

IN THE SUPREME COURT OF MARYLAND
AMENDED ADMINISTRATIVE ORDER ON CONTINUING EDUCATION AND
OUTREACH AND LEADERSHIP OF JUDGES AND MAGISTRATES

Whereas, continuing judicial education programs are a priority of the Maryland Judiciary; 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 expenses, and undue burdens on judges and magistrates and to assure the quality and consistency of such programs; and

Whereas, outreach and leadership by judges and magistrates are important activities that the Judiciary supports and encourages to promote understanding of the role of the Judiciary, public trust in the Judiciary, the further development of the law, and cooperation with other agencies and entities; and

Whereas, the Judiciary wishes to promote reasonable opportunities for discretionary judicial education, outreach, and leadership activities in balance with the need for judges and magistrates to perform official responsibilities by providing for reasonable administrative leave for such activities when they will benefit the judge, magistrate, or the Judiciary and not interfere with official responsibilities,

Now, therefore, pursuant to the authority conferred on me as administrative head of the Judicial Branch by Article IV, § 18 of the Constitution of Maryland, it is this 30th day of January 2023, effective immediately, ordered that:

- (a) Development of Educational Programs for Judges and Magistrates
 - (1) Education Committee. The Education Committee of the Judicial Council is responsible for coordinating continuing legal education for the Judiciary. The Education Committee shall coordinate, implement, and evaluate educational programs for judges and magistrates. The Education Committee shall work with other Judicial Council Committees, the Judicial College, the Administrative Office of the Courts, and justice partners to improve the effectiveness of educational programs.
 - (2) Judicial College of Maryland. The Judicial College of Maryland will serve as the primary entity through which judicial education will be provided to judges and magistrates and shall provide all necessary professional and logistical support to the Education Committee.

(A) Development of Annual Programs Generally

- (1) With the advice and assistance of the Education Committee and the Judicial College, the Judicial Education Subcommittee shall develop a comprehensive curriculum to be given each calendar year.
- (2) By 2024, the Judicial College must include within the annual comprehensive curriculum a sufficient number of courses addressing diversity and inclusion topics for all judges and magistrates to satisfy the requirement (below) to take three hours of courses on such topics every year. Such courses shall include in-person courses, live judicial education webinars, and instructor-led-distance-learning (“ILDL”) courses.

(B) Specialized Education Programs

- (1) New Trial Judge Orientation Program (“NTJO”). The Judicial Education Subcommittee shall provide a comprehensive annual residential judicial orientation program through the Judicial College. The program shall focus on judicial ethics, professionalism, and best practices in presiding over judicial proceedings, as well as significant aspects of the law and procedure applicable in trial courts, including domestic violence.
- (2) Family Law Education Program. At least once a year, the Judicial Education Subcommittee shall present through the Judicial College a comprehensive program on family law. Referred to as “Family Law University,” the program shall cover practice and procedure in the trial of family law cases. The curriculum and format shall be determined by the Dean and coordinators of the Family Law University with the advice of the Judicial Education Subcommittee.
- (3) Criminal Law Education Program. At least once a year beginning in 2024, the Judicial Education Subcommittee shall present through the Judicial College a comprehensive program on criminal law, including practice and procedure in the trial of criminal cases. Referred to as “Criminal Law University,” the curriculum and format shall be determined by the Dean and coordinators of the Criminal Law University with the advice of the Judicial Education Subcommittee.

(4) Ad Hoc/Specialty Programs. The Education Subcommittees may develop and offer through the Judicial College programs specific to specialty dockets, administrative positions, case types requiring specialized expertise, and other areas of interest as deemed appropriate and necessary.

(C) Faculty

(1) The Assistant State Court Administrator of the Judicial College and/or the Chair of the Judicial Education Subcommittee may recruit, approve, and assign one or more instructors for each course or program. To the extent possible, instructors should be selected from among active and retired Maryland judges with appropriate knowledge and expertise. 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 also serve as instructors or co-instructors. The Judicial College may not offer or pay compensation, other than normal in-state travel expenses or an honorarium, to instructors unless approved in advance by the Chief Justice of the Supreme Court.

(2) 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.

