



**COURT OF CRIMINAL APPEALS
JUDICIAL AND COURT PERSONNEL
TRAINING PROGRAM**

**RULES OF
JUDICIAL EDUCATION**

Effective

Effective May 18, 2017

***Updated May 18, 2017**

***All updates are highlighted**

COURT OF CRIMINAL APPEALS
RULES OF JUDICIAL EDUCATION

As Amended

RULE 1. AUTHORITY. These rules are promulgated pursuant to Section 56.006 of the Texas Government Code.

RULE 2. APPELLATE, DISTRICT AND COUNTY COURT JUDGES.

a. Each judge of an appellate court, district court, statutory county court, and county court performing judicial functions will, as an official duty:

(1) complete before taking office, or within one year after taking office, at least 30 hours of instruction in the administrative duties of office and substantive, procedural and evidentiary laws unless the judge has previously complied with this requirement and has been absent from the bench less than one year before taking the present office;

(2) each fiscal year thereafter, complete at least 16 hours of instruction in substantive, procedural and evidentiary laws and court administration. In accordance with the Texas Minimum Continuing Legal Education Regulations and Accreditation Standards effective June 1, 2011, four hours of instruction may be obtained by electronic means and may include teleconferences, webcasts, satellite, on-demand/online CLE, and accredited downloadable CLE activities that have been recorded from live seminars.

b. Instruction credit completed during any fiscal year in excess of the minimum number of hours required may be applied to the following fiscal year's requirement.

c. Programs sponsored by the following organizations and approved by the Court of Criminal Appeals Education Committee for appellate, district, and statutory county judges, or, the County Judges Education Committee for constitutional county judges, can be utilized to satisfy the requirements of Rule 2a:

- (1) Judicial Section of the State Bar of Texas
- (2) Texas Center for the Judiciary, Inc.
- (3) The Texas Association of Counties
- (4) National Judicial College, Reno, Nevada
- (5) Appellate Judges' Conference of the American Bar Association, Chicago, Illinois

- (6) National Conference of Chief Justices
 - (7) American Academy of Judicial Education, Washington, D.C.
 - (8) Institute of Judicial Administration, N.Y.U., New York, N.Y.
 - (9) Texas College of Probate Judges
 - (10) National College of Probate Judges
 - (11) An accredited law school
 - (12) A local, state or national bar association
 - (13) A professional organization devoted to improvement of the legal profession such as the Texas Association of Defense Counsel and the Texas Trial Lawyers Association
 - (14) The County Judges and Commissioners Association of Texas or the V.G. Young Institute of Texas A & M University
 - (15) Texas Criminal Defense Lawyers Association
 - (16) Texas District and County Attorneys Association
 - (17) Wright Lecture Series
 - (18) National Council of Juvenile and Family Court Judges
- d. All rules applicable to active appellate, district, and statutory county-court judges, except Rule 2a(1), are also applicable to retired and former appellate, district, statutory county-court judges if they are subject to assignment.
 - e. A constitutional county judge whose only judicial duties are conducting hearings under Chapter 61 of the Texas Alcoholic Beverage Code or conducting marriage ceremonies is exempt from the continuing judicial education requirement for any fiscal year for which the judge files an affidavit with the Registrar stating that the judge's only judicial duties are conducting hearings under Chapter 61 of the Texas Alcoholic Beverage Code or conducting marriages ceremonies.

RULE 3. JUSTICES OF THE PEACE.

- a. Each Justice of the Peace will, as an official duty:
 - (1) complete within one year after taking office, an 80-hour live course of instruction from the Texas Justice Court Training Center in the performance of the duties of office; and
 - (2) complete in the second year after taking office, a 20-hour continuous live course of instruction from the Texas Justice Court Training Center in the performance of duties of office, including not less than 10 hours of instruction regarding substantive, procedural, and evidentiary law in civil matters provided by the Texas Justice Court Training Center; and
 - (3) in each fiscal year thereafter, complete 20 hours of instruction approved by a justice court education committee in the performance of the duties of office. Ten of the required hours must be met by attending a live course, provided by the Texas Justice Court Training Center, that covers substantive, procedural, and evidentiary law in civil matters as required by Section 27.005a(2) of

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the Government Code. The remaining ten (10) hours shall consist of at least six (6) hours of any live instruction provided by an approved entity with and no more than four hours achieved by electronic means through course(s) provided by the Texas Justice Court Training Center; and

