RULES AND REGULATIONS FOR CERTIFICATION AND CONTINUING EDUCATION OF MISSISSIPPI COURT ADMINISTRATORS

RULE 1. SCOPE

These rules and regulations, as developed by the Administrative Office of Courts (AOC), apply to Court Administrators, Deputy Court Administrators, and Assistant Court Administrators of the Circuit, Chancery, County, and Youth Courts of the State of Mississippi provided that funding for meeting requirements set forth herein is available through the Mississippi Judicial College and/or appropriated state funds.

RULE 2. MINIMUM COMPETENCY EXAMINATION

Every Court Administrator, Deputy Court Administrator, and Assistant Court Administrator of the Circuit, Chancery, County, and Youth Courts of the State of Mississippi who is not currently certified by the AOC on the date of the adoption of this rule shall be required to become certified within one (1) year of being employed by the AOC or appointed by court order, by attending a "Court Administrator Training Course" that consists of six (6) instructional hours as developed and conducted by the Mississippi Judicial College and by passing a Minimum Competency Examination as prepared and administered by the Mississippi Judicial College. The Mississippi Judicial College shall forward to the AOC the name of each court administrator subject to this rule who successfully completes the training course and achieves a passing score on the Minimum Competency Examination. The Mississippi Judicial College shall also forward to the AOC the name of each court administrator subject to this rule who, within one (1) year of being employed by the AOC or appointed by court order, has not successfully completed the training course and/or has not achieved a passing score on the Minimum Competency Examination.

If a court administrator fails the Minimum Competency Examination, then the Mississippi Judicial College shall schedule, at a time and place deemed reasonable by its Director, a remedial two (2) hour instructional session that is to be followed by a second opportunity to achieve a passing score on the Minimum Competency Examination.

Regulations

2.1 The term "court administrator" throughout these rules and regulations shall mean any Court Administrator, Deputy Court Administrator, and Assistant Court Administrator of the Circuit, Chancery, County, and Youth Courts of the State of Mississippi.

2.2 The "Court Administrator Training Course" and the Minimum Competency Examination, and any remedial session and testing, may be given by electronic format.

2.3 Within thirty (30) days of employing a court administrator or notice of appointment of a court administrator, the AOC shall notify the Mississippi Judicial College of the name, address, telephone number, and email of the person employed and the date that the employment commenced.

2.4 Within thirty (30) days of appointment, a court administrator who is not an employee of the AOC shall notify the AOC with the following information: name, address, telephone number, email, and the date of appointment. Within thirty (30) days of receiving such notification, the AOC shall notify the Mississippi Judicial College of that information.

RULE 3. CONTINUING EDUCATION REQUIREMENT

Except as otherwise provided by the regulations to this rule, every Court Administrator, Deputy Court Administrator, and Assistant Court Administrator of a Circuit, Chancery, County or Youth Court in the State of Mississippi shall attend a minimum of twelve (12) Instructional hours each calendar year as offered by the Mississippi Judicial College or an AOC-approved continuing education program.

Regulations

3.1 An "instruction hour" means at least fifty (50) minutes of instruction time. No credit shall be given for program introductory remarks, meal breaks, or business meetings.

3.2 A court administrator with a physical disability that makes attending a program offered by the Mississippi Judicial College extremely difficult may file a request with the AOC for a permanent substitute program in lieu of attendance. Such request shall set out continuing education plans that are tailored to that court administrator's duties and physical abilities. The AOC shall, without delay, approve or disapprove the request in accordance with its administrative policies and procedures.

3.3 A court administrator for reasons of hardship or extenuating circumstances may file a request for substituted compliance, a partial waiver, or other exemption in lieu of attendance. The AOC shall,

without delay, approve or disapprove the request in accordance with its administrative policies and procedures.

3.4 As an exception to this rule, a court administrator is only required to attend in the first year of being employed by the AOC or appointed by court order only those instructional hours offered by the Mississippi Judicial College after the date that the court administrator's employment with the AOC commenced or of appointment by court order.

3.5 As soon as practicable after January 1 of each year, the Mississippi Judicial College shall forward the name of each court administrator who did not complete the twelve (12) instructional hours offered by the Mississippi Judicial College in the preceding year to the AOC. Any court administrator requesting credit hours for attending an AOC-approved continuing education program not offered by the Mississippi Judicial College must submit proof of attendance to the AOC by December 31 of the year in which the program was attended.

RULE 4. NONCOMPLIANCE SANCTIONS

Every Court Administrator, Deputy Court Administrator, or Assistant Court Administrator of the Circuit, Chancery, County, and Youth Courts of the State of Mississippi who fails to comply with these rules and regulations may be sanctioned.

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4.1 The AOC shall mail a Notice of Noncompliance to the court administrator within thirty (30) days requesting why the stated violation should not be reported to the Mississippi Supreme Court for appropriate sanctions. A copy of the Notice of Noncompliance shall also be mailed to the judge who appointed the court administrator.

4.2 The AOC shall not file a report with the Mississippi Supreme Court for noncompliance if the court administrator's timely response includes an affidavit showing: full compliance with the requirements set forth in these rules and regulations; or a valid excuse allowed by these rules and regulations for reasons of hardship, extenuating circumstances, or other good cause.

4.3 If, after thirty (30) days, the court administrator has failed to respond or the court administrator's response does not include an affidavit showing either full compliance with the requirements set forth in these

rules and regulations or a valid excuse allowed by these rules and regulations for reasons of hardship, extenuating circumstances, or other good cause, then the AOC shall file the Notice of Noncompliance with the Mississippi Supreme Court.

4.4 Upon receiving the Notice of Noncompliance, the Mississippi Supreme Court shall issue a Notice to Show Cause for the court administrator to file a sworn response, within thirty (30) days, stating any reason(s) that the court administrator should not be sanctioned.

4.5 Within a reasonable time after the expiration of the time allowed to respond to the Notice to Show Cause, the Mississippi Supreme Court shall adjudicate the issue. If the Mississippi Supreme Court finds that the court administrator is not in compliance with these rules and regulations, then the Court may impose appropriate sanctions.

4.6 At any time prior to the Mississippi Supreme Court issuing a Notice to Show Cause, the court administrator may file with the AOC an affidavit showing full compliance with these rules and regulations, whereupon the AOC shall notify the Mississippi Supreme Court that the court administrator has fulfilled the requirements of these rules and regulations.