

# Gavel to Gavel

A review of state legislation affecting the courts

Week ending July 15, 2011

Volume 5, Issue 29

## *Focus: Educating judges and court staff*

Last week's annual meeting of the [National Association for Court Management](#) was also the annual meeting of the [National Association of State Judicial Educators](#). The issue of optional and in some cases mandatory judicial education and training has been the focus of legislative attention in 2011, including:

### Law

[Arkansas SB 750](#) Directs Arkansas Sentencing Commission prepare and conduct annual continuing legal education seminars regarding sentencing guidelines to be presented to judges.

[Georgia SB 47](#) Requires all magistrates and senior magistrates obtain, on an annual basis, 12-20 hours of training, with the specific amount to be set by Georgia Magistrate Courts Training Council.

[Mississippi HB 490](#) Exempts from new competency examination all sitting justice court judges (see also [HB 592](#) & [SB 2694](#)).

[Nebraska LB 669](#) Creates judicial hearing officers. Authorizes Supreme Court provide for training of judicial hearing officers, including rules for training sessions and continuing education requirements (see also [LB 451](#)).

[Texas HB 79A \(Special Session\)](#) For justice of the peace courts, specifies that existing required annual 20-hour educational course be specifically on the subject of the performance of the justice's duties, of which at least 10 hours must be on substantive, procedural, and evidentiary law in civil matters (see also [HB 3445](#) / [SB 1717](#)).

### Approved by at least one chamber

[Arizona HB 2424](#) HOUSE VERSION: Provides that if county wishes to create a probate court, each judge serving in that court must first demonstrate competence in all areas of probate jurisprudence as prescribed by the supreme court and undertaking training. SENATE AMENDMENT: Removes training & competence requirements. Establishes a probate advocacy panel to recommend ways to improve the probate system through statutory changes. Senate version signed into law by Governor.

[Colorado HB 1302](#) Creates a program within the department of state for the purpose of providing training to judges in managing business litigation. Approved by full House. Died in Senate Committee on State, Veterans & Military Affairs.

[Florida SB 2064](#) Encourages the Florida Supreme Court, in consultation and cooperation with the Supreme Court Mental Health and Substance Abuse Committee, to develop educational training for judges in the pilot program areas which focuses on the community forensic system. Approved by full Senate. Died in House Messages.

[Massachusetts HB 3395](#) / [SB 1907](#) / [SB 1911](#) Transfers responsibility for continuing education of judges and other court personnel from chief administrative justice to newly created state court administrator. Conference committee appointed.

New York [AB 2349](#) / [SB 4895](#) Directs the office of court administration to provide training to judges and justices with respect to crimes involving sexual assault. Approved with Senate amendment by full Senate 6/22/11. Pending on Assembly floor.

## **Active in committee**

[Hawaii HCR 61](#) Requests judiciary continue to develop and implement training program for judges to better recognize and understand domestic violence.

[Hawaii HR 54](#) Requests judiciary develop and implement training for family court judges and guardians ad litem to better recognize and understand domestic violence.

[Pennsylvania SB 100](#) Directs sentencing commission to conduct training and orientation for trial court judges on any risk assessment instrument they develop.

[Texas HB 331](#) Authorizes creation of municipal court equal justice and education fund to pay for education of municipal court judges and municipal court support personnel.

Virginia [HB 1691](#) / [SB 1063](#) Creates Servicemembers and Veterans Courts and requires Supreme Court provide training for judges on such courts.

## **No session activity**

[Connecticut SB 1220](#) Directs Chief Court Administrator conduct training on family violence issues for judges assigned to hear family violence cases in the Superior Court.

[Connecticut SB 352](#) Requires additional training for judges assigned to hear domestic violence cases in the Superior Court.

[Georgia HB 641](#) & [SB 127](#) Provides each judge and associate juvenile court judge exercising juvenile jurisdiction shall receive training appropriate to the role and participate in at least 12 hours of continuing legal education or continuing judicial education established or approved by the Council of Juvenile Court Judges each year and meet such rules as established by the Council of Juvenile Court Judges pertaining to such training.

[Massachusetts HB 3410](#) Directs administrative office of the trial courts work with the department of veterans services to adopt a training program to educate and assist court personnel and judges in recognizing veterans issues and determining the appropriate treatment for veterans within the court.

[Massachusetts SB 678](#) Directs chief administrative justice of the trial court department provide training, including, but not limited to, education concerning driving under the influence.

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, Research Division.

Minnesota [HB 1632](#) / [SB 1315](#) Provides Supreme Court shall include training relating to a judge's powers and duties regarding chemical use assessments in its judicial education program.

Minnesota [HB 520](#) / [SB 998](#) Creates state treasury an alcohol judicial and health impact fund to, in part, fund increased judicial training relating to a judge's powers and duties regarding chemical use assessments

[Mississippi SB 2322](#) Directs Mississippi Judicial College of the University of Mississippi Law Center shall prepare and conduct courses of training for basic and continuing education concerning the federal Victims of Trafficking and Violence Protection Act for judges. Directs College, to the extent possible, make the training a part of the annual judicial continuing education hours mandated under Rule 3 of the Rules and Regulations for Mandatory Continuing Judicial Education.

