

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Submit to JC (without circulating for comment)**

RUPRO Meeting: August 26, 2020

Title of proposal (*include amend/revise/adopt/approve + form/rule numbers*):

Civil Practice and Procedure: Corrected Writ of Execution Form (revise form EJ-130),

Committee or other entity submitting the proposal:

Legal Services Staff

Staff contact (name, phone and e-mail): Anne M. Ronan, Attorney, 415-865-8933, anne.ronan@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by RUPRO: 10/28/19

Project description from annual agenda: Exemptions to Enforcement of Money Judgments: Senate Bill 616 expands and revises certain exemptions available to judgment debtors and the process under which they may claim exemptions. Current forms will be revised, or new forms or rules developed as appropriate to implement this bill

If requesting July 1 or out of cycle, explain:

This is a technical change that does not require circulation. It is critical that the correction be done promptly because without the fix it will be difficult to use the form for writs of possession. For that reason, staff will be taking the proposal to Executive and Planning committee to act on behalf of the council under rule 10.11(a)

Additional Information: (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

When revisions to this form were approved by the council at its May 2020 meeting, effective September 1, 2020, form EJ-130 included an error in a part of the form that was not intended to be revised. The intended revisions at that time added a new item 22 to comply with a change in the law. An inadvertent error was made to the first line of one of the later items on the form when the items were renumbered. The corrected form presented here simply returns the first line of item 25 to what it was before it was renumbered and the error was made.



JUDICIAL COUNCIL OF CALIFORNIA

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

Date

August 24, 2020

Action Requested

Review and Approve

To

Members of the Executive and Planning
Committee

Deadline

August 27, 2020

From

Judicial Council staff
Anne M. Ronan, Supervising Attorney
Legal Services

Contact

Anne M. Ronan, 415-865-8933
anne.ronan@jud.ca.gov

Subject

Civil Practice and Procedure: Corrected Writ
of Execution Form (revise form EJ-130)

Executive Summary

The Judicial Council, at the recommendation of the Civil and Small Claims Advisory Committee recently revised four enforcement of judgment forms and approved four new forms to implement the provisions of Senate Bill 616, which amended several laws regarding exemptions to enforcement of civil money judgments. The revised and new forms are effective September 1, 2020. One of the forms approved by the council—the *Writ of Execution* (form EJ-130)—included an inadvertent error, changing text in an item that should not have been changed. This proposal is to correct that item, so that the form will be correct on September 1.

Recommendation

Staff recommends that the Executive and Planning Committee, acting on behalf of the Judicial Council, revise *Writ of Execution* (form EJ-130), effective September 1, 2020, to correct the text of item 25.

The revised form is attached at pages 4–6.

Relevant Previous Council Action

The Judicial Council first approved the *Writ of Execution* (form EJ-130) in January 1978 and the form has been revised several times since then, most recently at the May 2020 council meeting in order to implement the provisions of Senate Bill 616, with the revised form to be effective September 1, 2021.

Analysis/Rationale

Among other things, Senate Bill 616 created a new automatic exemption for deposit accounts generally, which is applicable to all judgments except those for wages owed, child or spousal support, or liability to the state government are not subject to the exemption.¹ In order to ensure that financial institutions are aware of whether a levy is based on a judgment to which this exemption does or does not apply, the new law also amends Code of Civil Procedure section 699.520 to mandate that the content of a writ of execution include information as to whether the underlying judgment is for wages owed or child or spousal support. That information was added to the *Writ of Execution* (form EJ-130) approved by the council in May.

With the addition of a new item to form, several other items on the form, from item 22 through the end, needed to be renumbered and some cross references needed to be changed to reflect the new numbering. A few other minor copy-editing changes were made as well. All of the intentional changes were described in the report to the council for the May action.²

Unfortunately, in renumbering the items an unintentional change was inadvertently made: the first line of newly renumbered item 25, regarding writs of possession, was replaced with a copy of the first line from item 21, regarding additional judgment debtors. If not corrected, the form cannot be used for writs of possession, a remedy vital to enforcing judgments in unlawful detainer actions.

Policy implications

Because the proposal is intended only to correct the inadvertent change to item 25 on form EJ-130, there are no policy implications relating to this proposal.

Comments

This proposal was not circulated for comment because it is a correction that is unlikely to create controversy. See Cal. Rules of Court, rule 10.22(d)(2).

Alternatives considered

Staff considered waiting to bring this correction to the September council meeting, but because there will be no form available for executing writs of possession as of September 1, 2020, if the

¹ Code Civ. Proc., § 704.220(c).

². See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions* (April 20, 2020), at pages 5 and 9, <https://jcc.legistar.com/View.ashx?M=F&ID=8265089&GUID=6EC572EC-72D4-4961-944D-CC5756FEB873>

form is not corrected before that date, earlier action as authorized by California Rules of Court, rule 10.11(a) is required.

Fiscal and Operational Impacts

Correction of the form so close to its effective date may have some operational impacts on the courts. But because the recently revised form that is currently set to go into effect on September 1 is incorrect, it must be corrected as soon as possible.

Attachments and Links

1. Form EJ-130 at pages 4-6.
2. Link A: Sen. Bill 616,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB616
3. Link B: Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Enforcement of Judgment Forms—Exemptions* (April 20, 2020), at pages 5 and 9,
<https://jcc.legistar.com/View.ashx?M=F&ID=8265089&GUID=6EC572EC-72D4-4961-944D-CC5756FEB873>

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
<input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)

1. To the Sheriff or Marshal of the County of:

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the original judgment creditor assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

Additional judgment debtors on next page

9. Writ of Possession/Writ of Sale information on next page.

10. This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

- 11. Total judgment (as entered or renewed) \$ _____
- 12. Costs after judgment (CCP 685.090) \$ _____
- 13. Subtotal (add 11 and 12) \$ _____
- 14. Credits to principal (after credit to interest) \$ _____
- 15. Principal remaining due (subtract 14 from 13) \$ _____
- 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ _____
- 17. Fee for issuance of writ (per GC 70626(a)(I)) \$ _____
- 18. Total amount due (add 15, 16, and 17) \$ _____

5. Judgment entered on (date):
(See type of judgment in item 22.)

6. Judgment renewed on (dates):

7. Notice of sale under this writ:

- a. has not been requested.
- b. has been requested (see next page).

8. Joint debtor information on next page.

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____

20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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21. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

22. The judgment is for (check one):

- a. wages owed.
- b. child support or spousal support.
- c. other.

23. Notice of sale has been requested by (name and address):

24. Joint debtor was declared bound by the judgment (CCP 989-994)

- | | |
|---|---|
| <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|---|---|

c. Additional costs against certain joint debtors are itemized below on Attachment 24c.

25. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
 - (1) The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 - (2) The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
 - (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
 - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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- 25. b. Possession of personal property.
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. The property is described below on Attachment 25c.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (out of cycle)**

RUPRO Meeting: 08/26/2020

Title of proposal (*include amend/revise/adopt/approve + form/rule numbers*):

Adopt Cal. Rules of Court, rules 10.492, 10.493: Temporary extension and pro rata reduction of judicial branch education requirements; Instructor-led training

Committee or other entity submitting the proposal:

Center for Judicial Education and Research (CJER) Advisory Committee

Staff contact (name, phone and e-mail): Karene Alvarado, 415-865-7761, karene.alvarado@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by RUPRO: N/A. The CJER Advisory Committee's annual agenda is approved by the Executive and Planning Internal Committee. The CJER Advisory Committee is in the process of requesting authorization to amend its 2020 annual agenda to include these urgent rules.

Project description from annual agenda: In consultation with the Judicial Council's Legal Services Office and CJER staff, the CJER Advisory Committee has drafted a new rule of court, 10.492, for the Judicial Council's consideration that would extend deadlines for content-based requirements and prorate hours-based requirements. In addition, the CJER Advisory Committee also recommends adopting rule 10.493 of the California Rules of Court that would allow "instructor-led training"—defined to include live webinars—to satisfy the California Rules of Court education requirements for "traditional (live, face-to-face)" and s"in-person" training.

If requesting July 1 or out of cycle, explain:

This request is out of cycle due to the urgent nature of these rules to respond to the Covid-19 pandemic.

