Ethics III: A Day in the Life
- Self-Represented Litigants: Special Challenges

Criminal

- Arraignments Primer
- Bail and Own-Recognizance Release Procedures Primer
- Common Pretrial Motions in a Criminal Calendar Primer
- Communicating With Self-Represented Litigants
- Courtroom Control
- Criminal Discovery Motions Primer
- How to Run a Busy Calendar
- Is It Hearsay?
- Jury Challenges
- Preliminary Hearing (Px) Primer
- Proposition 36
- Relevance and Its Limits
- Self-Represented Litigants: Special Challenges
- Traffic Cases
- Trial Evidence: Handling Common Objections
- You Be The Judge–Hearsay and Its Exceptions

Judicial Ethics

- Communicating With Self-Represented Litigants
- Courtroom Control
- Judicial Ethics for Temporary Judges
- Real World Judicial Ethics I
- Real World Judicial Ethics II: War Stories
- Real World Judicial Ethics III: A Day in the Life
- Self-Represented Litigants: Special Challenges

Domestic Violence

- Communicating With Self-Represented Litigants
- Domestic Violence Restraining Orders
- Restraining Orders Against Harassment, Abuse, or Violence
- Self-Represented Litigants: Special Challenges

L. CURRICULUM-BASED PLANNING FOR JUDICIAL BRANCH

In early 2000, members of the Governing Committee for the Center for Judicial Education and Research asked staff and members of its numerous Education Committees to design, develop, and implement curriculum-based planning for their respective target audiences. Curriculum-based planning is a process that ensures comprehensive, relevant education is available for individuals throughout their careers and/or assignments. Staff and members of the various Education Committees began a four-year initiative that resulted in curricula for judges and court personnel that include entry, experienced, and advanced levels of content.

In the development of the curriculum work, the processes used and the products envisioned were based on numerous goals, including:

- Providing relevant content to individuals at all levels of their careers.
- Ensuring consistency of content over time, from venue to venue, and from faculty member to faculty member.
- Providing guidance to faculty without inhibiting/stifling their creativity.
- Ensuring that the curriculum work can be used regardless of the course length and delivery mechanism.
- Making the content relevant to the reality of performance of the job.
- Ensuring that the curriculum work is flexible and can be used in a variety of situations by a variety of individuals.

The Three Phases of Curriculum Work

Phase I is a basic assessment of the work of individuals in a particular target audience. Developed by Education Committee members and CJER staff, the Phase I document includes:

- The tasks, skills and abilities, beliefs and values, and associated knowledge and information for the target audience.
- Reflects a grouping of data into areas of similarity for ease of reference and to provide a basic framework for educational content.
- Provides faculty with important basic information not stated in other documents.
- Should always be used in conjunction with Phase II information to develop Phase III.

Phase II is a series of educational designs based on the Phase I work. Developed by Education Committee members and CJER staff, Phase II designs:

- May collapse or expand the original groupings from the Phase I work.
- Are created for entry, experienced, and advanced level learners in the specific content area. [An experienced judge who is entering a criminal assignment would be at the entry level for the criminal curriculum work.]

- Serve as the basis for faculty to create a delivery plan or lesson plan. [The delivery or lesson plan will be influenced by the amount of time available and the delivery mechanism, but will always be based on the Phase II work.]
- Assume that faculty has expertise in the content area.
- Serve as a basic guide that can be expanded upon by faculty based on a variety of factors.
- Include learning objectives, associated content, teaching methods, and learner activities, etc.

Phase III is a series of delivery plans or lesson plans. These plans may differ in look and feel, depending on a variety of factors. The Phase III plans:

- Are the creations of individual faculty
- Reflect the individual expertise of faculty
- Reflect further detail regarding specific content areas
- Are also influenced by faculty review of the Phase I work, which deals with the reality of the work for the target audience
- Are the product of the time available and the delivery mechanism
- May be broader than the Phase I and II work, but should be based on them
- Use at least the first several learning objectives from the Phase II work
- May combine objectives and content from several Phase II designs, if appropriate, depending on a variety of factors

Use of Phase I and Phase II to Develop Phase III

Workgroup members identify:

- Target audience
- Content area/appropriate level of content (entry, experienced, advanced)
- Time available/delivery mechanism (hours or days/live, broadcast, online)
- Potential faculty member(s)

Faculty collaborate with Education Attorneys and Workgroup members to:

- State a goal for the course (what the faculty member hopes to accomplish; information that may be used to promote the course)
- Finalize learning objectives
- Select content based on learning objectives
- Outline the course (the order and timing for various segments)
- Select teaching methods for various components of the course (lecture, panel discussion or debate, demonstration)
- Determine/design teaching aids (PowerPoint, videos, case studies, etc.)
- Design handout materials
- Determine approaches to evaluate participant learning

M. Education Delivery Options

Face-to-Face Education—Courses are designed and delivered to encourage participants to interact with the content, and share experiences, expertise, challenges, concerns, and successes. This format is especially effective when interaction and immediate feedback are important.

