

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

AUG 24 2005

ORDERED Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN RE THE MATTER OF CONTINUING  
JUDICIAL EDUCATION

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By continuing judicial education, Judges and Justices can better fulfill their obligation to the public. On December 10, 1984, and from time to time thereafter, this Court has entered orders establishing committees and boards for the purpose of assuring that a program of continuing legal education is available to state level Judges in courts of record and Justices of the Supreme Court.

The Montana Judges' Association and the Board of Continuing Judicial Education have recommended to the Court that there be established a Judicial Education Committee to oversee the continuing education of Judges and Justices; that the Continuing Judicial Education requirement for said judicial officers be maintained; and that the Board of Continuing Legal Education thereupon be abolished.

The Court has considered the recommendations of the Association and the Board, and concludes that a Judicial Education Committee should be established to replace the Board of Continuing Judicial Education, and that revised Continuing Judicial Education Requirements should be adopted forthwith.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of Continuing Judicial Education is abolished.
2. Judicial Education Committee.

a. The Judicial Education Committee is established. The primary purpose of the Committee is to provide for the continuing legal education of the Justices and Judges to the greatest extent possible by determining curricula for bi-annual educational conferences and identifying and presenting other sources of judicial education for the Montana judicial officers referenced above.

b. The Committee shall consist of eight members including one Supreme Court Justice appointed by the Supreme Court, two Judges appointed by the Supreme Court and two Judges elected by the Montana Judges' Association. These members shall serve not more than two consecutive three-year terms; appointments and elections shall occur no later than November 30 of any year in which a term expires on December 31. The remaining three members of the Committee shall be the President of the Montana Judges' Association, the Dean of the University of Montana School of Law and the President of the State Bar of Montana, who shall serve on the Committee so long as they hold the positions herein stated. The president of the Montana Judges' Association shall serve as chairperson of the Committee. The initial members of the Committee shall be the members of the former Board of Continuing Judicial Education, who shall serve staggered terms. For the purpose of staggering the terms of the new Committee, the appointed and elected Justice's and Judges' terms are reconfigured as stated on Exhibit A, attached hereto and incorporated by reference herein. The incorporation of Exhibit A supercedes all earlier orders setting terms of service on the former Board.

c. The Committee shall meet at least twice each year at a time and place it shall fix, and at such other times as a meeting shall be called by the chairperson or a majority of the members of the Committee. The meetings shall be open to the public with advance notice via website posting. A majority of the members of the Committee shall constitute a quorum for the conduct of business.

d. The Judicial Education Committee shall have the following powers and duties:

i. To develop and implement curricula for bi-annual judicial education conferences to be held in the spring and fall of each year;

ii. To review and evaluate the curriculum after each of the scheduled conferences;

iii. To monitor and oversee, as necessary, the continuing judicial education credits required of the Judges and Justices;

iv. In emergency situations only, to consider requests for waivers and extensions of required continuing judicial education hours and reporting requirements, and approve or disapprove such requests; and,

v. To perform other functions related to judicial education as shall from time to time be necessary to assure quality judicial education is available to Judges and Justices.

e. Staff from the Supreme Court Administrator's Office shall act as secretary to the Committee, coordinate judicial conferences and perform other duties as necessary to support the work of the Committee.

### 3. Continuing Judicial Education Requirements.

a. The minimum requirements apply to Judges and Justices.

b. Each Judge and Justice shall complete a minimum of fifteen (15) hours of continuing judicial education each calendar year. An hour of continuing judicial education means one hour in attendance at a continuing legal or judicial education program. Programs of continuing education shall:

i. Have significant intellectual or practical content designed to increase the participants' judicial competence.

ii. Constitute an organized program of learning, dealing with matters directly related to the study of law, professional and judicial responsibility, or ethical obligations of lawyers and judges.

iii. Be prepared, and the activities conducted, by an individual or group qualified by practical, legal, judicial, or academic experience; and

iv. Have prepared written material, which should be distributed or available to all attendees at or before the time of the course is presented. In those instances where written materials are not suitable or readily available for some types of subjects, the activity may still be approved. The absence of written material for distribution shall, however, be the exception and not the rule.

