

Magistrate Continuing Education

Purpose

The purpose of this policy is to set forth administrative guidelines for the implementation of G.S. 7A-177.

Overview

Within six months of taking the oath of office, a magistrate must complete “a course of basic training of at least 40 hours in the civil and criminal duties of a magistrate.” G.S. 7A-177.

Prior to January 1, 2022, the Conference of Chief District Court Judges required that each magistrate complete at least 12 hours of continuing education each biennium.

S.L. 2021-146 amends G.S. 7A-177. As of January 1, 2022, except for the calendar year in which a magistrate completes the course of basic training referenced in G.S. 7A-177(a), every magistrate shall annually and satisfactorily complete a course of in-service training consisting of at least 12 hours in the civil and criminal duties of a magistrate.

Of the 12 hours, the following subjects shall be annually and satisfactorily completed:

- (1) Setting conditions of pretrial release.
- (2) Impaired driving laws.
- (3) Issuing criminal processes.
- (4) Issuing search warrants.
- (5) Technology.
- (6) Orders of Protection.

The Administrative Office of the Courts recognizes that the duties of magistrates may be greater in scope than these six listed topics, and that training in other topics, including ethics, small claims (including evictions), and other civil and criminal matters will help satisfy the twelve (12) hour annual training requirement.

The trainings completed pursuant to G.S. 7A-177 may be conducted in-person or online.

Authority

The Administrative Office of the Courts is authorized to conduct the training required by this subsection or contract with the School of Government at the University of North Carolina at Chapel Hill or with any other qualified educational organization to conduct this training. The training may be conducted in person or online. § 7A-177(b1).

The NCAOC Director, under the direction of the Chief Justice, is vested with the duty to “make recommendations for the improvement of the operations” of the Judicial Branch. § 7A-343(7)(10).

Applicability

This policy applies to all magistrates authorized under G.S. Chapter 7A, Article 16.

Definitions

A Course of in-service training: An approved continuing education course, or courses, that satisfy a magistrate's continuing education obligation.

Annually: The period of 365 days (or 366 days in leap years) starting on January 1 and ending on December 31.

Satisfactorily: The NCAOC Director or his designee, under the direction of the Chief Justice, is vested with the authority to determine which course(s) shall be approved for magistrate continuing education credit and which course(s) are approved to satisfy magistrate requirements pursuant to G.S. 7A-177(b1).

Each magistrate subject to these rules shall complete 12 hours of approved continuing education during each calendar year beginning January 1, 2022. The NCAOC Director or his designee, under the direction of the Chief Justice, is vested with the authority to determine the process by which credit hours are allocated to magistrates' records to satisfy deficits. The allocation shall be applied uniformly to the records of all affected magistrate and may not be appealed by an affected magistrate.

A course must contain a minimum of thirty (30) minutes of a particular topic listed in §7A-177(b1) to qualify as an acceptable course to satisfy those subject area requirements.

Carryover

Magistrates may not carry over any credit hours earned in one calendar year to the next calendar year.

Noncompletion

Any magistrate that does not annually and satisfactorily complete a course of in-service training consisting of at least 12 hours in the civil and criminal duties of a magistrate, including completing courses containing the subjects listed in G.S. 7A-177(b1), may be subject to discipline.

Records

The Administrative Office of the Courts shall maintain magistrate continuing education records.

Trainings

The Administrative Office of the Courts will conduct the trainings, contract with the School of Government at the University of North Carolina at Chapel Hill, and/or contract with other qualified educational organizations to conduct trainings. The Administrative Office of the Courts shall provide virtual continuing education trainings that will be located in the Learning Center and made available to magistrates on-demand.

DRAFT