- (4) in every fiscal year that ends in 0 or 5, complete two hours of course instruction related to understanding relevant issues of child welfare and the Individuals with Disabilities Education Act as required by Section 22.1105 of the Government Code. See Rule 12a. The training may consist of either a course of instruction provided by the Texas Justice Court Training Center at which instruction is achieved by electronic means or any live course of instruction.
- b. Except for the limitations provided in Rule 3a, a justice court education committee may not deny course credit to a Justice of the Peace who receives approval for such credit through another justice court education committee. A justice court education committee may approve or pre-approve courses taken from the following list of qualifying entities for courses in performance of duties of office:
 - (1) Texas Justice Court Training Center
 - (2) V.G. Young Institute of County Government
 - (3) Texas Department of Health and Human Services
 - (4) National Judicial College, Reno
 - (5) Local, state, or national bar association
 - (6) Texas District and County Attorney's Association
 - (7) Texas Municipal Court Education Center
 - (8) Texas Association of Counties
 - (9) Office of Secretary of State
 - (10) Any accredited law school
 - (11) Texas Trial Lawyers Association
 - (12) Texas Association of Defense Counsel
 - (13) National Council of Juvenile and Family Court Judges
 - (14) Texas Criminal Defense Lawyers Association
 - (15) The Texas Center for the Judiciary
 - (16) Texas Justice Court Judges Association
 - (a) Grant funds may not be used to pay for the cost of training from the aforementioned training entities, except for the Texas Justice Court Training Center.
 - c. A person who serves in the dual capacity as a Justice of the Peace and as a municipal judge may be permitted to receive credit toward fulfillment of the requirements of the Rules of Judicial Education for each office by attending a course of instruction for either office, provided that the curriculum is pertinent to the duties and

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responsibilities of each office. The determination of the applicability of the course to each office shall be made on a case-by-case basis by a judicial education committee having jurisdiction over the office in accordance with that committee's procedures.

- d. Only courses of instruction completed through a continuing education program approved by a justice court education committee can be utilized to satisfy the requirement of Rule 3a(1).
- e. The Texas Justice Court Training Center will be the keeper of records for credit hours approved for all justices of the peace for the purpose of fulfilling Rules 9b and 10.
- f. A justice court education committee may make rules regarding attendance at their training events and may deny costs for an attendee who violates those rules.
- g. Once Rule 3a(1) has been satisfied, Justices of the Peace who are also licensed attorneys may:
 - (1) obtain training sponsored by the organizations listed in Rule 2c in order to satisfy the educational requirements of Rule 3a(2). If training used to satisfy the educational requirements of Rule 3a(2) is obtained from an organization listed in Rule 2c, the required hours of course instruction may be obtained by attending either a single live course of instruction or multiple live courses of instruction;
 - (2) obtain training sponsored by the organizations listed in Rule 2c in order to satisfy the educational requirements of Rule 3a(3), including up to four hours of education achieved by electronic means in each fiscal year;
 - (3) obtain training sponsored by the organizations listed in Rule 2c in order to satisfy the educational requirements of Rule 3a(4), including education achieved by electronic means.
- h. Justices of the Peace who have been out of office for 4 or more years and then return to office must satisfy Rule 3a(1).
- i. Temporary appointees under Section 27.055 of the Government Code are exempt from Rule 3.
- j. Justices of the Peace who are appointed to fill an absence or vacancy under Section 27.052 of the Government Code must satisfy Rule 3, beginning at the date of appointment.

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- k. Justices of the Peace who have been suspended by the State Commission on Judicial Conduct are also suspended from the requirements of Rule 3 for the pendency of their suspension.

RULE 4. JUDICIAL OFFICERS.

- a. Each judicial officer will, as an official duty:
 - (1) complete within one year after taking office, at least 12 hours of instruction in the administrative duties of office and substantive procedural and evidentiary laws unless the judicial officer has previously complied with this requirement and has been absent from the bench less than one year before taking the present office;
 - (2) each fiscal year thereafter, complete at least 12 hours of instruction in substantive, procedural and evidentiary laws and court administration; and
- b. Instruction credit completed during any fiscal year in excess of the minimum number of hours required may be applied to the following fiscal year's requirement.
- c. Those training programs sponsored by the organizations listed in Rule 2c can be utilized to satisfy the requirements of this rule.
- d. Definitions. The term "judicial officer" in these Rules refers to a full-time associate judge appointed pursuant to Chapter 201 of the Family Code, or to a full-time master, magistrate, or referee appointed pursuant to Chapter 54 of the Government Code as required by the Court of Criminal Appeals under Section 74.025.

RULE 5. MUNICIPAL COURT JUDGES.

