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CONTINUING EDUCATION for STATE COURT PERSONNEL
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September 28, 1979

MEMORANDUM

TO: Chief Justice Robert J. Sheran
and Associate Justices

FROM: William P. Westphal, Jr., Director

RE: File Number 50438 - Proposed Rules for Judicial Education
of Members of the Judiciary

Attached is the final draft of the Proposed Rules for Judicial Education which the Court will consider at it's hearing of October 4, 1979. Two minor changes have been made. "Rule 1 - Purpose" has been retitled "Preamble." Under "Rule 2 - Judicial Education Requirement" the sentence, "These rules do not apply to judicial officers, referees or to administrative judges of the executive branch of the State of Minnesota," has been added to clarify that these rules will pertain only to Supreme Court, District, County and Municipal Court Judges.

Also, for your information, the Minnesota County Court Judge's Association at their meeting of September 7, and the Minnesota District Judge's Association at their meeting of September 16, enacted resolutions of support for these proposed rules. Furthermore, the Minnesota State Board of Continuing Legal Education, at their meeting of September 20, reviewed and approved in principle these proposed rules.

I look forward to your final action on the Proposed Rules for Judicial Education.

WPW: cz
Enclosure
cc: John McCarthy, Clerk of Court ✓
Ruth Harris, Administrative Assistant for
Supreme Court Operations

PROPOSED RULES OF THE SUPREME COURT FOR
JUDICIAL EDUCATION OF MEMBERS OF THE JUDICIARY

PREAMBLE

It is of primary importance to the legal system and citizens of the State of Minnesota that members of the judiciary be adequately trained at the outset of their judicial careers and that their competency be maintained throughout their service on the bench. Therefore, the following rules are established to provide minimum requirements for judicial education.

RULE 1 - JUDICIAL EDUCATION REQUIREMENT

All Judges of the State of Minnesota shall complete 45 hours of approved judicial education coursework every three years. No actively sitting judge is eligible for restricted status. No judge in restricted status shall be available for assignment as an active judge. These rules do not apply to judicial officers, referees or to administrative judges of the executive branch of the State of Minnesota.

Upon leaving judicial service, a judge shall be bound by the RULES OF THE SUPREME COURT FOR CONTINUING LEGAL EDUCATION OF MEMBERS OF THE BAR adopted by this Court on April 3, 1975 and as amended thereafter.

Continuing legal education hours earned prior to entering judicial service and judicial education hours earned prior to leaving judicial service shall be recognized and accepted on a pro rata basis by the appropriate accrediting and reporting agency.

RULE 2 - REQUIRED PROGRAMS

Each judge within the first year after appointment or election, shall attend a course of instruction or orientation for new judges. Commencing January 1, 1980, each judge shall attend a sentencing institute and a tour of those institutions and facilities to which criminal offenders may be sentenced at least once every five (5) years.

RULE 3 - OFFICE OF CONTINUING EDUCATION FOR STATE COURT PERSONNEL

The Office of Continuing Education for State Court Personnel (OCESCP) shall have general supervisory authority over the administration of these rules and shall accredit courses and programs which will satisfy the judicial education requirements. Accreditation of a course by OCESCP shall be a precondition to a judge's qualifying for reimbursement.

Reimbursement for attendance at out-of-state judicial education programs and judicial education programs conducted outside of the continental United States shall be as provided for by Supreme Court order. Reimbursement from State funds for attending accredited programs of judicial education shall be dependent upon the availability of funds for such purpose.

OCESCP shall maintain those records necessary to the administration of these rules and shall advise each judge annually of his current standing in relation to their judicial education requirement.

In individual cases, OCESCP may grant waivers or extensions of the minimum education or reporting requirements. OCESCP shall at all times be subject to the direction of this Court in all matters.

RULE 4 - REPORTING REQUIREMENTS

Those judges whose current reporting period is from July 1, 1977 through June 30, 1980, shall complete a minimum of 10 hours of approved judicial education coursework with the remaining 35 hours consisting of approved judicial education or continuing legal education coursework; judges whose reporting period is from July 1, 1978 through June 30, 1981, shall complete a minimum of 20 hours of approved judicial education coursework, with the remaining 25 hours consisting of approved judicial or continuing legal education coursework; judges whose reporting period is from July 1, 1979 through June 30, 1982, shall complete 45 hours of approved judicial education coursework. Thereafter, each class shall complete 45 hours of approved judicial education during successive three-year periods.

Each judge must make a written report of judicial education hours attended to OCESCP in such manner and form as that office shall prescribe. Such report is to be filed within 60 days after the close of the three-year period within which the judicial education requirements are to be completed, by proof satisfactory to OCESCP that such judge has completed the judicial education as outlined by Rules 1 and 2 herein.

RULE 5 - FAILURE TO COMPLY AND CONFIDENTIALITY

If an active judge fails to complete the minimum educational or reporting requirements to the satisfaction of the Office of Continuing Education for State Court Personnel, OCESCP shall report such failure to the Supreme Court for appropriate disposition.

The Office of Continuing Education for State Court Personnel, before reporting any matter to the Court, shall investigate the facts in order to make a report on the reasons for noncompliance including affording the judge involved a hearing, upon his request, in accordance with the principles of due process of law. OCESCP shall, however, before reporting any noncompliance to the Court, attempt to resolve all matters on a confidential basis.

Unless otherwise directed by this Court, the files, records, and proceedings of the Office of Continuing Education for State Court Personnel, as they may relate to or arise out of any failure of an active judge to satisfy the judicial education requirements, shall be deemed confidential and shall not be disclosed except in furtherance of its duties, or upon request of the judge affected, or as they may be introduced in evidence or otherwise produced in proceedings in accordance with these rules.

RULE 6 - SUPPLEMENTAL RULES

The Office of Continuing Education for State Court Personnel may make and adopt rules and regulations not inconsistent with these rules governing the conduct of business and performance of its duties.