Additional Information: (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SP20-04

Title

Judicial Branch Education: Temporary Extension and Pro Rata Reduction of Judicial Branch Education Requirements; Instructor-Led Training

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rules 10.492, 10.493

Proposed by

Center for Judicial Education and Research
Advisory Committee
Hon. Kimberly A. Gaab, Chair

Action Requested

Review and submit comments by deadline of September 18, 2020

Proposed Effective Date

January 1, 2021

Contact

Karene Alvarado, Director, 415-865-7761
karene.alvarado@jud.ca.gov

Executive Summary and Origin

The global health crisis caused by the COVID-19 pandemic has forced the Center for Judicial Education and Research (CJER) to postpone or cancel live, in-person education since mid-March 2020. The CJER Advisory Committee recommends adopting rule 10.492 of the California Rules of Court to grant a temporary extension for all content-based education requirements and a prorated reduction of all hours-based education requirements set forth in the California Rules of Court. The committee also recommends adopting rule 10.493 of the California Rules of Court, which would allow “instructor-led training”—defined to include live webinars—to satisfy the California Rules of Court education requirements for “traditional (live, face-to-face)” or “in-person” training.

The Proposals

Adopt Rule 10.492. Temporary extension and pro rata reduction of judicial branch education requirements

Several rules on judicial branch continuing education require judicial officers or court employees to take classes on specific topics, attend specific programs, and/or attend courses via “traditional (live, face-to-face) training.” These requirements must be completed within a specific window of time, and there is no authority within the rules to waive or extend many of these requirements on a or statewide basis. The public health crisis is making it impossible for members of the branch

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

to complete their education requirements because providers—including CJER—are not currently able to offer the required programs in the required format. Judicial officers, court leadership, and court employees have asked whether CJER or the Judicial Council will waive education requirements or extend education deadlines, which are found primarily¹ in the rules of court.

Rule 10.492 would provide relief for California’s court employees and judicial officers by granting a temporary extension and a prorated reduction to the education requirements contained in the California Rules of Court. Without this rule, a significant number of California’s judicial officers and court employees will be forced into noncompliance with the education requirements contained within certain rules of court. While CJER is redesigning most of its multiday, live programs in order to offer them in a distance education format, that process will be ongoing over the next several months. Rule 10.492 thus remains urgently needed to resolve potential widespread noncompliance.

The rule would provide much needed relief by temporarily extending the deadlines for all content-based education requirements, as defined in the proposed rule, for 12 months. This ensures that court employees and judicial officers would eventually obtain education content deemed essential. Impacted programs include, but are not limited to, New Judge Orientation, Primary Assignment Orientations, and Bench Conduct and Demeanor for Temporary Judges.

In addition, this rule would prorate the number of hours needed to complete all hours-based education requirements for a 12-month period. Court staff in a two-year education cycle would have their hours reduced by 50 percent. Judicial officers and court leadership in a three-year education cycle would have their hours reduced by a third. The advisory committee comment to the proposed rule would provide examples of how this prorated reduction will work in practice. Overall, this provision recognizes the difficulty court employees and judicial officers may have in securing the necessary number of hours of education while contemporaneously addressing the challenges involved in operating the courts during and immediately after a pandemic. This extension and prorated reduction will expire on December 31, 2022.

The text of the proposed rule is attached at pages 7–9.

Rule 10.493. Instructor-led training

Several rules of court require that court employees or judicial officers attend specific courses or obtain a specific number or percentage of hours of education through “traditional (live, face-to-face)” or “live, in-person” training. Developments in technology over the last decade, however, have enabled faculty and students to benefit from real-time communication and interactive exercises over the internet through webinars, making this delivery method a cost-effective and comparable alternative to traditional classroom education. In light of these developments, several rules of court now permit judicial officers and judicial branch employees to satisfy continuing

¹ Nothing in this proposal would alter education requirements and expectations outside the California Rules of Court, including education requirements mandated by statute or regulation (e.g., Welf. & Inst. Code, § 304.7) or required by Judicial Council policy (e.g., the Qualifying Ethics Program and the Temporary Assigned Judges Program).

education requirements either through traditional classroom or distance education methods. See, e.g., Cal. Rules of Court, rules 10.468(c)(7) (judicial officers assigned to hear probate matters), 10.491(c)(5) (Judicial Council employees).

