

## Proposed Amendments to Rules 501 and 502: Required Continuing Judicial Education

The Kansas Supreme Court is accepting public comment on proposed amendments to Rules 501 and 502: Rules Relating to Required Continuing Judicial Education.

Amendments to Rules 501 and 502 are shown using strikethrough for deletion and underlining for new language. Proposed changes fall into two categories:

- amendments that will permit part-time judges who serve in the Kansas Legislature to receive a reduction in the number of required general continuing judicial education hours; and
- amendments that clarify and restyle the rules.

Comment may be made by email to [scrulespubliccomment@kscourts.org](mailto:scrulespubliccomment@kscourts.org) until noon, Monday, December 21, 2020. The subject line must read “Rules 501 and 502.”

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### Rule 501

#### Required Continuing Judicial Education Appellate and District Judges

- (a) **Applicability.** This rule applies to each active Supreme Court justice, Court of Appeals judge, district court judge, district court magistrate judge, and retired justice or judge who is acting under a senior judge contract in ~~the state of Kansas~~. The Supreme Court Rules Relating to ~~one~~ Continuing Legal Education apply to a retired justice or judge who is not acting under a senior judge contract in ~~the state of Kansas~~ but who serve~~s~~ as a judge pro tem. or hearing officer.
- (b) **Education Requirement.** A justice or judge to whom this rule applies must earn not less than a minimum of 13 hours of continuing judicial education credit hours each calendar year. Of ~~these~~ 13 hours, at least 2 hours must have been accredited for judicial ethics credit.
- (c) **Carry-forward.** A justice or judge who completes more than the minimum requirements in subsection (b) to whom this rule applies may carry forward up to six~~6~~ general hours of continuing judicial education credit hours to the next calendar year~~from one calendar year to the next~~. A justice or judge may carry forward judicial ethics credit hours as general continuing judicial education hours~~credits~~ but not as judicial ethics hours~~credits~~. ~~Judicial ethics hours do not qualify for carry forward as judicial ethics hours. If, however, a judge completes judicial ethics hours that combine with other hours to exceed the 13 hours required in a calendar year, the judicial ethics hours beyond the minimum annual requirement of 2 may be carried forward to the next calendar year as general continuing~~

~~judicial education hours. Carry forward hours must~~The justice or judge must satisfy the following requirements~~be:~~

- (1) ~~report the carry-forward hours credits reported~~ in the annual compliance report required under subsection (j) for the calendar year in which the hours were earned; and
  - (2) ~~designated the~~ as carry-forward hours to be carried forward to the next year.
- (d) **Credit Calculation.** ~~A justice or judge earns one continuing judicial education credit~~One credit hour is earned for each 50 minutes of attendance and one-half credit hour for each 25 minutes of attendance at instructional activities of a ~~continuing judicial education~~ program accredited under this rule.
- (e) **Accreditation—General Continuing Judicial Education.**
- (1) ~~Except as provided in subsections (e)(2) and (e)(3) Subject to the exceptions in paragraphs (2) and (3), the Supreme Court must approve a program for general continuing judicial education credit before a justice or judge can use if attendance at the program is used to satisfy any or all of the annual general education hours required requirement under subsection (b). The Supreme Court, through the Judicial Education Advisory Committee or the Judicial Administrator and staff, will must designate at the time of accreditation the number of general continuing judicial education credit hours a justice or judge can earn that can be earned by attendance~~ing at the subject program, including whether the hours qualify for nontraditional program credit under subsection (h).
  - (2) A continuing legal education program accredited by the Kansas Continuing Legal Education Board, including a nontraditional continuing education program under subsection (h), ~~is will be considered accredited by the Supreme Court for general continuing judicial education credit to the same extent as the program is approved for continuing legal education credit.~~
  - (3) A general continuing judicial education program, including a nontraditional program, sponsored by one of the following organizations is presumptively approved for general continuing judicial education credit, and a justice or judge to whom this rule applies does not need not receive written notice of accreditation from the Supreme Court before the justice or judge can use claiming attendance at the program to satisfy any or all of the judge's annual education hours requiremented under subsection (b):
    - (A) National Judicial College;
    - (B) American Bar Association;

- (C) American Academy of Judicial Education;
  - (D) National Council of Juvenile and Family Court Judges;
  - (E) American Judicature Society;
  - (F) Institute for Court Management;
  - (G) ~~A~~any state continuing legal education accrediting organization other than the Kansas Continuing Legal Education Board;
  - (H) American Parole and Probation Association;
  - (I) Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice;
  - (J) National Drug Court Institute;
  - (K) National Association of Drug Court Professionals;
  - (L) National Center for State Courts;
  - (M) National Association of Women Judges;
  - (N) American Judges Association;
  - (O) Local Inns of Court established in Kansas; and
  - (P) Association of American Family and Conciliation Courts.
- (4) A justice or judge ~~to whom this rule applies~~ must use a form approved by the Supreme Court to request accreditation of a general continuing judicial education program not sponsored by the Supreme Court or accredited by the Kansas Continuing Legal Education Board.
- (A) If the program is presumptively approved under paragraph subsection (e)(3), the justice or judge may submit the request at the same time the justice or judge submits the annual compliance report required under subsection (j).
  - (B) If the program is not presumptively approved, the justice or judge must submit the request at least 30 days before the program, and the justice or judge cannot use hours for attendance at the program may not be claimed to satisfy any or all of the education requirement under subsection (b) required annual education hours until the justice or judge receives written notice of accreditation from the Supreme Court.

(f) **Accreditation—Judicial Ethics Credit.**

- (1) ~~Except as provided in subsection (f)(2) Subject to the exceptions in paragraph (2),~~ the Supreme Court must approve a program for judicial ethics credit before a justice or judge can use if attendance at the program is used to satisfy ~~any or all of the annual judicial ethics requirement education hours required~~ under subsection (b). The Supreme Court, through the Judicial Education Advisory Committee or the ~~Judicial Administrator and staff,~~ will ~~must~~ designate at the time of accreditation the number of judicial ethics credit hours ~~that can be earned~~ a justice or judge can earn by attending ~~and~~ at the program, including whether the hours qualify for nontraditional program credit under subsection (h).
- (2) A judicial ethics ~~education~~ program, including any nontraditional program, sponsored by one of the following organizations is presumptively approved for judicial ethics credit, and a justice or judge does not ~~to whom this rule applies~~ need ~~not receive~~ written notice of accreditation from the Supreme Court before the justice or judge can use ~~claiming~~ attendance at the program to satisfy ~~any or all of the judge's annual the judicial ethics education hours required~~ requirement under subsection (b):
  - (A) National Judicial College;
  - (B) American Academy of Judicial Education;
  - (C) National Council of Juvenile and Family Court Judges;
  - (D) American Judicature Society;
  - (E) National Center for State Courts;
  - (F) National Association of Women Judges;
  - (G) American Judges Association; and
  - (H) Association of American Family and Conciliation Courts.
- (3) A justice or judge ~~to whom this rule applies~~ must use a form approved by the Supreme Court to request accreditation of a judicial ethics program not sponsored by the Supreme Court.
  - (A) If the program is presumptively approved under subsection paragraph (f)(2), the justice or judge may submit the request at the same time the justice or judge submits the annual compliance report required under subsection (j).

- (B) If the program is not presumptively approved, the justice or judge must submit the request at least 30 days before the program, and the justice or judge cannot use the hours for attendance at the program may not be claimed to satisfy any or all of the required judicial annual ethics education hours requirement under subsection (b) until the justice or judge receives written notice of accreditation from the Supreme Court.
- (g) **Teaching Credit.** A justice or judge to whom this rule applies may earn up to five 5 credit hours for each 50 minutes of time spent preparing to teach or teaching an accredited continuing judicial or legal education program. In determining the number of credit hours to award, the judicial administrator will calculate time spent in preparation and teaching.
- (h) **Nontraditional Programs.** A justice or judge may claim continuing judicial education credit may be claimed for up to four 4 hours of nontraditional programs each calendar year, regardless of whether those hours were earned in that year or were carried forward over from the previous year. Nontraditional programs include programs accessed by an individual judge, such as e.g., a webinars, an online workshops, and a video broadcasts.
- (i) **Legislative Service.** Upon a request submitted to the Office of Judicial Administration, a part-time judge as defined by the Kansas Code of Judicial Conduct who is serving in the Kansas Legislature will receive a reduction of 6.5 of the 11 general continuing judicial education hours required for the compliance period in which the judge serves in the Legislature.
- (j) **Annual Compliance Report.** Each justice or judge to whom this rule applies must submit an annual report of the judge's compliance with this rule in the format and manner approved prescribed by the Supreme Court. The justice or judge must submit the report to the judicial administrator must be submitted no later than March 1 following the calendar year for which hours are being claimed to satisfy the annual education hours required under subsection (b).
- (kj) **Waiver, Extension of Time.** The Supreme Court may grant a waiver of the requirements of this rule or an extension of time to complete continuing judicial education requirements because of comply with the rule's provisions for hardship, disability, or other good cause. A judge must submit a request for waiver or extension in writing to the judicial administrator prior to March 1 following the calendar year for which the waiver or extension is sought.
- (l) **Oversight.** The judicial administrator will implement and administer the continuing judicial education program established by this rule and will develop any forms, subject to approval by the Supreme Court, necessary for that purpose.

