

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 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 23rd day of November 2015, effective immediately, the following as governing the continuing education of judges, magistrates, and commissioners:

- A. Education Committee. The purpose, in part, of the Education Committee of the Judicial Council is to coordinate the continuing legal education for the Judiciary, including all judges, family 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 Education Division of the Administrative Office of the Courts, other Judicial Council Committees, departments, and justice partners to effectuate the provision of all educational

services, seeking out new technologies and innovative and effective delivery methods.

B. Judicial Education Programs. The Education Committee is responsible for 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 Education Division shall provide all necessary professional and logistical support and resources to the Judicial College to accomplish the same.

C. Development of Programs.

1) Judges. By July 1 of each year, the Judges' Education Subcommittee and Curriculum Workgroup, with the assistance of the Education Committee and the Education Division, shall develop a comprehensive program to be given during the following calendar year.

2) Magistrates. By July 1 of each year, the Magistrate Education Subcommittee, with the advice and assistance of the Education Committee and the Education Division, shall develop a comprehensive program to be given during the following calendar year.

3) Commissioners. By July 1 of each year, the Commissioner Education Subcommittee, with the advice and assistance of the Education Committee and the Education Division shall develop a comprehensive program to be given during the following calendar year.

D. Specialized Education Programs. The Education Committee shall coordinate the development of the curricula 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 curriculum shall include significant aspects of civil and criminal law and procedure applicable in the District and circuit courts, including domestic violence, judicial ethics and professionalism, and best practices in presiding over judicial proceedings.

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.

2) New Orphans' Court Judge Orientation Program. Once every four years, in keeping with the 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 a curriculum 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 Education Committee.

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. Each judge and magistrate who has attended Family Law University and who continues 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 curriculum already scheduled.

E. Faculty.

- 1) The Assistant Administrator of the Education Division 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 Education Division. Staff of the Education Division 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.

F. 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 Education Division about the proposed program consistent with the training policy approved 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.

G. 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, each sitting judge of the Court of Appeals, the Court of Special Appeals, a circuit court, the District Court, or an 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. A judge or magistrate may satisfy this

requirement by attendance at courses offered through the 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 Judicial College courses.

b) Commissioners. Unless excused by the Chief Judge of the District Court for good cause or otherwise permitted by this Order, each commissioner shall register for and attend the annual Commissioner Academy training.

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 or other 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 by the administrative judge, where appropriate the Chief Judge of the Court of Special Appeals or the Chief Judge of the District Court, and the Chief Judge of the Court of Appeals.

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 Education Division 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 certification of successful completion to the Education Division to ensure the previously approved credit is counted toward his or her annual judicial education requirement.

H. Education Division Calendar. The Education Division shall maintain on the Judiciary intranet website a current master calendar of all upcoming educational programs and courses for judges, magistrates, and commissioners, including the curriculum offered by the Judicial College.

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

Filed: November 23, 2015

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