

IN THE COURT OF APPEALS OF MARYLAND  
ADMINISTRATIVE ORDER ON CONTINUING EDUCATION OF  
JUDGES, MAGISTRATES, AND COMMISSIONERS

WHEREAS, Continuing judicial education programs are a priority of the Maryland Judiciary; and

WHEREAS, It is appropriate to harmonize the delivery of continued educational programs for judges, magistrates, and commissioners within the governance structure of the Judicial Council; and

WHEREAS, Given the judicial education programs offered through the Judicial College of Maryland (Judicial College) as well as by other entities within the Maryland Judiciary and elsewhere, it is appropriate to centralize the oversight of such programs to avoid duplication, unnecessary expense, and undue burdens on judges, magistrates, and commissioners and to assure the quality and consistency of such programs,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 6th day of June 2016, effective immediately, the following as governing the continuing education of judges, magistrates, and commissioners.

- (a) Judicial College of Maryland. The Judicial College of Maryland will serve as the primary entity through which judicial education will be provided to judges, magistrates, and commissioners.
- (b) Education Committee. The purpose, in part, of the Education Committee of the Judicial Council is to coordinate continuing legal education for the Judiciary, including all judges, magistrates, Orphans' Court judges, commissioners, and judiciary staff. The Education Committee shall guide, promote, and encourage the education of judges, magistrates, and

commissioners. For judiciary staff, the Education Committee shall ensure ample training opportunities for professional development, communicating their availability, and encouraging participation. The Education Committee shall work with the Judicial College, other Judicial Council Committees, departments, and justice partners to effectuate the provision of all educational services and seek out new technologies and innovative delivery methods to improve the effectiveness of educational services.

- (c) Judicial Education Programs. The Education Committee is responsible for ensuring the coordination, implementation, and evaluation of educational programs offered through the Judicial College for Maryland judges, magistrates, and commissioners in accordance with this Order. The Judicial College shall provide all necessary professional and logistical support and resources to accomplish the same.
- (d) Development of Programs.
  - (1) Judges. The Judges' Education Subcommittee and Curriculum Workgroup, with the assistance of the Education Committee and the Judicial College, shall develop a comprehensive curriculum to be given each calendar year.
  - (2) Magistrates. The Magistrates Education Subcommittee, with the advice and assistance of the Education Committee and the Judicial College, shall develop a comprehensive curriculum to be given each calendar year.
  - (3) Commissioners. The Commissioners Education Subcommittee, with the advice and assistance of the Education Committee and the Judicial College shall develop a comprehensive curriculum to be given each calendar year.
- (e) Specialized Education Programs. The Education Committee shall support the development of course offerings, educational programs and academic

offerings of the specialized education programs listed in this section and offered through the Judicial College.

(1) Newly Appointed or Elected Judge Orientation Program.

(A) The Judges' Education Subcommittee shall provide, through the Judicial College, an annual residential judicial orientation program for judges newly appointed to the District Court, newly appointed or elected to a circuit court, or newly appointed to the Court of Special Appeals or the Court of Appeals. The judicial orientation program shall focus on judicial ethics, professionalism, and best practices in presiding over judicial proceedings, as well as significant aspects of civil and criminal law and procedure applicable in the District Court and circuit courts, including domestic violence.

(B) Unless excused by the Chief Judge of the Court of Appeals, each judge newly appointed to the District Court or newly appointed or elected to a circuit court shall attend, and be in residence at, the orientation program next occurring after the judge's appointment or election. Attendance is optional for judges newly appointed to the Court of Special Appeals or Court of Appeals.

(C) All newly appointed or elected judges shall complete required online courses and provide verification thereto to the Assistant Administrator of the Judicial College within 30 days of having been sworn.

(2) New Orphans' Court Judge Orientation Program. Once every four years, in keeping with the Orphans' Court's election cycle, there shall be an orientation program for new Orphans' Court judges. The Judges' Education Subcommittee, in consultation with the Conference of Orphans' Court Judges, shall approve the curriculum,

instructional dates, and instructors of the Program, which may include courses developed and taught by the Conference of Orphans' Court Judges that meets the Education Committee's standards.

(3) Family Law Education Program.

(A) Once every other year, the Judges' Education Subcommittee shall present through the Judicial College a comprehensive program on family law, including practice and procedure in the trial of family law cases, referred to as "Family Law University." The curriculum and format shall be determined by the Domestic Law Committee with the advice of the Judges' Education Subcommittee.

(B) Each judge and magistrate who will be assigned to hear family law cases shall register for and attend the next Family Law University presented after the judge's appointment or election or the magistrate's appointment or assignment to hear family law cases. Judges and magistrates who have attended Family Law University and who continue to hear family law cases shall attend Family Law University again within five years. Any judge who is assigned to hear family law cases more than three years after first attending Family Law University shall register for and attend the next offered Family Law University. Judges and magistrates who have attended Family Law University twice may attend additional sessions every three to five years.

(4) Ad hoc/Specialty Programs. The Education Subcommittees may develop and offer, through the Judicial College, programs specific to specialty dockets and other areas of interest as deemed appropriate and necessary. Such programs would be added to the course catalog as developed.

(f) Faculty.

- (1) The Assistant Administrator of the Judicial College and/or the Chair of the Judges' Education Subcommittee may recruit, approve, and assign one or more instructors for each course. To the extent possible, instructors should be selected from among active and retired Maryland judges, but members of the federal judiciary, law school faculty, attorneys, or other individuals having specialized knowledge and experience in the subject matter of a course may be recruited as instructors or co-instructors. The Judicial College may not offer or pay compensation or other than normal in-State travel expenses to instructors unless approved in advance by the Chief Judge of the Court of Appeals.
- (2) When a sitting judge, magistrate, or commissioner has accepted provisionally an instructional assignment, the judge, magistrate, or commissioner shall promptly seek the approval for administrative leave from his or her administrative judge. Unless the administrative judge finds that the leave will delay the timely execution of the judge's, magistrate's, or commissioner's duties, the administrative judge shall approve the administrative leave required to present the course and no more than one day's administrative leave to develop the course.
- (3) A judge, magistrate, or commissioner may satisfy part or all of his or her annual judicial education requirement by serving as faculty, with a one-for-one credit toward the requirement for each hour engaged in the actual teaching of a course offered by the Judicial College.
- (4) The faculty will be expected to utilize a structured outline for course development as provided by the Judicial College. Staff of the Judicial College will provide support and assistance to the instructors in setting course objectives, the selection and use of instructional

techniques and materials, research, preparatory services, and the evaluation of the presentation.

(g) Judges' Education Programs Offered by Other Entities within the Maryland Judiciary. Any entity of the Maryland Judiciary, other than the Judicial College, that proposes to offer an educational program for Maryland judges, magistrates, or commissioners shall promptly notify the Assistant Administrator of the Judicial College about the proposed program for approval by the Chief Judge of the Court of Appeals. Program attendance may not be made mandatory without the approval of the Chief Judge of the Court of Appeals.

(1) Generally. The judicial entities offering education programs must comply with the requirements set forth in this Order regarding notice to and review of proposed educational programs for judges, magistrates, or commissioners by the Education Committee and in consultation with other Committees as appropriate.

(2) Problem-Solving Courts. The Administrative Office of the Courts' Office of Problem-Solving Courts, which supports specialty courts and dockets, produces and hosts numerous training programs and conferences. A judge proposing to preside over a specialty court or a magistrate proposing to hear such a docket should complete, prior to such assignment or as soon as offered thereafter, those courses that provide an introduction and orientation to that specialty court or docket, judicial roles training, and any other relevant courses.

(3) Juvenile Courts. The Administrative Office of the Courts' Foster Care Court Improvement Program produces and hosts an annual, multi-day conference, the Child Abuse, Neglect, and Delinquency Options (CANDO) Judicial Conference, designed for juvenile court judges and magistrates. A judge who is appointed to preside over a juvenile court or magistrate who is appointed to hear a juvenile docket must

attend the CANDO Judicial Conference given closest in time to the beginning of that service, and thereafter, attend at least once every three years while continuing that service.