Statewide: Opportunity to work with participants from across the state and learn from their varied experience. This delivery option is the most costly form of education per participant.

Regional: Focused on a tighter geographical area/content that can be covered in a 1-day format.

Local: Content delivered by courts internally in partnership with CJER.

Online Video—Video for content that can be developed in short segments designed for focused and/or "just-in-time" learning. **(24/7)**

Lecture Series—Discrete topics delivered in primarily lecture format by one or more subject matter experts that last 30 minutes to 1 hour.

10-Minute Mentor—This series consists of short topic videos presented by judicial officers who are experts in the areas they discuss.

Video Simulation Series—A series of short videos demonstrating techniques that participants can use to increase efficiency and effectiveness.

Broadcast—Scheduled courses developed for delivery through the statewide satellite broadcast system and focused on specific audiences.

Live Broadcast—Content selected may be either lecture-/information-based (short format) or skills-based (1–2 hour format).

Individual & Facilitated Locally—Courses are repurposed for online desktop viewing and/or viewed by a group in a face-to-face course facilitated locally from DVD.

Self-Paced Online—Education that is designed for online delivery. These courses represent a range of complexity and interactivity. Content is generally stable, with limited updating requirements. Additionally, online courses provide judicial branch audiences with a convenient reference for related statutes, rules, and forms. **(24/7)**

Publications—Benchguides, Bench Handbooks, Benchbooks, and Job Aids are resources written and updated by staff with review by Workgroups. These are available in hard and/or soft copy online. **(24/7)**

Videoconference Training—Videoconferencing is linking two or more locations (up to 8) by two-way video, allowing participants to communicate with each other and faculty during the course. Best designed for small numbers in multiple locations and short formats (1–2 hours). Currently only available at the Appellate Courts and the AOC Regional Offices.

Webinars—Short for Web-based seminar. These are courses transmitted over the Internet, consisting of a shared group environment online that includes live audio and video communication with an audience that is in a remote location from the faculty. Webinars may include video, PPT, chat capability with faculty, faculty feedback, and polling for audience participation (*i.e.*, WebEx).

Each of these delivery options can be part of a blended learning plan. For example, a face-to-face course might require participants to complete an online course before attending the course, or a Webinar might follow a studio video as a way to expand the learning.

EXCERPT FROM
ASSIGNED JUDGES PROGRAM
SUMMARY OF ASSIGNMENT POLICIES AND PROTOCOLS
(Revised July 2012)

I. Assignment Distribution Policy

General Policy Statement for Fiscal Year 2012–13
Staff will provide an initial estimate of the number of days of judicial assignment that will be made available to each individual court by the Chief Justice early in the fiscal year. The estimate will be based on the actual FY 12-13 budget for the Assigned Judges Program and on a distribution formula that accounts for each court's profile and is weighted most heavily to the judicial need in each court. The estimate is a tool for planning purposes and does not represent a fixed allocation. Adjustments to individual courts will be made as necessary over the course of the fiscal year based on the available budget and each court's individual needs.

The distribution estimate includes assigned judge coverage for all of the following:

- **Criminal, civil, juvenile, family or probate OVERLOAD (for eligible courts);**
- **DISQUALIFICATION MATTERS: For cause challenges and self-recusal matters under CCP 170.1 and 170.3, CCP 170.3 (c)(5) answer to motion to disqualify, 170.6 peremptory challenge, 170.8 no judge available**
- **VACATION;**
- **APPELLATE BACKFILL;**
- **MEDICAL and MILITARY LEAVE;**
- **JUDICIAL COUNCIL, COMMITTEE, EDUCATIONAL BACKFILL,[1] APPELLATE REMAND, CJP SPECIAL MASTERS COVERAGE; and**
- **APPELLATE LABOR CASE**

(Please note: Medical; military; council and committee coverage; educational, both faculty and student coverage if attending an approved educational provider; appellate remand; and CJP special master coverage are all considered under the category of TRIAL COURT BACKFILL.)

The following categories will be separately tracked by line-item:

- **VACANCY**[2]
- **SJO VACANCY**

[1] This includes assignment coverage for those judges acting as faculty for a CJER event and those judges who are attending an event sponsored by an approved provider.
[2] This currently includes a full-month of coverage and includes coverage for newly appointed judges attending the Judicial College, new Primary Case Assignment and New Judge Orientation.