(D) Required Online Courses. The Judicial College shall from time to time develop online courses covering subject matter deemed essential by the Chief Justice of the Supreme Court for judges and magistrates, including on topics such as security, ethics, and combatting discrimination in the workplace.

(3) Education Programs Offered by Other Entities within the Maryland Judiciary.

(A) Generally. Entities of the Maryland Judiciary other than the Judicial College may propose to offer educational programs for Maryland judges or magistrates. Any entity that proposes to do so shall promptly notify the Assistant State Court Administrator of the Judicial College and provide information about the proposed program. Any such

program must be approved by the Education Committee and comply with the requirements set forth in this Order with respect to the development of programs, use of faculty, etc.

(B) Problem-Solving and Other Specialty Courts Orientation and Training Programs. 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 that provide an introduction and orientation to that specialty court or docket, judicial roles training, and any other relevant courses.

(C) Juvenile Courts. The Administrative Office of the Courts' Foster Care 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.

(b) Required Attendance at Certain Judicial Education Programs. Unless excused by the Chief Justice of the Supreme Court for good cause or otherwise permitted by this Order, judges or magistrates meeting the identified criteria are required to attend the following courses or programs.

(1) New Trial Judge Orientation Program. Each newly appointed or elected District Court or circuit court judge shall attend, and be in residence at, the orientation program next occurring after the date the judge assumes office.

(2) Family Law University. Each judge or magistrate who will be assigned to hear family law cases shall attend the next available Family Law University presented after the date the decision to assign the judge or magistrate to hear family law cases is made. Judges and magistrates who continue to hear family law cases shall attend Family Law University a second time within three years after their first attendance and every three-to-five years thereafter while continuing that service.

(3) Criminal Law University. Beginning in 2024, each judge who will be newly assigned to hear criminal cases shall register for and attend the next available Criminal Law University presented after the date the decision to assign the judge to hear criminal cases is made. Judges who continue to hear criminal cases shall attend Criminal Law University again within the time period recommended by the Judicial Education Subcommittee.

- (4) Problem-Solving and Other Specialty Courts. A judge proposing to preside over a specialty court or a judge or magistrate proposing to preside over a specialty docket should complete, before 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.
 - (5) CANDO. A judge who is appointed to preside over a juvenile court or a magistrate who is appointed to hear a juvenile docket must attend the next CANDO Judicial Conference presented after the date the decision to assign the judge or magistrate to that court or docket is made. Judges or magistrates who continue that assignment shall attend CANDO again at least once every three years while continuing that service.
 - (6) Ad Hoc/Other Specialty Programs. The Education Subcommittees may develop and offer through the Judicial College programs specific to specialty dockets, administrative positions, case types requiring specialized expertise, and other areas of interest as deemed appropriate and necessary. With approval of the Chief Justice of the Supreme Court, attendance at such programs may be required.
- (c) Annual Education Requirements for All Judges and Magistrates
- (1) Each year, every sitting judge, every recalled judge, and every magistrate shall complete 12 hours of education through 2023 and 15 hours thereafter (the “Required Course Hours”). Beginning in 2024, 3 of the 15 Required Course Hours must be satisfied by courses on diversity and inclusion topics.
 - (2) The Required Course Hours may be satisfied by:
 - (A) Completion of any of the programs identified in Section (b).
 - (B) Attendance at judicial education courses offered through the Judicial College and approved specialized judicial education courses offered by other Maryland Judiciary entities.
 - (C) Attendance at a non-Maryland Judiciary education program or course pre-approved in writing by the Chair of the Education Committee, after submission of a request supported by written course documentation. Such courses may cover any relevant topic that otherwise meets the criteria specified in this Order.
 - (D) Serving as faculty for any course offered by the Judicial College or an approved specialized judicial education course offered by another

Maryland Judiciary entity (with a one-for-one credit for each hour engaged in the actual teaching of a course and up to 3 hours of credit for preparation of a half-day course and up to 6 hours of credit for preparation of a course lasting one or more days).