The Covid-19 pandemic and the necessity of temporarily ceasing all live, face-to-face education has brought this issue immediately to the forefront regarding the remaining provisions in the rules of court that require traditional (live, face-to-face) training. This rule is urgently needed to allow judicial officers and court staff the ability to obtain essential education in a timely manner while preserving real-time instruction and communication between faculty and students. Proposed rule 10.493 would permit any “instructor-led training”—which would be defined to include live webinars—to satisfy the requirement that a specific course, or a number or percentage of education hours, be completed by traditional (live, in-person) training.

The text of the proposed rule is attached at page 9.

Alternatives Considered

Rule 10.492. Temporary extension and pro rata reduction of judicial branch education requirements

CJER and the CJER Advisory Committee considered multiple alternative courses of action, including:

1. Declining to intervene in any manner;
2. Extending the education cycles for court staff and judicial officers;
3. Assessing and separately amending each impacted rule as necessary, including rules 2.812, 2.813, 2.815, 5.340, 10.452, 10.455, 10.461–10.464, 10.468, 10.469, 10.471–10.474, 10.478, 10.479, and 10.491 of the California Rules of Court;
4. Extending content-based deadlines, but leaving hours-based deadlines unmodified;
5. Extending all deadline requirements, both content-based and hours-based, rather than only extending content-based deadlines; and
6. Prorating all education requirements, both content-based and hours-based, for the duration of the crisis.

Declining to intervene was rejected due to the widespread noncompliance that would naturally result from inaction. The second and third alternatives were considered and rejected based on their complexity to administer. Altering the education cycle and amending all the impacted rules would be time consuming and implement a permanent restructuring of the branch’s education requirements for what is hoped will be a temporary issue. The fourth, fifth, and sixth proposals would have either afforded incomplete relief or eliminated timely essential education throughout the branch.

Lastly, the temporary extension in the rule is needed, regardless of whether CJER's programming is modified for distance delivery. Even with a switch to a complete distance delivery model, there are already judicial officers and court employees who are or will soon be noncompliant with the requirements as a result of the current public health crisis.

The committee concluded that the proposed rule is the best option for ensuring that essential education (i.e., content-based requirements such as the New Judge Orientation) is eventually obtained. At the same time, the proposed rule alleviates pressure on the judicial branch by preventing hours-based education requirements from being compressed into a smaller window of time before the completion of the current education cycles. Lastly, this option avoids the administrative and operational costs associated with extending the education cycles, such as reprogramming education tracking systems, or the time it would take to amend the specific rules cited above.

Rule 10.493. Instructor-led training

The CJER Advisory Committee considered including the substance of rule 10.493 into a broader review of judicial branch education requirements. In the near future, the CJER Advisory Committee intends to initiate a comprehensive review of the education requirements contained within the rules of court. The purpose of this review is to recommend amendments that would apply consistent terminology throughout the rules and acknowledge the impact of new technologies. However, the Covid-19 pandemic and the necessity to cease all live, in-person training required the CJER Advisory Committee to act sooner to ensure that essential education is obtainable.

As an alternative to the proposed rule, the committee also considered permitting not only instructor-led training, but also "independent training" to substitute for all continuing education required or expected from a judicial officer or court staff person. In that alternative, "independent training" would mean asynchronous education unguided by faculty in real-time and taken by a participant at a time and location that is not dependent on the participation of others. This alternative was rejected as being overly sweeping. The alternative would have permitted, for example, a commissioner to satisfy the requirements of rule 10.462 by simply watching 30 hours of instructional videos over the 3-year education cycle, never once speaking about the training with a colleague or instructor.

The committee's opinion is that education is most effective when there is an opportunity to ask questions and receive answers in real-time and to engage in a free exchange of ideas with fellow participants and faculty. This is the same policy rationale behind the original requirements that certain courses or a specific number or percentage of hours be taken via traditional (live, face-to-face) training. The proposed rule preserves this policy while simultaneously permitting the flexibility that technology brings and that is urgently needed during the current public health crisis.

Fiscal and Operational Impacts

This proposal will not result in any fiscal or operational costs on the courts or the Judicial Council.

