

**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 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 eighteen (18) hours of accredited CLE. At least six (6) of the eighteen (18) hours shall be devoted to civil law issues and at least six (6) of the eighteen (18) hours shall be devoted to criminal law issues and at least two (2) of the eighteen (18) hours shall be devoted to ethical issues.

**(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 fourteen (14) hours of accredited continuing legal education pertaining to criminal law issues and practice and procedure in municipal courts, and at least two (2) of the fourteen (14) hours shall be devoted to ethical issues.

**(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) Substance Abuse/Mental Health Requirement.** As part of the legal ethics requirement, at least once every three (3) annual reporting years, each magistrate and municipal judge must complete one (1) hour of ethics devoted exclusively to instruction in substance abuse or mental health issues and the legal profession. This requirement shall become effective July 1, 2013.

**(5) Carry Forward Credit.** A magistrate who completes more than eighteen (18) hours of CLE credit in any reporting year may carry a maximum of twelve (12) hours of excess credit, which may include up to six (6) hours of civil law issues, six (6) hours of criminal law issues, and two (2) hours of ethics credit, forward to the next reporting year. A municipal judge who completes more than fourteen (14) hours of CLE credit in any

reporting year may carry a maximum of eight (8) hours of excess credit, which may include up to two (2) hours of ethics 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 (15) 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 sixty (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 sixty (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;
- (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;

**(8) Audio-visual and Media Presentations.**

**(A)** Audio-visual and media presentations, including telephone and on-line seminars, are acceptable provided:

**(i)** A faculty member is in attendance or available by telephone hook-up to comment and answer questions; or

**(ii)** Other appropriate mechanisms, as determined by the Commission on Continuing Legal Education and Specialization (Commission), are present to enable the attendee to participate or react with the presenters and other attendees. Appropriate mechanisms include quizzes or examinations, response tracking, user prompts, and instant messaging.

**(B)** In addition to meeting the standards of (c)(1) through (7), above, audio-visual or media presentations must:

**(i)** Utilize some mechanism to monitor course participation and completion in such a manner that certification of attendance is controlled by the provider. Courses must not be susceptible to a "fast forward" finish by attendees;

**(ii)** High quality written materials must be available to be downloaded or otherwise furnished so that the attendees will have the ability to refer to such materials during and subsequent to the presentation;

**(iii)** Telephone and on-line educational activities must be pre-approved by the Commission;

**(iv)** Telephone activities will be accredited for the actual time spent to a maximum of 90 minutes per activity, and on-line educational activities, to include live webcasts, will be accredited for the actual time spent to a maximum of 6 hours per activity; and

**(v)** Providers shall furnish to the Commission password and/or log-in capabilities for accredited programs. Access will allow for review of course mechanisms, such as interactive functionality. Any such activity may be audited by one or more representatives of the Commission without charge.

**(C)** CLE credit earned through audio-visual or media presentations and applied to the annual minimum CLE requirement shall not exceed six (6) hours of credit per annual reporting year.

The Board shall promptly provide the 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 two (2) years. Within thirty (30) days after a program is completed, sponsors will provide the Commission with a list of attendees, with South Carolina 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 reporting year. The compliance reporting form will be accompanied by filing fees as prescribed by the regulations of the Commission.

**(2)** Magistrates and municipal judges who are members of the South Carolina Bar may show compliance with the CLE requirements of Rule 408, SCACR, by showing compliance with the continuing legal education and fee requirements of this Rule. Provided, however, that these magistrates or municipal judges must still complete at least two (2) hours of approved CLE devoted to legal ethics/professional responsibility (LEPR) during each reporting year.

**(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 thirty (30) days after the mailing of the notice to establish compliance with this Rule by filing his or her complete report of compliance and the required filing fee. 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 Board or its designee may, in individual cases involving extraordinary hardship or extenuating circumstances, waive or modify the requirements of subparagraphs (b)(1), (b)(2) and (e)(1). The Board shall immediately inform the Commission of any such waiver. When appropriate, and as a condition for any waiver or modification, the Board may proportionally increase CLE requirements for the succeeding reporting year.

Last amended by Order dated June 25, 2013, effective July 1, 2013.