

WSR 23-03-023
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED MANDATORY) NO. 25700-A-1484
CONTINUING EDUCATION)
STANDARDS [NEW ARLJ 14])

The Board of Judicial Administration's Court Education Committee, having recommended the adoption of the suggested Mandatory Continuing Education Standards [New ARLJ 14], and the Court having considered the suggested standards, and having determined that the suggested standards will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed standards as shown below are adopted.

(b) That the proposed standards will be published in the Washington Reports and will become effective January 1, 2023.

DATED at Olympia, Washington this 5th day of January, 2023.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

GR 9 COVER SHEET

WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS

Supreme Court Order NO. 25700-A-1450

Submitted by the Board of Judicial Administration's
Court Education Committee

A. Name of Proponent: The Board of Judicial Administration (BJA), Court Education Committee (CEC).

B. Spokespersons:

- The Honorable Tam Bui, Chair, CEC, Snohomish County District Court, 3000 Rockefeller Ave, MS 508, Everett, WA 98201 (telephone (425) 388-3331)
The Honorable Douglas J. Fair, Vice-Chair, CEC, Snohomish District Court, 20520 68th Ave W, Lynnwood, WA 98036-7406 (telephone (425) 774-8803)

C. Purpose: The Board for Judicial Administration's Court Education Committee (CEC) shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of the Washington State District and Municipal Court Administrator mandatory continuing education. The CEC and members of the District and Municipal Court Management Association (DMCMA) drafted the attached standards to provide guidance to District and Municipal Court Presiding Judges and Administrators and the Administrative Office of the Courts (AOC) on the implementation of this new rule and the roles and responsibilities of the CEC, AOC, Presiding Judges and Administrators. The Court Educa-

tion Committee approved the standards on October 14, 2022, and submitted them to the BJA who approved them on November 18, 2022.

D. Hearing: A public hearing is not requested for the review and approval of these ARLJ 14 standards.

E. Expedited Consideration: An expedited process is requested since the rule goes into effect January 1, 2023.

If you need further information on the ARLJ 14 standards, please contact Ms. Judith M. Anderson at Judith.anderson@courts.wa.gov or (360) 705-5231.

WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS
Supreme Court Order NO. 25700-A-1450

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for Washington's integrated judicial branch of government.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration (BJA) provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve our state's judicial branch of government.

3. Court Education Committee (CEC)

The Court Education Committee (CEC) is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors educational programs' quality, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Designee

The Designee is the Court Administrator or equivalent employee designated by the presiding judge.

5. Court Education Committee

The responsibilities of the CEC will be to:

- a) Administer the Administrative Rule for Limited Jurisdiction (ARLJ) 14;
- b) Obtain the name of the "designee" from the presiding judge of each court of limited jurisdiction annually;
- c) Establish operating procedures consistent with this rule; and,
- d) Report and release names of the "designees" who have not complied with the rule to their presiding judge.

6. Administrative Office of the Courts (AOC)

a) Under the direction of the Supreme Court and CEC, the Administrative Office of the Courts (AOC) shall develop guidelines for implementing the standards and develop, administer, and coordinate education programs throughout the state.

b) The AOC shall coordinate all CEC education programs and provide support, guidance, and assistance. AOC shall provide support, guidance, and assistance to DMCMA education committees in planning, developing, implementing, and evaluating education programs consistent with established continuing education standards and requirements.

c) The AOC shall maintain the official transcript for each Designee based on:

- (i) attendance records at CEC accredited education programs;

(ii) approved non-CEC authorized or sponsor-accredited education programs submitted by the individual.

d) Based on the official record, the AOC will report noncompliance annually to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

Section 2: General Standards for Continuing District and Municipal Court Administrator Education

1. Continuing District and Municipal Court Administrator Education (CAE)

During their three (3)-year reporting cycle, each Designee must complete fifteen (15) hours of CAE credits, two (2) of which are in the area of ethics, and one and a half (1.5) are in the area of diversity, equity, and inclusion (DEI).

a) At least nine (9) hours, of which at least one and a half (1.5) hours are in the area of ethics and (1) hour in the area of DEI, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at, an accredited CAE course; (2) presenting for, or participating through an electronic medium in, an accredited CAE course; or (3) participating through an electronic medium in an accredited CAE course pre-recorded where faculty are available to answer questions.

b) Up to five (5) hours, of which up to one (1) hour are in the area of ethics and one (1) hour in the area of DEI, may be completed through self-study by listening to, or watching, pre-recorded accredited CAE courses. Designees completing credits by self-study must report them to the AOC.

c) Up to five (5) hours, of which up to one (1) hour are in the area of ethics, and one (1) hour in the area of DEI, may be completed through teaching at accredited CAE courses and/or publishing administrative writing. A designee may complete up to three (3) hours of teaching credits for each hour of presentation. The CEC must approve credits for published administrative writing. Designees completing credits by teaching or writing must report them to the AOC.

d) Designees may attend a combination of approved local, state, or national programs.

e) A designee may complete credits through other courses that directly aid the Designee in performing their specific administrative duties and are approved by the CEC.

2. Carry-Over

a) If a designee completes more than 15 such credit hours in a three-year reporting period, up to 5 hours of excess credits may be carried forward and applied to the Designee's education requirement for the following three-year reporting period. Carry-over credits do not apply to ethics or DEI requirements.

3. Court Administrator Academy Attendance

a) Each Designee shall attend and complete the Court Administrator Academy program within 12 months of initial appointment.

b) Each Designee holding this position for fewer than four years at the time this rule becomes effective shall attend and complete the Academy within 24 months.