c. Judges and Justices who participate in education-related activities including, but not limited to, lecturing in a continuing education program, writing and publishing an article

in a legal periodical and teaching part-time at an ABA-accredited law school may receive continuing judicial education credit up to a maximum of eight (8) continuing judicial education credits each calendar year.

d. On or before February 1 of each year, each Judge and Justice shall report in writing to Committee staff a description of the judicial education programs attended and the number of hours in attendance at each program, as well as education-related activities for which continuing judicial education credits are sought. Staff shall provide a form for reporting to each Justice and Judge prior to the end of the calendar year.

e. Hours completed in any year in excess of the minimum may be carried forward to satisfy the continuing judicial education requirement for two subsequent years.

f. On or before March 1 of each year, Committee staff will forward reports which appear to be questionable to the members of the Committee. The Committee may require additional information from a Justice or Judge concerning the report for the purpose of determining if the requirements herein have been met.

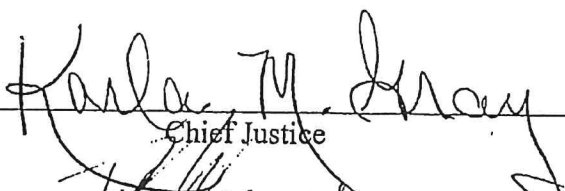
g. The Committee, at its first meeting following March 1 of each year, shall consider any forwarded reports.

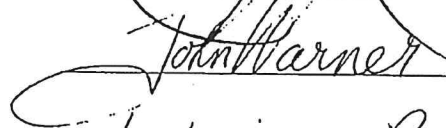
h. A failure to timely file the required yearly report or to timely complete the required annual judicial education, absent a waiver or extension pursuant to 2. d. iv, shall constitute a failure to comply with an order of the Supreme Court. In such an event, Committee staff shall immediately forward such information to the Chief Justice for further proceedings.

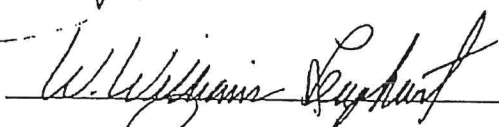
The Clerk of this Court is directed to mail a true and correct copy of this Order to:


the Hon. Thomas McKittrick, President of the Montana Judges' Association; the Hon. John Warner, Justice Montana Supreme Court; the Hon. Loren Tucker, District Judge; the Hon. Julie Macek, District Judge; the Hon. Katherine R. Curtis, District Judge; the Hon. Randal I. Spaulding, District Judge; Keith A. Maristuen, President, Montana State Bar; Ed Eck, Dean, UM School of Law; Jim Oppedahl, Court Administrator; and Karen Sedlock, Judicial Educator.

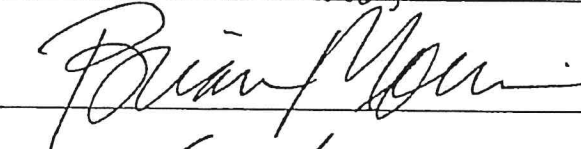
DATED this 24<sup>th</sup> day of August 2005.

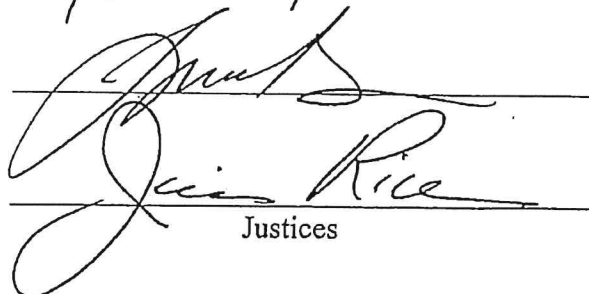
  
Chief Justice

  
John Warner

  
William Lyndahl

  
Patricia Cottler

  
Brian Moran

  
Justices