

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 26

**Education of Judges, Probate Magistrates, Attorney
Probate Referees, and Court Staff**

26.1 Authority

These regulations are issued pursuant to C.G.S. § 45a-77(b)(1).

26.2 New Judges

(a) Each person elected to a first term of office as judge of probate shall complete a training program established under C.G.S. § 45a-27, and these regulations.

(b) The administrator shall establish, supervise and fund the training programs for new judges, which shall include a minimum of forty hours of instruction. The curriculum shall be designed to establish a minimum level of proficiency by judges of probate, and shall be presented by qualified instructors approved by the administrator.

(c) Each newly elected judge shall complete a course between the date of election and the date of assuming office concerning the rules of judicial conduct and ethical considerations of the office, the operations of the probate court, and the availability of assistance for a judge of probate in the operation of the court.

(d) Each newly elected judge shall complete, within six months after taking office, courses in (1) civil procedure, including constitutional issues, due process and evidentiary considerations; (2) property law, including conveyancing and title

considerations; (3) the law of wills and trusts; (4) family law in the context of the probate courts; (5) probate court jurisdiction; (6) probate court procedure; (7) the conduct of hearings and other judicial duties; (8) legal research and drafting of decrees; (9) the substantive law of conservatorship, guardianship, termination of parental rights, adoption and other areas of probate jurisdiction; and (10) such other relevant matters as may be determined by the administrator. To the extent reasonably possible, the administrator shall attempt to present the educational program required hereunder prior to the time the new judges take office.

(e) Judges elected in special elections shall meet the educational requirements set forth in paragraphs (a) through (d) of this subsection, provided that: (1) such courses may be presented in person or by means of audio and or video recording, and (2) such judges shall complete all such within sixty days after the election.

(f) If a judge leaves office, but is thereafter again elected as judge of probate, the judge shall complete so much of the training program hereunder as the administrator shall deem appropriate under the circumstances.

(g) The administrator shall assign a mentor to each newly elected judge. The mentor shall be a judge of probate who has served for at least four years. The new judge shall observe at least eight hours of hearings before the mentor or other judge of probate, within two months after the election. The required eight hours may include time spent in discussion with the mentor or other judge of probate after the hearings, concerning relevant issues presented during such hearings. The mentor shall also advise and assist the new judge in such other manner and at such times as the mentor and the new judge shall determine.

(h) The failure of any newly elected judge to meet the requirements of this section shall be referred to the Ethics Committee of the Probate Assembly for such action as it deems appropriate, including but not limited to reference to the

Council on Probate Judicial Conduct, and /or for appropriate enforcement action by the administrator.

26.3 Continuing Judicial Education

(a) Each judge of probate shall, except as herein provided, annually complete at least 15 credit hours of continuing judicial education. Except as otherwise provided in this section, credit hours shall be earned by the personal attendance of the judge at courses of approved continuing education instruction. The administrator and the probate assembly shall, on an annual basis, provide educational programs sufficient to satisfy the required number of credit hours. At least eight of the required 15 credit hours shall be earned by attendance at programs offered by the administrator or the probate assembly.

(b) Each credit hour shall require at least fifty minutes of educational instruction, excluding business meetings, meal breaks and introduction of speakers.

(c) Credit shall be given for educational seminars presented by the administrator or the probate assembly. Credit may be given for such other programs as are approved by the Judicial Education Standards Committee, which may include, but are not limited to, educational programs offered by the following organizations:

- (1) The National College of Probate Judges
- (2) The American Bar Association
- (3) The Connecticut Bar Association
- (4) County and local bar associations
- (5) Accredited educational institutions offering relevant courses in the fields of law, medicine and social work.

(d) A judge who participates as a presenter in an educational program presented by the administrator or the probate assembly, shall, in addition to the credit hours allowable for attendance at the program, receive additional credit hours for preparation, equal to the number of hours of the judge's part of the presentation.

(e) The Judicial Education Standards Committee may, upon request of any judge or clerk, waive a requirement this section if the committee determines that the judge or clerk is prevented from compliance by circumstances beyond his or her control. Such circumstances may include, but are not limited to, serious medical issues, or that the judge was called to active duty in the military service.

(f) The Judicial Education Standards Committee may, for good cause, exempt a judge or clerk from the requirements of this section. Good cause for waiver may include circumstances beyond the control of the judge or clerk making compliance difficult or impossible, including but not limited to medical issues or active duty in the military service. Any such waiver shall be in writing and shall state the extent of the waiver and the year for which such waiver is granted.