4. Credit Calculation

Credit is calculated based on one credit for every 60 minutes of actual subject presentation/participation, not including introductions, overviews, and closing remarks.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) District and Municipal Court Management Association (DMCMA)
- b) District and Municipal Court Judges Association (DMCJA)
- c) Administrative Office of the Courts (AOC)
- d) Association of Washington Superior Court Administrators (AWS-CA)
- e) Court Education Committee (CEC)
- f) Court of Appeals (COA)
- g) Misdemeanant Probation Association (MPA)
- h) Superior Court Judges' Association (SCJA)
- i) Washington Association of Juvenile Court Administrators (WAJ-CA)
- j) Washington State Association of County Clerks (WSACC)
- k) Washington State Bar Association (WSBA)
- l) Washington State Supreme Court (WSSC)
- m) Washington State Supreme Court Commissions

2. Other Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) National Association for Court Management (NACM)
- b) Conference of State Court Administrators (COSCA)
- c) Hispanic National Bar Association. (HNBA)
- d) International Association for Court Administration (IACA)
- e) National Asian Pacific Bar Association (NAPBA)
- f) National Association of Women Lawyers (NAWL)
- g) National Association for Presiding Judges and Court Executive Officers (NAPCO)
- h) National Bar Association (NBA)
- i) National Conference of Women's Bar Associations (NCWBA)
- j) National Consortium on Racial and Ethnic Fairness in the Courts (NCREF)
- k) National Lesbian and Gay Lawyer Association (LGBTQ+BAR)
- l) National Native American Bar Association (NABA)
- m) North American South Asian Bar Association (NASABA)
- n) Programs approved for Scholarships by CEC
- o) The Judicial Division of the American Bar Association (ABA)
- p) The Judicial Divisions of all National Bar Associations
- q) The National Judicial College in Reno (NJC)
- r) The National Center for State Courts (NCSC)
- s) Tribal Courts in Washington State and Washington Cities Insurance Authority
- t) Washington State Association of Municipal Attorneys (WSAMA)
- u) Washington State Risk Pool (WCRP)

3. Other Continuing Professional Education Programs

For all other Continuing Professional Education Programs, please submit form Judith M. Anderson to judith.anderson@courts.wa.gov for possible credit.

4. Basis for Accreditation of Courses

Courses will be approved based on their content. An approved course shall have significant intellectual or practical content relating to the duties of the Designee.

- a) **Factors in Evaluating.** Factors to consider in evaluating a course include:
 - 1) The topic, depth, and skill level of the material;
 - 2) The level of practical and/or academic experience or expertise of the presenters or faculty;

3) The intended audience; and

4) The written, electronic, or presentation materials should be high quality, readable, carefully prepared, and distributed to all attendees before the course.

5. Programs That Do Not Qualify

The following activities will not qualify for CAE credit:

- a) Presenting to an internal organization. (cities, counties);
- b) Jury duty;
- c) Judging or participating in law school or mock trial competitions; and
- d) Serving on professional committees/associations.

6. Appeals

A designee may appeal to the CEC's denial of program/course accreditation. The appeal should be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the Designee's request. The BJA Chair shall notify the Designee in writing of its decision to sustain or overrule the decision of the CEC.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a district and municipal court administrator's education program to report designee attendance and credits for all approved CAE courses to the AOC.

2. Individuals

a) Individual Designee's responsibility is to file a report of their attendance, whether total or partial, for programs sponsored by Washington State Judicial Branch entities or other administrative and educational sponsors, as noted in Section 3 (1)(2).

b) The individual Designee must submit requests for accreditation for other continuing professional education programs, credit for teaching, published administrative, legal writing, or self-study to the AOC.

3. Deadline

Absent exigent circumstances, sponsors and individual designees must report attendance within 30 days after completion of a CAE activity.

Section 5: Certification

1. Compliance

In August each year, the AOC will send out a reminder of the end-of-the-year reporting requirement via district and municipal court administrator listservs. By December 31, the AOC will provide a progress report to every Designee of the programs they have attended during the previous calendar year. After reviewing that progress report, designees must either:

- a) Confirm it as an accurate record of their progress toward compliance with the rule; or
- b) Provide additional information on programs attended with accompanying documentation; and,
- c) File the report with the AOC on or before January 31 each year. If a designee does not respond by January 31, defaults will determine credits.

Based on the official record, the AOC will report the non-compliant to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

2. Three-Year Reporting Periods

Three-year reporting periods are as follows:

a) Group 1 are those designees present as of January 1, 2023, and those who begin service every subsequent third year: 2026, 2029, 2032, 2035, 2038, 2041, 2044, 2047, 2050, etc.;

b) Group 2 are those designees who begin service in 2024, 2027, 2030, 2033, 2036, 2039, 2042, 2045, 2048, 2051, etc.;

c) Group 3 are those designees who begin service in 2025 and every subsequent third year: 2028, 2031, 2034, 2037, 2040, 2043, 2046, 2049, 2052, etc.

The three-year reporting period for each new Designee begins on January 1 or is closest to their appointment.

3. Delinquency

Failure to comply with this rule's requirements may violate the Code of Judicial Conduct.

Section 6: Approval

The Court Education Committee on October 14, 2022 approved these standards by Washington Supreme Court in Court Order **NO. 25700-A-1450**.

Comments or suggestions regarding the standards or revisions can be sent to the Court Education Services unit supervisor at the AOC or the Chair of the CEC.

Approved by the CEC 10/14/2022

Approved by the BJA 11/18/22

[Adopted effective;]

Reviser's note: The typographical errors in the above material occurred in the copy filed by the state supreme court and appear in the Register pursuant to the requirements of RCW 34.08.040.