VIII. MANDATORY CONTINUING JUDICIAL EDUCATION FOR THE KENTUCKY JUDICIARY

SCR Rule 8.000 Purpose

Only by continuing their legal education can members of the judiciary fulfill their obligation to competently serve the Commonwealth. These rules establish minimum requirements for such continuing judicial education and the means by which the requirements shall be enforced.

HISTORY: Adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.010 The Commission; functions and membership

The Mandatory Continuing Judicial Education Commission shall consist of fourteen (14) members. The Commission shall be responsible for regulating the mandatory continuing judicial education for the judges of Kentucky.

HISTORY: Amended by Order 89-1, eff. 8-28-89; adopted eff. 7-8-83

SCR Rule 8.020 Selection and tenure of the Commission

a) The Chief Justice of the Kentucky Supreme Court or his designee shall serve as chair of the Commission;
b) One (1) member of the Court of Appeals to be appointed by the Chief Judge of the Court of Appeals;
c) The Chair of the Circuit Judges' Education Committee and two (2) circuit judges to be appointed by the President of the Circuit Judges' Association;
d) The Chair of the District Judges' Education Committee and two (2) district judges to be appointed by the President of the District Judges' Association;
e) One (1) representative of the University of Kentucky College of Law to be appointed by the Dean of the college; one (1) representative of the University of Louisville School of Law to be appointed by the Dean of the school; one (1) representative of the Northern Kentucky University Chase College of Law to be appointed by the Dean of the college;
f) Chair, or the chair's designee, of the House Judiciary Committee for a term concurrent with the term as chair;
g) Chair, or the chair's designee, of the Senate Judiciary Committee for a term concurrent with the term as chair;
h) All appointments shall be for a term of three (3) years or so long as they remain chair of their respective judicial or legislative committees. Vacancies occurring through death, disability, inability or disqualification to serve or by resignation shall be filled for the remainder of the term in the same manner as initial appointments.

HISTORY: Amended by Order 99-1, eff. 2-1-00; prior amendment eff. 8-28-89 (Order 89-1); adopted eff. 7-8-83

SCR Rule 8.030 Staff for Commission

The Manager of the Division of Judicial Branch Education of the Administrative Office of the Courts or designee as appointed by the Chief Justice of the Supreme Court shall serve as Executive Secretary to the Commission.

HISTORY: Amended by Order 2013-12, eff. 10-7-13; prior amendment eff. 2-1-00 (Order 99-1); adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.040 Expenses of Commission members

Members of the Commission shall not be compensated but shall be reimbursed for actual expenses incurred by them in attending the Commission meetings in accordance with the current travel regulations of the Court of Justice.

HISTORY: Amended by Order 99-1, eff. 2-1-00; adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.050 Duties of Commission

The Commission shall perform the following duties:

a) Exercise general supervisory authority over the administration of this rule, subject to the approval of the Supreme Court;
b) Accredit sponsors of courses, programs and other educational activities which will satisfy the educational requirements of this rule;
c) Submit to the Supreme Court proposed regulations not inconsistent with this rule to govern the operations and activities of the Commission;
d) Report within six (6) months after the close of each biennium to the Supreme Court concerning its activities and, from time to time, make recommendations to the Supreme Court concerning this rule and the enforcement thereof.

HISTORY: Adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.060 Commission meetings and quorum

The Commission will meet at least once an educational biennium before the end of the fiscal year and at such other times as called by the Chair. A quorum to do business in meetings of the Commission shall require the attendance of not less than seven members of the Commission. Commission actions relating to the accreditation of sponsors of courses, programs and other educational activities which will satisfy the educational requirements of this rule may be taken by mail, e-mail, telephone conference or other electronic means where not less than seven members of the Commission by such means vote on said action.

HISTORY**:** Amended by Order 2001-2, eff. 1-1-02; prior amendments eff. 2-1-00 (Order 99-1), 8-28-89 (Order 89-1), 1-1-88; adopted eff. 7-8-83

SCR Rule 8.070 Continuing judicial education requirements

(a) Every appellate judge and justice and every trial judge, not exempted, shall attend a minimum of 25 hours in continuing judicial education courses approved by the Judicial Education Commission each educational biennium.

(b) At least once every 2 years, a portion of the continuing judicial education provided for judges by the Administrative Office of the Courts shall consist of programs which focus on the dynamics and effects of domestic violence including the availability of community resources, victims services and reporting requirements. The minimum hours of judicial education credits need not include domestic violence program credits.

(c) An educational biennium shall begin on July 1 and end 2 years later on June 30 of each even-numbered year.

(d) To satisfy the minimum attendance requirement for any educational biennium a judge is authorized to carry forward any excess attendance over 25 hours that was earned in the immediately preceding biennium.

HISTORY: Amended by Order 2013-12, eff. 10-7-13; prior amendments eff. 2-1-00 (Order 99-1); 1-1-97 (Order 96-1), 11-1-95; adopted eff. 7-8-83

SCR Rule 8.080 Exemptions

The Mandatory Judicial Education Commission shall have the authority to relieve any judge of the requirement to meet the minimum attendance in any biennium if attendance would impose an undue hardship by reason of disability or for good cause found by the Commission. A judge shall file for an exemption as soon as practicable after the need for the exemption is known, but no later than July 1 of each even-numbered year.

HISTORY: Adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.090 Appeals

Any decision of the Commission denying an exemption requested under this rule may be appealed to the Supreme Court. Regulations of the Commission shall provide a procedure for timely appeals by the judges who desire to avail themselves of this right of appeal.

HISTORY: Adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.100 Reporting

Every judge, not exempted, shall certify in writing on forms provided by the Administrative Office of the Courts, no later than July 31 following the close of the educational biennium, that the minimum continuing judicial education requirements have been met. Certification shall be made to the Commission in the manner and form prescribed by regulations of the Commission. The truth and accuracy of the certification shall be the individual responsibility of the certifying judge. Intentional filing of a false report shall be a basis for disciplinary action as prescribed in SCR 8.110. Each June 1 of even-numbered years, the Executive Secretary will notify each judge of the filing deadline.

HISTORY: Adopted by Order 83-4, eff. 7-8-83

SCR Rule 8.110 Sanctions

As soon as practicable after July 31st of the educational biennium, the Commission shall request the Executive Secretary to notify a judge in writing of their delinquency unless prior to July 1st the judge has requested an exemption which has not been ruled on by the Commission. If such judge remains delinquent on the 30th day of August, the Commission Chair shall forthwith, in writing, report the judge's name to the Chief Justice.

HISTORY: Amended by Order 2013-12, eff. 10-7-13; prior amendment eff. 8-28-89 (Order 89-1); adopted eff. 7-8-83

SCR Rule 8.120 Expenses

Judges attending judicial education programs sponsored by the Administrative Office of the Courts shall be reimbursed for their expenses in accordance with Court of Justice Travel Regulations. Expenses for attendance at any other education program shall be borne by the judge unless prior approval is obtained from the Manager of the Judicial Branch Education of the Administrative Office of the Courts.

HISTORY: Amended by Order 2013-12, eff. 10-7-13; prior amendment eff. 2-1-00 (Order 99-1); adopted by Order 83-4, eff. 7-8-83

Supreme Court of Kentucky

2014-02

ORDER

IN RE: REGULATIONS OF THE CONTINUING JUDICIAL EDUCATION COMMISSION

Under Supreme Court Rule (SCR) 8.00 et seq., the following Regulations of the Continuing Judicial Education Commission are hereby adopted:

Regulations of the Continuing Judicial Education Commission

Regulation 101 – Standards for Approval of Continuing Judicial Education Programs

Regulation 101.1

1. A continuing judicial education activity qualifies for accreditation if the commission determines that:
   a. It is an organized program of learning (such as a workshop, symposium or lecture) which contributes directly to the professional competency of a judge;
   b. It deals primarily with matters directly related to law or to the professional responsibility, administration or ethical obligations of a judge;
   c. Each course is to be taught by a person qualified by practical or academic experience to teach in the topic or area of discipline covered by the course;

d. Thorough, high quality, readable, carefully prepared, written topic outlines and /or materials are to be distributed to all judges participating during the course;

e. The audience for the organized program of learning consists predominantly of lawyers or judges. This requirement (e) shall not apply to continuing judicial education credits used to fulfill the SCR 8.070 requirement for domestic violence training; and

f. Live technological broadcast transmission, including webinars, webcast, satellite simulcast, video conference and teleconference or other appropriate live broadcast, shall count as an affidavit of attendance in accredited programs when a faculty is in attendance to answer questions and leading discussions.

