



Judicial Council of California

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INVITATION TO COMMENT

SPR23-11

Title

Judicial Branch Education: Delivery
Methods Defined

Action Requested

Review and submit comments by May 12,
2023

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 10.493

Proposed Effective Date

January 1, 2024

Proposed by

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

Contact

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Executive Summary and Origin

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

Background

The Judicial Council approved a comprehensive set of rule amendments on judicial branch education effective January 1, 2023. The amendments, among other things, updated and modernized the judicial branch education rules to reflect new education delivery methods and terminology. During the public comment period, the Center for Judicial Education and Research (CJER) Advisory Committee received feedback that extended definitions for certain terms in the amended rules would be helpful to judicial officers and judicial branch staff.

The Proposal

In response to public comments received in 2022, the CJER Advisory Committee proposes that rule 10.493 be amended to include definitions for specified terms. In its current form, rule 10.493

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 It is circulated for comment purposes only.

provides a definition for the term “instructor-led training” and discusses that term’s application. This proposal modifies that definition and offers additional definitions for terms introduced as part of the amendments that went into effect on January 1, 2023: “asynchronous education,” “e-Learning,” and “self-directed study.”

At the same time, the proposal removes the application subdivision in rule 10.493 and the advisory committee comment that are no longer necessary due to the amendments that went into effect on January 1, 2023. Those amendments eliminated all references in the Rules of Court that certain trainings be held via “traditional (live, face-to-face) education.”

In addition to responding to the public comments received, the revised and new definitions will make it easier for judicial officers and judicial branch staff to understand what education delivery methods are available to them to meet their ongoing continuing education obligations.

Alternatives Considered

In deciding to make this proposed amendment, the CJER Advisory Committee considered alternatives. The committee considered repealing rule 10.493 in its entirety as being no longer necessary. Alternatively, the committee considered leaving the rule as it currently stands without modification. However, neither option addressed the public comment request for additional clarification of the specific terms adopted by the Judicial Council in the amendments that went into effect on January 1, 2023.

The CJER Advisory Committee also considered adding the definitions to each rule that contained the terms. This would have also allowed the removal of parenthetical examples given for certain delivery methods in several Rules of Court. The committee concluded, however, that removing the parenthetical examples in the current rules or adding language to each rule would make the education requirements difficult to understand and thus make the requirements more confusing.

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

Fiscal and Operational Impacts

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

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 4 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. Proposed Cal. Rules of Court, rule 10.493, at pages 4–5
2. Link A: Cal. Rules of Court, rule 10.493,
https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_493

Rule 10.493 of the California Rules of Court would be amended, effective January 1, 2024, to read:

1 **Title 10. Judicial Administration Rules**

2
3 **Division 2. Administration of the Judicial Branch**

4
5 **Chapter 7. Minimum Education Requirements, Expectations, and**
6 **Recommendations**

7
8 **Rule 10.493. ~~Instructor-led training~~ Delivery methods defined**

9
10 **~~(a)~~—Definitions**

11
12 (a) “Asynchronous education” refers to training that learners participate in at
13 their own pace outside the presence of an instructor or other learners.
14 Asynchronous education includes viewing or listening to videos or audio
15 files or participating in self-paced online courses.

16
17 (b) “E-learning” refers to any kind of instruction that is delivered through an
18 electronic device using electronic media. E-learning can be either
19 synchronous or asynchronous and either live or prerecorded, such as
20 participating in live webinars, viewing or listening to videos or audio files, or
21 participating in online courses.

22
23 (c) “Instructor-led training” refers to synchronous education, guided by faculty,
24 that allows for real-time communication between faculty and learners ~~and is~~
25 offered by an approved provider under rule 10.481. Live, synchronous
26 education facilitated by an instructor may be delivered remotely via
27 e-learning or in-person. Examples of instructor-led training include in-person
28 trainings in a classroom setting; ~~and~~ live webinars, ~~and live~~
29 videconferenees.

30
31 (d) “Self-directed study” means education in which learners engage in a process
32 where they take primary responsibility for planning, executing, and
33 evaluating a course of study with or without guidance from a manager,
34 supervisor, or peer. In self-directed learning, the individual learner assumes
35 responsibility for the design and completion of a course of study. Prior
36 approval to engage in self-directed study may be required to qualify for
37 continuing education credit.

38
39 **~~(b)~~—Application**

40
41 ~~Notwithstanding any other rule, instructor-led training may be used to satisfy all~~
42 ~~continuing education requirements specified in the California Rules of Court that~~
43 ~~require traditional (live, face-to-face) education. This provision applies whether the~~

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

3
4 **Advisory Committee Comment**

5
6 This rule is intended to eliminate within the California Rules of Court any restriction that requires
7 that a specific course or a certain number or percentage of hours of education be taken in a
8 traditional (live, face to face) learning environment. This rule applies whether the education is
9 described as "traditional (live, face to face)," "live (face to face)," "in person," or any
10 combination of these terms.