

1 **Rule 11-201. Senior judges.**

2 Intent:

3 To establish the qualifications, term, authority, appointment and assignment for senior judges and
4 active senior judges.

5 Applicability:

6 This rule shall apply to judges of courts of record.

7 The term "judge" includes justices of the Supreme Court.

8 Statement of the Rule:

9 (1) Qualifications.

10 (1)(A) Senior Judge. To be a senior judge, a judge shall:

11 (1)(A)(i) have been retained in the last election for which the judge stood for election;

12 (1)(A)(ii) have voluntarily resigned from judicial office, retired upon reaching the mandatory retirement
13 age, or, if involuntarily retired due to disability, shall have recovered from or shall have accommodated
14 that disability;

15 (1)(A)(iii) demonstrate appropriate ability and character;

16 (1)(A)(iv) be admitted to the practice of law in Utah, but shall not practice law; and

17 (1)(A)(v) be eligible to receive compensation under the Judges' Retirement Act, subject only to
18 attaining the appropriate age.

19 (1)(B) Active Senior Judge. To be an active senior judge, a judge shall:

20 (1)(B)(i) meet the qualifications of a senior judge;

21 (1)(B)(ii) be a current resident of Utah and be available to take cases;

22 (1)(B)(iii) be physically and mentally able to perform the duties of judicial office;

23 (1)(B)(iv) maintain familiarity with current statutes, rules and case law;

24 (1)(B)(v) satisfy the education requirements of an active judge;

25 (1)(B)(vi) attend the annual judicial conference;

26 (1)(B)(vii) accept assignments, subject to being called, at least two days per calendar year;

27 (1)(B)(viii) conform to the Code of Judicial Conduct, the Code of Judicial Administration and rules of
28 the Supreme Court;

29 (1)(B)(ix) have obtained attorney survey results on the final-most recent judicial performance
30 evaluation survey conducted prior to termination of service sufficient to have been certified for retention
31 election regardless of whether the survey evaluation was conducted for self-improvement or certification;

32 (1)(B)(x) continue to meet the requirements for certification for judicial retention election as those
33 requirements are determined by the Judicial Council to be applicable to active senior judges;

34 (1)(B)(xi) undergo a performance evaluation every eighteen months following an initial term as an
35 active senior judge; and

36 (1)(B)(xii) take and subscribe an oath of office to be maintained by the state court administrator.

37 (2) Disqualifications. To be an active senior judge, a judge:

38 (2)(A) shall not have been removed from office or involuntarily retired on grounds other than disability;

39 (2)(B) shall not have been suspended during the judge's final term of office or final six years in office,
40 whichever is greater;

41 (2)(C) shall not have resigned from office as a result of negotiations with the Judicial Conduct
42 Commission or while a complaint against the applicant was pending before the Supreme Court or
43 pending before the Judicial Conduct Commission after a finding of reasonable cause; and

44 (2)(D) shall not have been subject to any order of discipline for conduct as a senior judge.

45 (3) Term of Office.

46 (3)(A) The initial term of office of a senior judge is until December 31 of the second year following
47 appointment. The initial term of office of an active senior judge less than age 75 years is until December
48 31 of the second year following appointment or until December 31 of the year in which the judge reaches
49 age 75, whichever is shorter. The initial term of office of an active senior judge age 75 years or more is
50 until December 31 of the year following appointment.

51 (3)(B) A subsequent term of office of a senior judge is for three years. A subsequent term of office of
52 an active senior judge is three years or until December 31 of the year in which the judge reaches age 75,
53 whichever is shorter. The subsequent term of office of an active senior judge age 75 years or more is for
54 one year.

55 (3)(C) All subsequent appointments begin on January 1. The Supreme Court may withdraw an
56 appointment with or without cause.

57 (3)(D) The term of office of senior judges and active senior judges in office on November 1, 2005
58 shall continue until December 31 of the year in which their terms would have expired under the former
59 rule.

60 (4) Authority. A senior judge may solemnize marriages. In addition to the authority of a senior judge,
61 an active senior judge, during an assignment, has all the authority of the office of a judge of the court to
62 which the assignment is made.

63 (5) Application and Appointment.

64 (5)(A) To be appointed a senior judge or active senior judge a judge shall apply to the Judicial Council
65 and submit relevant information as requested by the Judicial Council.

66 (5)(B) The applicant shall:

67 (5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered by the Supreme
68 Court; and

69 (5)(B)(ii) declare whether at the time of the application there is any complaint against the applicant
70 pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of
71 reasonable cause.

72 (5)(C) The Judicial Council may apply to the judicial performance evaluation information the same
73 standards and discretion provided for in Rule 3-111.05. After considering all information the Judicial

74 Council may certify to the Supreme Court that the applicant meets the qualifications of a senior judge or
75 active senior judge and the Chief Justice may appoint the judge as a senior judge or active senior judge.

76 Judges who declined, under former Rule 3-111, to participate in an attorney survey in anticipation of
77 retirement may use the results of an earlier survey to satisfy Subsection (1)(B)(ix).

78 (6) Assignment.

79 (6)(A) With the consent of the active senior judge, the presiding judge may assign an active senior
80 judge to a case or for a specified period of time. Cumulative assignments under this subsection shall not
81 exceed 60 days per calendar year except as necessary to complete an assigned case.

82 (6)(B) In extraordinary circumstances and with the consent of the active senior judge, the chief justice
83 may assign an active senior judge to address the extraordinary circumstances for a specified period of
84 time not to exceed 60 days per calendar year, which may be in addition to assignments under subsection
85 (6)(A). To request an assignment under this subsection, the presiding judge shall certify that there is an
86 extraordinary need. The state court administrator shall certify whether there are funds available to support
87 the assignment.

88 (6)(C) An active senior judge may be assigned to any court other than the Supreme Court.

89 (6)(D) The state court administrator shall provide such assistance to the presiding judge and chief
90 justice as requested and shall exercise such authority in making assignments as delegated by the
91 presiding judge and chief justice.

92 (6)(E) Notice of an assignment made under this rule shall be in writing and maintained by the state
93 court administrator.