(g) The Judicial Education Standards Committee shall evaluate and determine those programs that qualify for continuing judicial education credit. In making such determination the committee shall consider the relevance of the subject matter to the participant's professional competence as a judge. The committee shall take into consideration the length of the program and determine the number of hours, if any, that will qualify for continuing judicial education credit. The committee may also take into account the quality of any educational materials provided in conjunction with such program, and the extent to which they may assist in improving judicial skills.

(h) The Judicial Education Standards Committee shall consist of the chair of the Probate Assembly's Continuing Education Committee, the Executive Secretary of the Probate Assembly, the Probate Court Administrator or designee, and the First Vice-President of the Probate Assembly, who shall serve as the chair.

(i) Not later than January 31, of each year, each judge of probate shall file a report with the administrator indicating the number of hours of continuing judicial education credit earned during the previous calendar year. The report shall also state that the judge has verified that all members of the court staff have met the educational requirement of section 4 of this regulation. The report shall be filed on a form provided by the administrator. Any failure to file the report or to meet the requirements of this section shall be referred to the Ethics Committee of the Probate Assembly for such action as it deems appropriate, including but not limited to reference to the Council on Probate Judicial Conduct, and /or for appropriate enforcement action by the administrator.

(j) It shall be the responsibility of each judge of probate to ascertain whether or not any educational program reported in his or her report under subsection (g) of this section qualifies for continuing judicial education credits hereunder, and, if necessary, to submit any such matter to the Judicial Education Standards Committee for its determination.

26.4 Court Staff

(a) The requirements of this section shall apply to each clerk or other court staff employed by one or more courts of probate for at least 10 hours per week. Where an individual is employed by more than one court, the application of this section shall be determined by accumulating the hours worked in all such courts.

(b) Each clerk shall, except as herein provided, annually complete at least 6 credit hours of continuing education. Credit hours shall be earned by the

personal attendance of the clerk at courses of approved continuing education instruction. Qualified programs shall include those specifically designated for clerks, by the administrator. Sufficient educational programs shall be presented on an annual basis to satisfy the number of credit hours required hereunder.

(c) Educational programs for clerks shall be offered during normal working hours. Clerks shall be compensated at their regular rate for attendance at educational programs in satisfaction of the requirements of this section.

(d) It shall be the responsibility of each judge of probate to insure that member of the staff of his or her court meets the requirements of this section. The judge shall as part of his or her continuing judicial education compliance report under section 3 of this regulation, state that he or she has determined that each member of the staff of such court has complied with the requirements of this section for the calendar year reported.

26.5. Training and Education of Probate Magistrates and Attorney Probate Referees

(a) Each newly-appointed probate magistrate and attorney probate referee shall attend a program established by the administrator for training individuals in such positions. The administrator shall not assign a probate magistrate or an attorney probate referee to a matter unless the magistrate or the referee has completed the program required under this section.

(b) Each probate magistrate and attorney probate referee shall, after the first year of service as a magistrate or a referee, annually complete at least five credit hours of continuing education approved in accordance with P.C.R. § 26.3(c).

(c) Each credit hour of continuing education shall require at least 50 minutes of educational instruction, excluding business meetings, meal breaks, and introduction of speakers.

(d) Credit shall be given for educational seminars presented by the administrator or the probate assembly. Credit may be given for such other programs as are approved by the Judicial Education Standards Committee, which may include, but are not limited to, educational programs offered by the following organizations:

- (1) The National College of Probate Judges
- (2) The American Bar Association
- (3) The Connecticut Bar Association
- (4) County and local bar associations
- (5) Accredited educational institutions offering relevant courses in the fields of law, medicine, or social work.

(e) The Judicial Education Standards Committee shall evaluate and determine those programs that qualify for continuing education credit. In making such determination the committee shall consider the relevance of the subject matter to the participant's professional competence as a probate magistrate or attorney probate referee. The committee shall take into consideration the length of the program and determine the number of hours, if any, that will qualify for continuing education credit. The committee may also take into account the quality of any educational materials provided in conjunction with the program, and the extent to which the materials may assist in improving the skills of a magistrate or referee.

(f) Not later than January 31 of each year, each probate magistrate and attorney probate referee shall file a report with the administrator indicating the

number of hours of continuing education credit earned by the magistrate or referee during the previous calendar year.

26.6 Attendance at Programs of Training or Education

Individuals may satisfy the training and education requirements of this section of the P.C.R. by attending programs in person or by other means approved by the administrator.

Subsection 26.5 is added January 5, 2011 to include Probate Magistrates and Attorney Probate Referees.

Subsection 26.6 is added January 5, 2011 to allow individuals to participate in educational seminars by electronic means.

Approved by the Executive Committee March 16, 2010

Approved by the Judiciary Committee July 8, 2010