

RULE 510
CONTINUING LEGAL EDUCATION FOR
MAGISTRATES AND MUNICIPAL JUDGES

(a) **Purpose.** Being mindful of the improvements in the administration of justice that have resulted from our mandatory continuing legal education requirements for judges and active members of the South Carolina Bar (see Rules 408 and 504, SCACR), this Rule establishes minimum requirements for continuing legal education (CLE) for magistrates and municipal judges and the means by which those requirements shall be enforced. Nothing in this Rule shall be construed as preventing the Supreme Court from requiring mandatory attendance of magistrates and municipal judges at designated continuing legal education programs.

(b) **Continuing Legal Education Requirements.**

(1) Magistrates. During each reporting year, which begins on July 1 and ends on June 30, all magistrates are required to attend at least 18 hours of accredited CLE. At least 6 of the 18 hours shall be devoted to civil law issues and at least 6 of the 18 hours shall be devoted to criminal law issues and at least 2 of the 18 hours shall be devoted to ethical issues. To obtain credit for an accredited educational activity which has a testing component, the testing component must be completed satisfactorily.

(2) Municipal Judges. During each reporting year, which begins on July 1 and ends on June 30, all municipal judges shall be required to attend at least 12 hours of accredited continuing legal education pertaining to criminal law and practice and procedure in municipal courts, and at least two of the twelve hours shall be devoted to ethical issues. To obtain credit for an accredited educational activity which has a testing component, the testing component must be completed satisfactorily.

(3) Newly Appointed Magistrates and Municipal Judges. For the year in which a magistrate or municipal judge is appointed to office, the required initial training shall satisfy the requirements of this Rule. If a magistrate or municipal judge is appointed in one reporting year and completes the required training at the next scheduled training session, which is in the succeeding reporting year, the requirements of this Rule shall be satisfied for both reporting years.

(4) Carry Forward Credit. A magistrate who completes more than 18 hours of CLE credit in any reporting year may carry a maximum of 12 hours of the excess credit forward to the next reporting year. A municipal judge who completes more than 12 hours of CLE credit in any reporting year may carry a maximum of 6 hours of the excess credit forward to the next reporting year.

- (c) **Accreditation of Courses for Magistrates and Municipal Judges.** The Board of Magistrate and Municipal Court Certification (Board) or its designee shall determine whether a course is appropriate for credit pursuant to this Rule and if so, the credit it should be assigned. Course outlines and materials shall be submitted to the Board no later than fifteen days prior to the date the course is scheduled to be held. The Board is authorized to designate certain sponsors as accredited sponsors, who shall not be required to comply with the requirements of this section of this Rule. Accredited sponsor status may be withdrawn by the Board for cause after 60 days' notice to the sponsor.

When accrediting a course, the Board shall determine what portion of a course is devoted to civil law, criminal law, or ethics and designate the course appropriately. When making this designation, if the Board determines that the content of a course is inseparably composed of both civil and criminal elements, the Board shall designate those hours as civil/criminal. Magistrates and municipal judges may utilize such courses to fulfill their civil or criminal requirements, as described in subsections (b)(1) and (b)(2) above.

For the purpose of determining credit to be assigned to a course, an instructional hour means 60 minutes of instruction as a teacher or student. Only courses accredited by the Board may be applied to satisfy the CLE requirements established by this Rule. In determining whether a course should be accredited, the Board will be guided by the following standards:

- (1) Courses should have significant intellectual or practical content;
- (2) The subject matter should deal with legal theory or practical aspects of proceedings in magistrate or municipal courts;
- (3) Faculty members must be qualified by practical or academic experience to teach the subject;
- (4) High quality written materials should be distributed to participants;
- (5) Suitable classroom or other setting should be provided for participants;
- (6) Ethical and professional considerations pertaining to the subject matter should be included in the program; and
- (7) Programs should encourage magistrates and municipal judges to develop contacts and resources of information in conjunction with their instructors and fellow magistrates or municipal judges.

The Board shall promptly provide the Commission on Continuing Legal Education and Specialization (Commission) with information concerning the courses it accredits pursuant to this Rule. Information provided should include

program title and sponsor, date(s) and place(s) program will be presented, credit assigned to the program, and whether any portion of the program is devoted to civil or criminal issues.

(d) Duties of Sponsors of Accredited Courses. To assist in verifying course attendance, sponsors of courses accredited by the Board shall prepare a list of course attendees and retain that list for a minimum of 2 years. Within 30 days after a program is completed, sponsors will provide the Commission with a list of attendees, with SC Bar numbers, if available, which indicates the credit each attendee has earned.

(e) Reports and Fees.

(1) On forms prepared by the Commission and available through its offices, each magistrate and municipal judge shall, not later than July 15, file with the Commission a sworn annual report of compliance for the previous reporting year. The compliance reporting form will be accompanied by filing fees as prescribed by Regulation VI(B) of the Commission's *Regulations for Mandatory Continuing Legal Education for Judges and Active Members of the South Carolina Bar*.

(2) Magistrates and municipal judges who are active members of the South Carolina Bar and required to satisfy the requirements of the Commission's *Regulations for Mandatory Continuing Legal Education for Judges and Active Members of the South Carolina Bar*, may satisfy the requirements specified in those Regulations by showing compliance with the CLE and fee requirements in this Rule. However, active members of the Bar are still required to complete the 2 hours of ethics CLE required by Rule 408(a), SCACR.

(f) Non-Compliance. If it appears to the Commission that a magistrate or municipal judge has failed to comply with the requirements of this Rule, the Commission shall notify the judge in writing by certified mail, addressed to the judge's last known address. The judge shall then have 30 days after the mailing of the notice to file an affidavit in response. The response may include documents demonstrating that the judge has cured the perceived deficiency. If after receiving the response, the Commission believes the judge has failed to comply with this Rule, the Commission will report the matter to the Supreme Court. Upon finding the judge has failed to comply with this Rule, the Supreme Court may suspend the judge, find the judge in contempt of court, or take any other action it deems appropriate.

(g) Waivers. For good cause shown, the Commission may, in individual cases involving extraordinary hardship or extenuating circumstances, waive or modify the requirement of subparagraphs (b)(1) & (2) and (e)(1). When appropriate, and as a condition for any waiver or modification, the Commission may proportionally increase CLE requirements for the succeeding reporting year.