[New Mexico HB 559](#) Directs Department of Health provide annual education on whether a person is capable of informed consent for behavioral health treatment and for the appointment of a treatment guardian.

[New York AB 2362](#) Establishes the office of court administration shall provide training for judges and justices at the New York state judicial institute with respect to crimes involving sexual assault.

[New York AB 4465](#) Directs victims' assistance education program be developed and offered for judges and others.

[New York AB 5317](#) Directs Division of Criminal Justice Services develop training program for judges and others on identification procedures that shall be used for eyewitnesses including live lineups and photo lineups.

New York [AB 5645](#) / [SB 2349](#) Creates mental health courts and directs judges assigned complete training on law and science related to mental health prior to hearing such cases.

[New York SB 3437](#) Creates mental health courts and directs judges assigned complete training on law and science related to mental health prior to hearing such cases.

[Pennsylvania SB 1080](#) Directs sentencing commission to conduct training and orientation for trial court judges on any recommitment ranges for parole violations they develop.

[Pennsylvania SB 115](#) Directs Department of Public Welfare to create educational materials for judges on assisted outpatient treatment program.

[Pennsylvania SB 346](#) Establishes Judicial Education Program in Domestic Violence and requires 20 hours of mandatory education for judges on domestic violence.

[Pennsylvania SB 57 \(Constitutional Amendment\)](#) Requires certain limited jurisdiction judges complete a course of training and instruction on judicial duties prior to \*nomination\* to fill a judicial vacancy (currently, must complete prior to \*taking office\*).

Tennessee [HB 1092](#) / [SB 1453](#) Directs Department of Mental Health, in consultation with the administrative office of the courts, to establish a mental health training program for supreme and county court judges and court personnel.

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, Research Division.

[Texas HB 3434](#) Provides the court of criminal appeals may not adopt rules that require judges to complete continuing judicial training more frequently than every two years.

[Texas SB 823](#) Requires judges hearing mental illness and substance abuse cases have at least 12 hours of training in their first term on the subject(s) and 6 hours each term thereafter.

### **Jurisdiction: Newly Introduced**

NONE

### **Jurisdiction: Floor and Committee Activity**

NONE

### **Qualifications and Terms: Newly Introduced**

NONE

### **Qualifications and Terms: Floor and Committee Activity**

NONE

### **Rule Making Authority: Newly Introduced**

NONE

### **Rule Making Authority: Floor and Committee Activity**

NONE

### **Salary and Budget: Newly Introduced**

NONE

### **Salary and Budget: Floor and Committee Activity**

[California SB 503](#) Allows a judge to make a one-time written election, prior to retirement, to purchase service credit in the Judge's Retirement System II (JRS II) for any number of whole years a judge served as a full-time subordinate judicial officer. Approved by Assembly Committee on Appropriations 7/13/11.

[California SB 93](#) ORIGINAL: Creates Local Revenue Fund 2011 in the State Treasury, and would create the Trial Court Security Account within the Local Revenue Fund 2011. AMENDED: Removes all references to funds/accounts. Approved as amended by full Senate 7/14/11. To Governor for approval.

### **Selection: Newly Introduced**

NONE

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, Research Division.

## **Selection: Floor and Committee Activity**

NONE

## **Structure Changes: Newly Introduced**

NONE

## **Structure Changes: Floor and Committee Activity**

[California AB 201](#) Authorizes superior courts to develop and implement veterans courts. Establishes standards and procedures for veterans courts and specifies that county participation in the veterans courts program is voluntary. Approved by full Senate 7/11/11. To Governor for approval.

## **Other: Newly Introduced**

NONE

## **Other: Floor and Committee Activity**

[California AB 116](#) AS APPROVED BY ASSEMBLY: Requires commencing no earlier than July 1, 2011, and no later than December 15, 2012, the State Auditor establish a pilot program to audit 6 trial courts, and based on the results of the pilot program, on or before December 15, 2013, commence audits of all trial courts, as provided. Requires that on or before December 15, 2013, and biennially thereafter, the State Auditor audit the Administrative Office of the Courts, the Habeas Corpus Resource Center, and the appellate courts. Provides these audits are in lieu of statutory requirement that the State Auditor on his or her assessment of the implementation of certain contracting provisions by the judicial branch. AS AMENDED BY SENATE: Removes all references to courts and audits. Assembly concurs with Senate amendment 7/14/11. To Governor for approval.

[California SB 264](#) Repeals requirement that local public agencies file a record of all known or reported injuries incurred by skateboarders in a public skateboard park with the Judicial Council and the Council report on them. Approved by full Assembly 7/14/11. To Senate to concur with Assembly amendment.

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, Research Division.