

FILED

September 18, 2023

IN THE SUPREME COURT OF THE STATE OF KANSAS

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Administrative Order

2023-RL-069

Rules Relating to Continuing Judicial Education

The court amends the attached Supreme Court Rule 501, effective the date of this order.

Dated this 18th day of September 2023.

FOR THE COURT



MARLA LUCKERT
Chief Justice

Rule 501

REQUIRED CONTINUING JUDICIAL EDUCATION FOR 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 must meet the requirements under the Rules Relating to Continuing Legal Education rather than the requirements under this rule.
- (b) **Administration.** The Supreme Court through the Office of Judicial Administration regulates and administers Kansas continuing judicial education. Subject to approval by the Supreme Court, the Office of Judicial Administration will develop any necessary forms.
- (c) **Definitions.** The following definitions apply in this rule.
- (1) **“Compliance period”** means the period of one year beginning July 1 and ending June 30.
- (2) **“Continuing judicial education” or “CJE”** means a judicial education program, course, or activity designed to maintain and improve a justice’s or judge’s professional competence.
- (3) **“OJA”** means the Kansas Supreme Court’s Office of Judicial Administration.
- (~~db~~) **Education Requirement.** A justice or judge must earn a minimum of 13 ~~continuing judicial education~~ CJE credit hours each ~~calendar year~~ compliance period. Of the 13 credit hours, at least 2 credit hours must ~~have been accredited for~~ be judicial ethics credit. A justice or judge can apply CJE credit hours earned from January 1, 2023 through June 30, 2023, to the compliance period starting July 1, 2023, and ending June 30, 2024.
- (~~ee~~) **Carryover Credit Hours ~~forward~~.** A justice or judge who completes more than the minimum education requirements in subsection (~~db~~) may carry over ~~forward~~ up to six unused general continuing judicial education CJE credit hours to the next ~~calendar year~~ compliance period. A justice or judge may carry forward over

judicial ethics credit hours as ~~general continuing judicial education~~ CJE credit hours but not as judicial ethics credit hours. The justice or judge must satisfy the following requirements:

- (1) report the ~~carryover credit forward~~ hours in the annual compliance report required under subsection (m) for the ~~calendar year compliance period~~ in which the justice or judge earned the credit hours were earned; and
 - (2) designate the credit hours as ~~carryover credit forward~~ hours.
- (f) **Credit Calculation.** A justice or judge can 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 an approved program ~~accredited under this rule~~.
- (g) **Approval Not Required.** A justice or judge can earn general CJE credit hours at a program OJA has approved for Kansas continuing legal education. The justice or judge does not need to seek OJA approval of the program for CJE.
- ~~(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):~~

(h) **Presumptive Approval.** As provided in this subsection, a justice or judge can earn credit hours for attendance at a program OJA has not previously approved. The justice or judge does not need written notice of accreditation from OJA before using attendance at the program to satisfy the education requirement under subsection (d).

(1) **General CJE.** A justice or judge can earn general CJE credit hours at a continuing judicial or legal education program sponsored by OJA or one of the following organizations:

- (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~~ National Courts and Sciences Institute;
- (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~~
- (OP) Association of American Family and Conciliation Courts;

(P) any Kansas Inn of Court; and

(Q) any state continuing legal education accrediting organization other than the Kansas Continuing Legal Education Board.

(2) **Judicial Ethics.** A justice or judge can earn judicial ethics credit hours at a judicial ethics program sponsored by OJA or one of the following organizations:

(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.

(i) **Prior Approval Required.** If a program is not approved for Kansas continuing legal education or presumptively approved under subsection (h), OJA must approve the program before a justice or judge can use attendance at the program to satisfy the education requirement under subsection (d). When approving a program, OJA will designate the number of general CJE and judicial ethics credit hours a justice or judge can earn by attending the program.

(j4) **Form.** A justice or judge must use a form approved by the Supreme Court provided by OJA to request accreditation approval of a general continuing judicial education program not sponsored by the Supreme Court OJA or accredited by the approved for Kansas Continuing Legal Education Board.

(1A) **Presumptively Approved.** If the program is presumptively approved under subsection (h)(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 (m).

(2B) **Prior Approval Necessary.** If the program is not presumptively approved under subsection (h), the justice or judge must submit the request at least no

~~later than 30 days before the program, and ¶~~The justice or judge cannot use attendance at the program to satisfy the education requirement under subsection (d**b**) until the justice or judge receives ~~written~~ notice of accreditation from the Supreme Court OJA.

~~(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.~~

~~(kg) **Teaching Credit Hours.** A justice or judge may can earn up to five CJE credit hours for each 50 minutes spent teaching an accredited approved continuing judicial or legal education program. In determining calculating the number of credit hours to award, the judicial administrator OJA will calculate consider time spent in preparation and teaching. A justice or judge cannot carry over credit hours earned for 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.~~

~~(li) **Legislative Service.** Upon a written request submitted to the Office of Judicial Administration OJA, 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 CJE credit hours required for the compliance period in which the judge serves in the Legislature.~~

~~(mj) **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 on a form provided by OJA. The justice or judge must submit the report to the judicial administrator OJA no later than March September 1 following the compliance period in calendar year for which the justice or judge earned the credit hours are being claimed.~~

~~(nk) **Waiver; Extension of Time.** The Supreme Court OJA may grant a waiver of the requirements of this rule or an extension of time to complete continuing judicial the education requirements under subsection (d) because of hardship, disability, or~~

other good cause. A justice or judge must submit a written request for waiver or extension ~~in writing to the judicial administrator~~ OJA prior to ~~March~~ September 1 following the ~~calendar year~~ compliance period for which the justice or judge is requesting the waiver or extension ~~is sought~~.

- (1) ~~Oversight.~~ **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.