- (4) Department of Family Administration. The Administrative Office of the Courts' Department of Family Administration offers each year a Magistrates' Educational Series designed for magistrates hearing domestic and/or juvenile matters. Attendance by magistrates is required at least once in each series offered.

(h) Annual Judicial Education Requirement for Judges, Magistrates, and Commissioners.

(1) Requirement.

(A) Judges and Magistrates. Unless excused by the Chief Judge of the Court of Appeals for good cause or otherwise permitted by this Order:

- (i) Each sitting judge of the Court of Appeals, the Court of Special Appeals, a circuit court, the District Court, or the Orphans' Court, and each recalled judge approved to sit on one or more of those courts, and magistrates shall register for and attend, each calendar year, one or more courses with an aggregate scheduled length of 12 hours; and
- (ii) Additional attendance at course offerings may be required as directed by the Chief Judge of the Court of Appeals; and
- (iii) A judge or magistrate may satisfy the annual education requirement by attendance at courses offered through the Judicial College, by attendance at specialized education programs offered by an entity of the Maryland Judiciary, by attendance at a previously

approved Maryland, non-Judiciary education program, or by serving as faculty for the Judicial College courses.

- (iv) **Online Courses Required To Be Completed by Judges and Magistrates.** The Judicial College shall from time to time develop online courses covering subject matter deemed essential by the Chief Judge of the Court of Appeals for judges and magistrates. Upon release of such a course, all judges and magistrates shall complete the course and provide verification thereto to the Assistant Administrator of the Judicial College within 90 days or, where a judge is newly appointed or elected after release of such a course, within 30 days of that judge's having been sworn, whichever is earlier.

(B) **Commissioners.** Unless excused by the Chief Judge of the District Court for good cause or otherwise permitted by this Order:

- (i) Each new commissioner shall register for and attend the next-scheduled New Commissioner Orientation and Training program; and
- (ii) Each commissioner shall register for and attend the annual Commissioner Education Conference; and
- (iii) Additional attendance at course offerings may be required as directed by the Chief Judge of the District Court.

(2) **Additional Courses.** If a judge, magistrate, or commissioner wishes to exceed his or her annual judicial education requirement, either as a participant or faculty, the judge, magistrate, or commissioner must obtain the approval of his or her administrative judge. If the administrative judge finds that such participation would benefit the



judge, magistrate, or commissioner in carrying out his or her duties and would not delay their timely execution, the administrative judge may grant a reasonable amount of additional administrative leave. Administrative leave for educational purposes may not exceed an additional 5 days annually without the permission of the Chief Judge of the Court of Appeals, the request to be forwarded first to the administrative judge and, where appropriate, the Chief Judge of the Court of Special Appeals or the Chief Judge of the District Court. Administrative leave for out-of-state educational opportunities must be approved first by the administrative judge or, where appropriate, the Chief Judge of the Court of Special Appeals or the Chief Judge of the District Court, and finally by the Chief Judge of the Court of Appeals. Requests for approval of out of state educational programs shall identify the source(s) and amount of funding that will cover the cost of tuition, travel, lodging, and incidental expenses.

- (3) External Courses. A judicial education course external to the Maryland Judiciary cannot be used to meet the annual judicial education requirement without prior written approval by the Chair of the Education Committee, only after the submission of a request supported by written documentation of the course.
- (4) Attendance and Completion Records.
  - (A) To ensure that judges, magistrates, and commissioners meet their annual judicial education requirement, all registration and attendance records shall be maintained by the Judicial College of the Administrative Office of the Courts.
  - (B) If a judge or magistrate attends a judicial education course external to the Maryland Judiciary, the judge or magistrate shall provide the course agenda and certification of successful completion to the Judicial College to ensure the previously

approved credit is counted toward his or her annual judicial education requirement.

- (i) The Administrative Order issued under the above title on November 23, 2015 shall be and hereby is rescinded effective immediately.

/s/ Mary Ellen Barbera  
Mary Ellen Barbera  
Chief Judge  
Court of Appeals of Maryland

Filed: June 6, 2016

/s/ Bessie M. Decker  
Bessie M. Decker  
Clerk  
Court of Appeals of Maryland