

RULES FOR MANDATORY CONTINUING JUDICIAL EDUCATION

III. ALABAMA MUNICIPAL COURT JUDGES

RULE 1. REQUIRED CONTINUING JUDICIAL EDUCATION

(a) All municipal court judges shall complete a minimum of six hours of approved continuing judicial education (including one hour of judicial ethics) specifically relating to municipal court practice and procedure per calendar year.

(b) Municipal court judges must complete the six hour mandatory judicial education requirements within the first full year of their appointment to the office.

(c) Judicial education credits for each municipal judge shall be reported in writing to the AJC director by December 31 annually.

Rule 2. REQUIREMENTS FOR PROGRAM OR COURSE APPROVAL

(a) The primary objective of judicial education for municipal court judges is to increase the professional competence of such judges in the particular areas of law applicable to municipal court proceedings and to assist these judges in increasing the quality of municipal court adjudication. For the purposes of mandatory judicial education credits for municipal court judges, credits will be granted for a particular activity if the AJC director determines that the activity:

- (1) Is an organized program of learning, including one or more lectures, workshops, presentations, courses, or symposiums that are designed to contribute to the professional competency of municipal court judges;
- (2) Relates to the administration of justice in municipal courts, the professional or ethical obligations of municipal court judges, the substantive or procedural law applicable to municipal courts, or any of the following:
 - (i) Jurisdiction of the municipal courts;
 - (ii) Recent court decisions affecting municipal courts;
 - (iii) Legislation affecting municipal courts;
 - (iv) Attorney general opinions affecting municipal courts;
 - (v) Judicial Advisory Commission opinions affecting municipal court judges in the area of judicial ethics and potential conflicts of interest;
 - (vi) Judgment and sentencing;
 - (vii) Rights of the accused;
 - (viii) Trial procedure;
 - (ix) Domestic violence;
 - (x) Driving under the influence;
 - (xi) Citizens' complaints;
 - (xii) Special relationship between municipal court judges, city attorneys, city councils, mayors, city law enforcement, city magistrates, and court clerks;

- (3) Is conducted or taught by persons who have appropriate academic or practical skills necessary to conduct the course effectively and who have special education, training, or experience in the matters being taught; and
- (4) Is accompanied by the distribution to the attendees of written materials that address the administration of justice, the substantive law of the State, or the professional or ethical obligations of judges, and the quality and quantity of which materials indicate that adequate time and care has been devoted to their preparation and that these materials will be of value to the attendees in performing their judicial duties.

(b) Sponsors of a course, program, or other judicial education activity sought to be approved for judicial education credits shall apply for such approval both to the AJC director and to the Bar before the event.

Applications to the AJC director must be submitted in writing and accompanied by an application fee of \$250 payable to the AJC at least 60 days prior to the course, program, or activity. Such applications must include a brief summary of the course, program, or activity; its dates, subjects, and instructors and their qualifications; and a copy of the outline, brochure, or other documentation.

Sponsors of courses, programs, or activities approved by the AJC director for judicial education credit shall pay to the AJC an administrative expense fee of \$25 for each judge attending an approved course, program, or activity. This fee must be paid to the AJC before the judicial education hours will be credited to the attendee.

Applications to the Bar must meet the requirements of the Bar.

(c) During all programs and courses, including those presented by teleconference, there must be an opportunity to ask questions of the course faculty. If a faculty member is not available either in person or by telephone, then a qualified commentator must be available to offer comments and to answer questions directly, in writing, or by e-mail.

Rule 3. CREDITS FOR PARTICIPATION

(a) Upon application, the AJC director may award municipal court judges no more than four credits annually for the following:

- (1) Teaching an AJC approved program;
- (2) Serving as a faculty member at any approved program;
- (3) Published judicial writing; and
- (4) Written materials that are distributed at an approved judicial education program.

(b) Questions regarding the appropriateness of awarding judicial education credit for attendance at a judicial education program not sponsored by the AJC shall be initially submitted to and resolved by the AJC director. Examples of programs that would not qualify for credit are:

- (1) Continuing professional education courses that do not relate directly to municipal court practice and procedures;
- (2) Teaching a course not related to judicial officials or employees;
- (3) Jury duty; and
- (4) Serving on professional committees or associations.

(c) Municipal court judges subject to these Rules shall report their attendance and participation in judicial education programs on the AJC Course Form that has been approved by the ADC.

Rule 4. SANCTION FOR FAILURE TO COMPLY WITH MANDATORY CONTINUING JUDICIAL EDUCATION RULES

(a) Municipal court judges governed by these Rules shall report participation in judicial education programs on an AJC course form that has been approved by the ADC. In the event that a municipal court judge fails to comply with these Rules, the AJC director will promptly notify the municipal court judge and the mayor or other equivalent executive official of the municipality of the noncompliance by sending a notice thereof to the official's principal office. The statement of noncompliance shall advise the judge and the mayor or municipal official that within 30 days a plan to correct the noncompliance must be submitted to the AJC director for consideration and approval. Should a municipal court judge fail to correct the noncompliance within a period approved by the AJC director, the AJC director shall make the fact of the noncompliance open for public view and inspection.

(b) Municipal court judges' education files and records, maintained by the AJC, shall be confidential and shall not be disclosed except as provided in subparagraph (a) or upon the request of the judge affected.

(c) A municipal judge's submission of a false, inaccurate, or erroneous report of judicial education credits and the failure to promptly correct such a report after written notice shall constitute noncompliance with these Rules and shall be subject to the sanction provided for in subsection (a) of this rule.

Rule 5. FUNDING

The cost of meeting the mandatory judicial education requirements established in these Rules for municipal court judges shall be the responsibility of the municipality employing the municipal court judges. Municipal courts may apply to the ADC for a waiver in the event funds are not available to comply with these Rules. Waivers must be submitted and approved by December 31 annually for the following year.

[Adopted 6-24-2010, eff. 1-1-2011.]

Note from the reporter of decisions: The order adopting the Rules for Mandatory Continuing Judicial Education, effective January 1, 2011, is published in that volume of the Alabama Reporter that contains Alabama cases from ___ So. 3d.