Request for Specific Comments

In addition to comments on the proposal as a whole, the CJER Advisory Committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The CJER Advisory Committee also seeks comments from *courts* on the following cost and implementation matters:

- What would the training implementation requirements be for courts—for example, Court Training Coordinators?
- Would 1.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 10.492 and, 10.493, at pages 7–9
2. Link A: Cal. Rules of Court, rule 2.812,
https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2_812
3. Link B: Cal. Rules of Court, rule 2.813,
https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2_813
4. Link C: Cal. Rules of Court, rule 2.815,
https://www.courts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2_815
5. Link D: Cal. Rules of Court, rule 5.340,
https://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_340
6. Link E, Cal. Rules of Court, rule 10.452,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_452
7. Link F, Cal. Rules of Court, rule 10.455,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_455
8. Link G, Cal. Rules of Court, rule 10.461,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_461
9. Link H, Cal. Rules of Court, rule 10.462,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_462
10. Link I, Cal. Rules of Court, rule 10.463,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_463
11. Link J, Cal. Rules of Court, rule 10.464,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_464

12. Link K, Cal. Rules of Court, rule 10.468,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_468
13. Link L, Cal. Rules of Court, rule 10.469,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_469
14. Link M, Cal. Rules of Court, rule 10.471,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_471
15. Link N, Cal. Rules of Court, rule 10.472,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_472
16. Link O, Cal. Rules of Court, rule 10.473,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_473
17. Link P, Cal. Rules of Court, rule 10.474,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_474
18. Link Q, Cal. Rules of Court, rule 10.478,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_478
19. Link R, Cal. Rules of Court, rule 10.479,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_479
20. Link S, Cal. Rules of Court, rule 10.481,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_481
21. Link S, Cal. Rules of Court, rule 10.491,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_491

Rules 10.492 and 10.493 of the California Rules of Court would be adopted, effective January 1, 2021, to read:

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

2
3 **(a) Application**

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

8
9 **(b) Definitions**

10
11 As used in this rule:

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

15
16 (A) Attendance at any specific program;

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

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

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

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

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

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

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

39
40 **(e) Sunset**

41
42 This rule remains in effect until December 31, 2022, or until amended or repealed.

1
2 **Advisory Committee Comment**
3

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

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

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

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

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

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

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

35 Rule 10.492(c) would allow a court investigator up to two years to complete this education.
36

37 **Subdivision (d).** This subsection applies to all rules of court containing hours-based education
38 requirements. Below are examples of this subsection in practice.
39

40 Rule 10.461(c)(1) contains education requirements for Supreme Court and appellate justices.
41 Each justice must complete 30 hours of education every three years.
42

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

5
6 Education requirements for justices who were confirmed for appointment on or after January 1,
7 2019, would also be prorated by rule 10.492(d) and prorated additionally based on the number of
8 years remaining in the three-year educational cycle. For example, a justice confirmed for
9 appointment on October 1, 2020, would ordinarily have 10 hours of hours-based education
10 requirements to complete for the last year of the three-year cycle. Under rule 10.492(d), the
11 months of January 2021 through March 2021 would be excluded, and the justice must complete
12 7.5 hours rather than 10 hours of hours-based education.

13
14 As an additional example, rule 10.474(c)(2) requires eight hours of continuing education every
15 two years for nonmanagement court staff. For a court employee hired on or before January 1,
16 2020, rule 10.492(d) prorates the number of hours for the cycles that run from January 1, 2020,
17 through December 31, 2021. For this cycle, the number of hours required would be prorated for
18 four quarters, April 1, 2020, through March 31, 2021. This results in a reduced hours-based
19 requirement of four hours.

20 21 **Rule 10.493. Instructor-led training**

22
23 (a) “Instructor-led training” means synchronous education guided by faculty that
24 allows for real-time communication between faculty and participants and offered
25 by an approved provider under rule 10.481. Examples of instructor-led training
26 include in-person trainings in a classroom setting, live webinars, or live
27 videoconferences.

28
29 (b) Notwithstanding any other rule, instructor-led training may be used to satisfy all
30 continuing education requirements contained in the California Rules of Court that
31 require traditional (live, face-to-face) education. This provision applies whether the
32 requirement relates to a specific course or to a certain percentage or number of
33 hours of education.

34 35 **Advisory Committee Comment**

36
37 This rule is intended to eliminate any restriction within the California Rules of Court that requires
38 that a specific course be taken or a certain number or percentage of hours of education be taken in
39 a traditional (live, face-to-face) learning environment. This applies whether the education is
40 described as “traditional (live, face-to-face),” “live (face-to-face),” “in-person” or any
41 combination of these terms.