- (E) For a maximum of 6 hours, serving as a subject matter expert in reviewing and updating a bench book maintained by the Judicial College.
- (3) At least 6 Required Course Hours must be satisfied by attending in-person courses, unless excused upon good cause by the Assistant State Court Administrator of the Judicial College, the Chair of the Education Committee, or the Chief Justice of the Supreme Court.
- (4) Upon the release of Required Online Courses identified in Section (a)(2)(D), all judges and magistrates shall complete the course within 90 days or, where a magistrate is newly appointed or where a judge is newly appointed or elected after release of such a course, within 30 days of assuming office. The Chief Justice of the Supreme Court may authorize an alternate schedule for completion of such courses by recalled judges. Such online course requirements do not count toward the Required Course Hours identified in section (c)(1).
- (5) All registration and attendance records shall be maintained by the Judicial College. If a judge or magistrate attends a pre-approved 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 credit is counted toward the annual judicial education requirement.
- (d) Outreach and Leadership. A judge or magistrate may seek to participate in Outreach and Leadership, including educational speaking engagements; participation in meetings of legal professional organizations; activities related to a senior leadership position with a legal professional organization; or other activities improving the law, the legal system, or the legal profession.
- (e) Administrative Leave for Judicial or Magistrate Education, Outreach, and Leadership Activities
 - (1) Judges and magistrates shall receive administrative leave for: (a) attendance at courses or programs for which their attendance is mandatory pursuant to Section (b) above; and (b) if attendance at such mandatory courses or programs will not fulfill the Required Course Hours in a calendar year,

attendance (including teaching) at additional courses or programs necessary to satisfy the Required Course Hours in that calendar year. Approval for such administrative leave, including for teaching, must be sought from and approved by the applicable administrative judge(s).

(2) In addition to the administrative leave identified in paragraph (e)(1), judges and magistrates may receive up to an additional eight days of administrative leave each year (or an additional ten days if including activities related to a senior leadership position in a legal professional organization), combined from all sources, for:

(A) Additional judicial education (including teaching). A judge or magistrate who wishes to attend or teach courses beyond those necessary to satisfy all mandatory courses or programs and the Required Course Hours, either as a participant or faculty, must obtain the approval of the applicable administrative judge(s). If the applicable administrative judge(s) find(s) that such participation (a) would benefit the judge or magistrate in carrying out official duties or, in the case of teaching, would benefit other judges or magistrates in carrying out official duties; and (b) would not delay the timely execution of the judge or magistrate's official duties, the administrative judge(s) may grant a reasonable amount of additional administrative leave covering all or part of the judge or magistrate's attendance.

(1) Administrative leave for out-of-state educational opportunities must be approved first by the appropriate administrative judge(s). If Judiciary funding is requested, approval must also be granted by the Chief Justice of the Supreme Court.

(2) All requests for approval of out-of-state educational programs shall be accompanied by the applicable Request for Out-of-State Travel form and shall identify the source(s) and amount of funding that will cover the cost of tuition, transportation, lodging, meals, and incidental expenses.

(B) Outreach or Leadership activities. A judge or magistrate who wishes to utilize administrative leave for Outreach or Leadership activities must obtain the approval of the applicable administrative judge(s). If the administrative judge(s) find(s) that such participation (a) would improve the law, legal system, or the legal profession, or would benefit the judge or magistrate in carrying out official duties; and (b) would not delay the timely execution of the judge or magistrate's

official duties or otherwise adversely affect the work of the court, the administrative judge may grant a reasonable amount of administrative leave covering all or part of the judge or magistrate's activities.

- (1) Administrative leave for out-of-state Outreach or Leadership activities must be approved by the appropriate administrative judge(s). If Judiciary funding is requested, approval must also be granted by the Chief Justice of the Supreme Court.
 - (2) All requests for approval of out-of-state Outreach or Leadership activities shall be accompanied by the applicable Request for Out-of-State Travel form and shall identify the source(s) and amount of funding that will cover the cost of transportation, lodging, meals, and incidental expenses.
- (f) The Administrative Order on Continuing Education of Judges, Magistrates, and Commissioners filed on August 24, 2022 is hereby rescinded effective immediately.

/s/ Matthew J. Fader
Matthew J. Fader
Chief Justice
Supreme Court of Maryland

Filed: January 30, 2023

/s/ Gregory Hilton
Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk