

IN THE SUPREME COURT OF MISSISSIPPI

89-R-99020

**IN THE MATTER OF THE RULES AND REGULATIONS FOR
CERTIFICATION AND CONTINUING EDUCATION FOR
MISSISSIPPI COURT ADMINISTRATORS**

ORDER

This matter is before the Court en banc pursuant to the petition of the Mississippi Administrative Office of Courts proposing Rules and Regulations For Mandatory Certification and Continuing Education for Mississippi Court Administrators. The Court has reviewed this proposal and finds that its adoption will promote the fair and efficient administration of justice and that the proposed rules should be adopted. The Rules and Regulations for Mandatory Certification and Continuing Education for Mississippi Court Administrators are attached to this order as Exhibit "A".

IT IS THEREFORE ORDERED that the petition of the Mississippi Administrative Office of Courts be, and hereby is, granted and that the Rules and Regulations for Certification and Continuing Education for Mississippi Court Administrators, attached hereto as Exhibit "A", are hereby adopted. Prior rules adopted governing continuing education of court administrators are hereby superceded.

IT IS FURTHER ORDERED that the Clerk of this Court is directed to spread this Order upon the minutes of this Court, and to forward a certified copy of this Order to West Publishing Company for publication in a forthcoming edition of *Southern Reporter, Mississippi Cases*, the official reporter of this Court and in the *Mississippi Rules of Court*.

SO ORDERED, this, the 20th day of December, 2000.

/s/ Fred L. Banks, Jr.

FRED L. BANKS, JR., PRESIDING JUSTICE, FOR THE COURT

EXHIBIT "A"

RULES AND REGULATIONS FOR

**CERTIFICATION AND CONTINUING EDUCATION FOR
MISSISSIPPI COURT ADMINISTRATORS**

RULE 1. SCOPE AND EXEMPTIONS

The Rules concerning Continuing Education (CE) shall apply to every Administrator of any designation of the Circuit, Chancery, County, and Youth Courts of the State of Mississippi. The Rules concerning Court Administrator Certification, pursuant to Miss. Code Ann. § 9-1-36(4), shall apply to Circuit and Chancery Court Administrators appointed on or after October 1, 1996. All Court Administrators in the Circuit, Chancery, County and Youth Courts, irrespective of date of hire, are strongly encouraged to be certified through the program described, as developed by the Mississippi Administrative Office of Courts ("AOC").

RULE 2. CONTINUING EDUCATION REQUIREMENT

Each Court Administrator, Deputy Court Administrator, or Assistant Court Administrator of a Circuit, Chancery, County or Youth Court in the State of Mississippi shall attend a minimum of twelve (12) actual hours of AOC-approved Continuing Education at the Spring and Fall Court Administrators Conference (or AOC-approved substitute), each calendar year beginning January 1, 2001, provided the funding for the named Conferences is available through the Mississippi Judicial College or other source and the courses are offered.

Regulations 2.1 The number of hours required means that the Administrator must actually attend twelve (12) instructional hours of AOC-approved CE per year with no credit given for introductory remarks, meal breaks, or business meetings.

2.2 An instructional hour will in all events be an hour containing at least fifty (50) minutes of instruction time.

2.3 Administrators who have a physical disability which makes attendance at CE programs inordinately difficult may file a request with the AOC for a permanent substitute program in lieu of attendance and shall therein set out Continuing Education plans tailored to their specific interests and physical ability. The AOC shall review and approve or disapprove such plans on an individual basis and without delay, after submitting the request to the Mississippi Court Administrators Association's Education Committee for its input.

2.4 Other requests for substituted compliance, partial waivers, or other exemptions for hardship or extenuating circumstances may be granted by the AOC upon written application of the Administrator and may likewise be reviewed by the AOC, after submission to the Mississippi Court Administrators Association's Education Committee for its recommendation.

2.5 A Court Administrator may receive credit for a maximum of six (6) hours per year of attendance at an AOC-approved program other than the Spring and Fall Court Administrators Conferences, as defined by and with prior approval of the AOC.

2.6 Credit will be given only for Continuing Education activities approved by the AOC. Such approval for substitute seminars should be sought and granted prior to the occurrence of the activity but may be given

retroactively. Should a Court Administrator be required to miss a mandatory seminar, the Court Administrator shall, in writing, inform the AOC of the reasons for non-attendance within ten (10) working days after the conclusion of the seminar, unless excused by the AOC.

RULE 3. CERTIFICATION

All Circuit and Chancery Court Administrators hired in their present position from and after October 1, 1996 are required to be certified according to the Rules set forth in this section. The program for certification shall be incorporated into the Spring and Fall Court Administrator Conferences, or any other AOC-approved seminars, with all topics and topical content on the program agenda to be developed by the Mississippi Court Administrators Association's Education Committee, with the approval of the AOC.

Regulations

3.1 All AOC Court Administrators, Circuit and Chancery, hired on or after October 1, 1996, shall be required to be certified, within four (4) years of the institution of this program, or, if hired at a later date, within four (4) years after the date of hire. County and Youth Court Administrators, and Circuit and Chancery Court Administrators hired before October 1, 1996, will be eligible to be certified and are strongly encouraged to do so.

3.2 The Certification Program will span four (4) consecutive Spring and Fall Conference programs, over a span of two (2) years, with the certification issued upon the successful completion of the twenty-four (24) hours required by the AOC. Participants in the Certification Program will be tested at the conclusion of the seminar, with a passing score necessary in order to receive certification credit for the hours provided at the meeting.

3.3 Topics and participants eligible for credit for certification must be approved by the AOC. Upon completion of the initial certification, Administrators will receive renewal on an annual basis, subject to completing the annual Continuing Education requirements set out in Rule 2.

3.4 Specifics of the Certification Program may be set by the AOC, insomuch as the policies do not conflict with these rules.

RULE 4. NONCOMPLIANCE SANCTIONS

4.1 As soon as practicable after January 1 of each year, commencing January 1, 2001, the Mississippi Judicial College shall forward to the AOC the name of each Administrator who is required to comply and has not complied with Rules 1 and 2 of the Mississippi Rules for Certification and Continuing Education of Mississippi Court Administrators. Compliance with Rule 3 will be tracked by the AOC. Within a reasonable time after the receipt by the AOC of the names, the AOC shall send a Notice of Noncompliance to the Administrator, asking the Administrator to respond within thirty (30) days, informing the AOC why the Administrator should not be reported to the Supreme Court for sanction. A copy of said notice shall be mailed to the Administrator's supervising judge(s). In response to the Notice of Noncompliance, such Administrator shall furnish the AOC with an affidavit that contains the following information, and any other information which may be considered relevant:

(a) An indication that the administrator has complied with the requirement prior to expiration of the thirty (30) day period, or

(b) A recitation of an excuse for failure to comply with the requirements because of hardship or other good cause.

4.2 Within a reasonable time after the expiration of the time allowed to respond to the Notice of Noncompliance, the AOC shall notify the Supreme Court of Mississippi of each Administrator who fails to file an affidavit or files an affidavit which does not set forth a valid reason for noncompliance, and the AOC may recommend appropriate sanctions to the Mississippi Supreme Court, with said recommendations possibly including a reprimand, or other such actions deemed appropriate by the Supreme Court, including, but not limited to, dismissal and/or financial withholding in the case of Circuit and Chancery Court Administrators. The Supreme Court shall then issue a Notice to Show Cause for the Court Administrator to file a response, under oath, outlining any reasons that the recommended sanction should not be imposed. The Supreme Court shall then consider the recommendation of the AOC and any filed response by the Court Administrator, and shall forthwith adjudicate the issue and, if applicable, impose sanctions.

4.3 At any time after the Notice of Noncompliance to the Supreme Court is filed and prior to the Notice to Show Cause being issued by the Supreme Court, an Administrator may file with the AOC an affidavit indicating compliance with the Rules for Certification and Continuing Court Education for Mississippi Court Administrators, and if satisfactory to the AOC, it shall forthwith notify the Supreme Court that the Court Administrator has fulfilled the requirements of these Rules and Regulations.