- a. Each municipal court judge will, as an official duty:
 - (1) within one year after taking office, complete a minimum of 16 hours of instruction from the Texas Municipal Courts Education Center (TMCEC) in the performance of the duties of office if a licensed attorney, or a minimum of 32 hours of instruction if not a licensed attorney; and
 - (2) each fiscal year thereafter, complete a minimum of 16 hours of instruction from the Texas Municipal Courts Education Center in the performance of the duties of office. A judge's second year of judicial education must be comprised of 16 continuous hours at a live TMCEC Judges Seminar. After meeting the judicial education requirement for the first two academic years, a judge must complete at least eight continuous hours at a live TMCEC Judges Seminar. A judge may complete the remaining eight hours through approved live TMCEC

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trainings, approved online education, or a combination of approved live events and online education.

(3) in every fiscal year that ends in 0 or 5, complete two hours of course instruction related to understanding relevant issues of child welfare and the Individuals with Educational Disabilities Act as required by Section 22.1105 of the Government Code. See Rule 12a.

- b. A person who serves in the dual capacity as a municipal judge and as a justice of the peace may be permitted to receive credit toward fulfillment of the requirements of the rules of judicial education for each office by attending a course of instruction for either office, provided that the curriculum is pertinent to the duties and responsibilities of each office. The determination of the applicability of the course to each or either office shall be made by the judicial education committee having jurisdiction over each office in accordance with that committee's procedures.
- c. After serving as a municipal court judge for a period of two years and meeting the judicial education requirement each year as required by Rule 5a, a judge may attend an alternate course approved by the Municipal Courts Education Committee. The alternate course must provide at least eight continuous hours of live presentation. A judge may complete the remaining eight hours through approved live trainings, approved online education, or a combination of approved live events and online education. An approved alternate course may be selected only every other year.

**Amended 3/2008: the amendment to Rule 5 clarifies and memorializes a long-held construction by the Municipal Courts Education Committee. Specifically, all municipal judges, including judges who serve in the dual capacity as a municipal judge and as justice of the peace are required first to complete two years of instruction pertaining to the duties of the office of municipal judge from the Texas Municipal Courts Education Center before being eligible to meet judicial education requirements pursuant to Rule 5b. As amended, Rule 5 parallels the provision of Rule 3a (1) – (2), requiring that justices of the peace obtain their first two years of instruction from the Texas Justice Court Training Center.*

The Education Committee has long construed the provisions of Rule 5 collectively. Accordingly, this amendment is not intended as a substantive change. Rather, it merely clarifies that Rule 5b and Rule 5c are construed respectively in light of the provisions of Rule 5a.

RULE 6. COURT COORDINATORS.

- a. Each court coordinator of a district or statutory county court shall annually complete 16 hours of continuing education, unless the court

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coordinator files with the Texas Center for the Judiciary, Inc., the prescribed form, signed by the judge or commissioners court of the county employing the court coordinator certifying that state and local funds are not available for the court coordinator's continuing education.

- b. In addition to the programs provided in Rule 2c, programs of the following organizations can be utilized to satisfy the requirements of Rule 6a:
 - (1) The Texas Association of Court Administration
 - (2) The Texas Office of Court Administration
 - (3) The National Association for Court Management
 - (4) The Institute for Court Management of the National Center for State Courts
 - (5) The Justice Management Institute
 - (6) A state college or university or local community college
 - (7) A program sponsored by a local court administrative office and approved by the local administrative judge or local presiding judge
 - (8) Other programs as approved by the Court of Criminal Appeals Education Committee (Judicial Advisory Committee, Texas Center Board of Directors)
- c. Instruction credit completed during any fiscal year in excess of the minimum number of hours required may be applied to the following fiscal year's requirement.
- d. Each court coordinator who attends an approved program or performs an approved activity will certify the event on a form provided by the Texas Center for the Judiciary, Inc.

RULE 7. OPERATION OF GRANTS.

- a. Grants shall be awarded by the Court of Criminal Appeals for the period of the state fiscal year. Completed applications for grant funding shall be submitted to the Court of Criminal Appeals on or before the first day of July preceding the fiscal year for which the grant is applied.
- b. Grants shall be awarded based on qualitative information provided in the Uniform Grant Application Narrative section of the completed grant application.
- c. All grants shall be conducted in accordance with the following:
 - (1) applicable state laws and rules of the Court of Criminal Appeals, and regulations, policies, and guidelines promulgated pursuant thereto; and

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(2) terms, conditions, standards, or stipulations of grant agreements and conditions.

- d. Grantees shall be audited both in financial performance and program performance by the Court of Criminal Appeals.

RULE 8. COURSE CREDIT.

- a. A judge or judicial officer attending a program will earn one hour of credit for each hour of instruction actually attended. Judges or judicial officers who serve as instructors at approved programs will receive credit for three times the presentation time.
- b. Grantees are encouraged to provide courses of instruction that are statutorily mandated for those judges or judicial officers required to take such courses.

RULE 9. CERTIFICATION AND RECORDS.