Regulation 101.2

Accreditation will be given for activity presented by recorded technological transmission, when delivery method includes: video tape, audio tape, recorded broadcast transmission, satellite simulcast, teleconference, or video conference, CD-ROM, data conference, computer on-line courses or other appropriate recorded technology as approved by the Commission, if that activity qualifies under these rules for continuing judicial education (CJE) credit, judges shall be granted up to six (6) hours of CJE credit each educational year. An educational year shall begin on July 1 and ends one year later on June 30.

Regulation 101.3

Credit will not be given for speeches given at luncheons or banquets unless previously approved by the Commission.

Regulation 101.4

Credit shall be given on the basis of one hour which is not less than 60 minutes in duration.

Regulation 101.5

A judge, upon taking the office, may transfer hours of credit from the Kentucky Bar Association that was earned during the current CJE biennium, in accordance with SCR 8.070.

Regulation 101.6

Attendance at programs sponsored by the following organizations shall be approved for CJE credit:

a. Administrative Office of the Courts;
b. Kentucky Bar Association;
c. National Judicial College;
d. National Center for State Courts;
e. Institute of Judicial Administration;
f. National Council of Juvenile and Family Court Judges;
g. American Bar Association;
h. Law Schools accredited by the A.B.A.;

i. Association of Trial Lawyers of America *(formally known as American Trial Lawyers Association)*;

j. American Judicature Society;

k. American Judges Association

l. Bureau of Justice Assistance;

m. American Association for Justice *(also known as Association of Trial Lawyers of America)*;

n. American Institute for Justice;

o. National Judicial Institute on Domestic Violence;

p. National Association of Drug Court Professionals;

q. National Drug Court Institute;

r. Office of Juvenile Justice and Delinquency Prevention;

s. American Academy of Matrimonial Lawyers;

t. Pound Civil Justice Institute;

u. National Foundation for Judicial Excellence; and

v. The American Law Institute.

Regulation 101.7

Judges wishing to attend a program sponsored by an organization other than those listed above shall file with the Executive Secretary an agenda of the program, which will be submitted to the Commission for possible accreditation in accordance with SCR 8.060.

Regulation 101.8

Judges attending programs approved by the Kentucky Bar Association Continuing Legal Education Commission for accreditation are eligible to receive continuing judicial education credit for hours attended.

Regulation 101.9

Additional credit may be earned through teaching or participating (panel discussion participant, seminar chairperson, etc.) in an approved continuing legal or judicial education program. The Commission shall give one hour of credit for each two hours of preparation and actual presentation time of approved continuing legal or judicial education programs.

Regulation 101.10

Credit, not to exceed ten (10) hours for each biennium, may be earned through published legal writing upon submission of the final material to the Commission. Final approval of any credit awarded for a published legal writing shall be at the sole discretion of the Commission.

Regulation 101.11

A judge may receive continuing judicial education credit, not to exceed three (3) hours each educational year, for presiding at college or law school mock trial competitions or high school mock trial competitions. An educational year shall begin on July 1 and ends one year later on June 30.

Regulation 101.12

Justices and judges are exempt from the requirements of SCR 3.661 while serving as Justices or Judges of the Kentucky Court of Justice during any portion of an education year, because of such positions are prohibited from practicing law and have significant continuing education requirements by statute or rule of court as a result of the position they hold. Therefore, if a justice or judge leaves the bench during any portion of an educational year, the requirements of SCR 3.661 will not begin until the first full educational year begins on July 1.

a. Justices and Judges of the Commonwealth leaving the bench will be allowed to use accumulated Continuing Judicial Education (CJE) credits towards the minimum twelve and one-half (12.5) Continuing Legal Education (CLE) credit hours including the minimum of two (2) credit hours devoted to ethics, professional responsibility or professionalism the first full education year beginning July 1 after leaving the bench;
b. All credit hours that are accredited by the Kentucky Bar Association CLE Accreditation Division shall be applied towards CLE credit hours;
c. An educational year shall begin on July 1 and ends one year later on June 30.

Regulation 102 – Appeals from Decisions of the Continuing Judicial Education Commission

Regulation 102.1

Any judge or organization affected by an adverse decision of the Commission may appeal by filing a written petition with supporting materials with the Supreme Court. The Commission, at its discretion, may be represented by one of its members.

Regulation 102.2

An appeal shall be filed within thirty (30) days of such adverse decision.

Entered this 17th day of February 2014.

CHIEF JUSTICE