

Amendment to Rule 501: Continuing Judicial Education Appellate and District Judges

The Kansas Supreme Court is accepting public comment on proposed amendments to Rule 501: Required Continuing Judicial Education Appellate and District Judges.

If adopted, amendments to the rule will change the compliance period for continuing judicial education from January 1 to December 30 to July 1 to June 30.

The annual compliance report will be due September 1 following the compliance period instead of March 1 following the calendar year. Any hours earned between January 1 and June 30, 2023, would be applied to the compliance period beginning July 1, 2023, and ending June 30, 2024. Amendments will also eliminate the limitation on nontraditional judicial education.

Comment may be made by email to publiccomments@kscourts.org until 5 p.m. Thursday, June 1, 2023. The subject line must read "Rule 501."

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 Kansas. The Supreme Court Rules Relating to Continuing Legal Education apply to a retired justice or judge who is not acting under a senior judge contract in Kansas but who serves as a judge pro tem. or hearing officer.

(b) Education Requirement. A justice or judge must earn a minimum of 13 continuing judicial education credit hours each calendar year compliance period.

(1) Compliance period means the period of one year beginning July 1 and ending June 30.

(2) Continuing judicial education credit hours earned between January 1, 2023 through June 30, 2023 may be applied to the July 1, 2023 through June 30, 2024 compliance period.

(3) Of the 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) may carry forward up to six general continuing judicial education credit hours to the next calendar year compliance period. A justice or judge may carry forward judicial ethics credit hours as general continuing judicial education hours but not as judicial ethics hours. The justice or judge must satisfy the following requirements:

(1) report the carry-forward hours in the annual compliance report required under subsection (j) for the ~~calendar year~~ compliance period in which the hours were earned; and

(2) designate the hours as carry-forward hours.

(d) Credit Calculation. A justice or judge earns one credit hour for each 50 minutes of attendance and one-half credit hour for each 25 minutes of attendance at instructional activities of a program accredited under this rule.

(e) Accreditation—General Continuing Judicial Education.

(1) Except as provided in subsections (e)(2) and (e)(3), the Supreme Court must approve a program for general continuing judicial education credit before a justice or judge can use attendance at the program to satisfy the education requirement under subsection (b). The Supreme Court, through the Judicial Education Advisory Committee or the judicial administrator, will designate at the time of accreditation the number of general continuing judicial education credit hours a justice or judge can earn by attending the 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)~~, will be considered accredited by the Supreme Court for general continuing judicial 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 does not need written notice of accreditation from the Supreme Court before the justice or judge can use attendance at the program to satisfy the education requirement 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) 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 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 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 attendance at the program to satisfy the education requirement under subsection (b) until the justice or judge receives written notice of accreditation from the Supreme Court.

(f) Accreditation—Judicial Ethics.

(1) Except as provided in subsection (f)(2), the Supreme Court must approve a program for judicial ethics credit before a justice or judge can use attendance at the program to satisfy the judicial ethics requirement under subsection (b). The Supreme Court, through the Judicial Education Advisory Committee or the judicial administrator, will designate at the time of accreditation the number of judicial ethics credit hours a justice or judge can earn by attending the program, ~~including whether the hours qualify for nontraditional program credit under subsection (h).~~

(2) A judicial ethics 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 need written notice of accreditation from the Supreme Court before the justice or judge can use attendance at the program to satisfy the judicial ethics 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 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 (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 attendance at the program to satisfy the judicial ethics 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 may earn up to five credit hours for 50 minutes spent 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 Program. A justice or judge may claim continuing judicial education credit for up to four hours of nontraditional programs each calendar year, regardless of whether those hours were earned in that year or were carried forward from the previous year.~~

~~Nontraditional programs include programs accessed by an individual judge, such as a webinar, an online workshop, and a video broadcast.~~

(ih) 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.

(ji) Annual Compliance Report. Each justice or judge must submit an annual report of compliance with this rule in the format and manner approved by the Supreme Court. The justice or judge must submit the report to the judicial administrator no later than ~~March~~ *September* 1 following the ~~calendar year compliance period~~ for which hours are being claimed.

(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 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~~ *September* 1 following the ~~calendar year compliance period~~ for which the waiver or extension is sought.

(lk) 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.

[History: Prior Rule 501 repealed effective May 25, 2010; Rule effective May 26, 2010; Rule adopted effective January 1, 2013; Am. effective December 31, 2020.]