- a. Each judge or judicial officer who attends an approved program or performs an approved activity will certify the event on a form approved by each entity's Educational Committee. This certification will be sent to the Registrar named in the form, to be entered on records maintained for that purpose. Records will be retained for three years.
- b. After the end of each grant year, the Registrar will report to the applicable Education Committee the name of any judge or judicial officer who has not accumulated the minimum hours of education for that year, including such judges who are leaving office and do not plan to run for another term.

RULE 10. WAIVERS OF COMPLIANCE.

- a. Upon receipt of the reports required by Rule 9b, the applicable Education Committee will advise the named judges or judicial officers of the deficiency. Within 30 days of the receipt of such notice, the judge or judicial officer may submit a statement of the reasons that prevented compliance. Thereafter, unless the applicable Committee grants a waiver for good cause shown, it will report the name of the judge or judicial officer to the State Commission on Judicial Conduct by November 1.
- b. Thereafter, the applicable Committee shall not communicate with the judge or judicial officer as to their status except to refer them to the Commission on Judicial Conduct.

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RULE 11. EDUCATIONAL LEAVE. All judges or judicial officers covered by these Rules are granted such educational leave as may be required to fulfill the requirements of these Rules.

RULE 12. STATUTORILY MANDATED TRAINING.

a. Judicial-education entities shall provide training as required by the following statutes:

<u>Tx. Gov't Code</u>	<u>Title</u>
Sec. 22.111, Gov't. Code	Training for Prosecuting Attorneys Related to Punishment Enhancement Because of Bias or Prejudice
Sec. 22.1105, Gov't. Code	Judicial Instruction Related to Certain Alleged Child Offenders
Sec. 22.012, Gov't. Code	Training Related to Diversions
Sec. 22.013, Gov't. Code	Judicial Instruction Related to Guardianship Issues
Sec. 22.110, Gov't. Code	Judicial Instruction Related to Family Violence, Sexual Assault & Child Abuse
Sec. 41.110, Gov't. Code	Training Related to Family Violence
Sec. 41.111, Gov't. Code	Training Related to Prosecuting Attorney's Duty to Disclose Exculpatory and Mitigating Evidence

b. Judicial Education entities shall provide training in ethics, which must include information about issues related to race, fairness, ethnic sensitivity and cultural awareness.

c. Definitions, as related to Sec. 22.110, Govt. Code, are as follows:
 (1) The term "judicial officer" in this rule refers to a district judge or a judge of a statutory county court;
 (2) The term "judicial officer" in this rule refers to an associate judge appointed under Chapter 54 of this code, or Chapter 201 of the Family Code, or to a master, referee or magistrate.

d. As related to training required by Sec. 41.111, Gov't. Code:

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(1) The term “prosecuting attorney” in this subsection means any county attorney, district attorney, criminal district attorney, assistant county attorney, assistant district attorney, or assistant criminal district attorney who represents the state in the prosecution of felony or misdemeanor criminal offenses other than Class C misdemeanors. The term includes any attorney acting as a county attorney, district attorney, criminal district attorney pro tem, or any attorney otherwise acting as a special prosecutor. The term does not include an attorney holding one of those positions who exclusively practices civil law.

(2) Within 180 days of assuming duties as a prosecuting attorney, a person shall complete a one-hour course of study relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal case.

(3) A person who on January 1, 2014, is serving as a prosecuting attorney must comply with the training requirements of this section not later than January 1, 2015.

(4) Each prosecuting attorney who completes the training described in subsection d(2) or d(3) shall complete additional training within four calendar years from the year of their initial training, and every four years thereafter.

(5) The training described in Sec. 41.111, Gov’t. Code, may be delivered in multiple formats, including live, web-based, and audio- and/or visually-recorded.

(6) Pursuant to Ch. 56.006, Gov’t. Code, the Court shall monitor the program performance of entities receiving grant funds. Further, pursuant to Sec. 41.111, Gov’t. Code, the Court is required to adopt rules to ensure the training of prosecutors is specific with respect to a prosecuting attorney’s duties regarding the disclosure of exculpatory and mitigating evidence in a criminal case, and must be consistent with case law and the Texas Disciplinary Rules of Professional Conduct. A provider of training required by Sec. 41.111, Gov’t. Code:

(a) shall provide to the Court, prior to the training, course materials so the Court may approve the content of the training;

(b) shall develop a method of certifying completion of the training required; and

(c) shall provide to the Court an annual report of all prosecuting attorneys completing the required training by January 31st of the following year.

RULE 13. ISSUES CONCERNING SEX OFFENDER CHARACTERISTICS. Grantees training board-certified family-law attorneys and criminal, county, and district attorneys are responsible for training on issues concerning sex-offender characteristics, in accordance with Senate Concurrent Resolution 16, issued May 24, 1995.