## Rule 502

### Municipal Court Judges

- (a) **Applicability.** This rule applies only to municipal court judges who are not licensed to practice law in ~~the state of~~ Kansas.
- (1) Municipal court judges who are also district magistrate judges are governed by Rule 501.
  - (2) Municipal court judges who are licensed to practice law in ~~the state of~~ Kansas, but who are not district magistrate judges, are governed by Rule 801 et seq.
- (b) **Education Requirement.** A judge must earn a minimum of 13 hours of continuing judicial education credit hours each calendar year. Of those 13 hours, at least 2 hours must have been accredited for judicial ethics credit.
- (c) **Carry-forward.** A judge cannot carry forward excess continuing judicial education credit hours to the next calendar year.
- (d) **Credit Calculation.** A judge earns one credit hour for 50 minutes of attendance and one-half credit hour for 25 minutes of attendance at instructional activities of a continuing judicial education program accredited under this rule.
- (e) **Accreditation—General Continuing Judicial Education.**
- (1) Courses not applicable to the functions of a municipal court do not satisfy the education requirement under subsection (b).
  - (2) The Supreme Court must approve a program for general continuing judicial education credit before a judge can use attendance at the program to satisfy the education requirement under subsection (b). The Supreme Court, through the Municipal Judges Education Committee or the judicial administrator, will designate at the time of accreditation the number of general continuing judicial education credit hours a judge can earn by attending the program.
  - (3) A continuing legal education program accredited by the Kansas Continuing Legal Education Board is considered approved by the Supreme Court for general continuing judicial education credit if the program is applicable to the functions of a municipal court.
  - (4) A judge must use a form approved by the Supreme Court to request accreditation of a general continuing judicial education program not sponsored by the Supreme Court or accredited by the Kansas Continuing Legal Education Board. The judge must submit the request at least 30 days before the program, and the judge cannot

~~claim hours for~~ use attendance at the program to satisfy ~~any of the required annual~~ education ~~hours~~ requirement under subsection (b) until the judge receives written notice of accreditation from the Supreme Court.

(f) **Accreditation—Judicial Ethics ~~Credit~~.**

- (1) The Supreme Court must approve a program for judicial ethics credit before a judge can use attendance at the program to satisfy the ~~annual~~ judicial ethics ~~credit~~ requirement under subsection (b). The Supreme Court, through the Municipal Judges Education Committee or the judicial administrator, will designate at the time of accreditation the number of judicial ethics credit hours~~credits~~ a judge can earn by attending the program.
- (2) A judge must use a form approved by the Supreme Court to request accreditation of a judicial ethics program not sponsored by the Supreme Court. The judge must submit the request at least 30 days before the program, and the judge cannot use ~~claim hours for~~ attendance at the program to satisfy ~~any of the required~~ judicial ethics ~~credits~~ requirement under subsection (b) until the judge receives written notice of accreditation from the Supreme Court.

(g) **Teaching Credit.** A judge may earn up to five credit hours for 50 minutes spent teaching an approved program. In determining the number of credit hours to award, the judicial administrator will calculate time spent in preparation and teaching.

(h) **Legislative Service.** Upon a request submitted to the Office of Judicial Administration, a part-time judge as defined by the Kansas Code of Judicial Conduct who is serving in the Kansas Legislature will receive a reduction of 6.5 of the 11 general continuing judicial education hours required for the compliance period in which the judge serves in the Legislature.

(~~ih~~) **Annual Compliance Report.** Each judge must submit an annual report of the judge's compliance with this rule in the format and manner prescribed by the Supreme Court. The judge must submit the report to the judicial administrator no later than February 1 following the calendar year for which hours are being claimed.

(~~ji~~) **Waiver, Extension of Time.** The Supreme Court may grant waivers or extensions of time to complete continuing judicial education requirements because of hardship, disability, or other good cause. A judge must submit a request for waiver or extension in writing to the judicial administrator prior to February 1 following the calendar year for which the waiver or extension is sought.

(~~kj~~) **Oversight.** The judicial administrator will implement and administer the continuing judicial education program established by this rule and will develop any forms, subject to approval by the Supreme Court, necessary for that purpose.