

Rule 1-201. Judicial Council Membership - Election.

Intent:

To establish the manner of election of Council members as authorized by statute.

To establish the procedure for filling a vacancy on the Council as authorized by statute.

Applicability:

This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief Justice of the Supreme Court.

This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State Bar.

As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of Judges and the Board of Commissioners of the Utah State Bar.

Statement of the Rule:

(1) The composition of the Council, the term of office of elected Council members, and the electorate of elected Council members shall be as prescribed by law.

(2) Term. The term of office of all elected Council members shall begin with the Council meeting immediately following the annual judicial conference. No person shall serve on the Judicial Council for more than two consecutive three-year terms plus the remainder of any unexpired portion of a term.

(2) Election. Election of judicial members of the Council shall take place during the annual judicial conference at the business meeting of each respective court. Election of the representative of the Utah State Bar shall take place at a regularly scheduled meeting of the Board of Commissioners.

(3) Vacancies

(3)(A) **Judges.** If a vacancy exists for a judicial member of the Council who represents a trial court, the Board for the court represented by that seat shall appoint a judge to serve on the Council until the next judicial conference. At such conference, the judges shall elect a member to the Council to serve for the unexpired portion of the original term. If a judicial member of the Council who represents an appellate court is unable to complete a term of office, the members of that court shall appoint a judge to serve on the Council until the expiration of the vacated term.

(3)(B) **Bar representative.** If the representative of the Utah State Bar is unable to complete a term of office, the Board of Commissioners shall elect a member or ex officio

member of the Board of Commissioners to serve for the unexpired portion of the original term.

~~(3)(C) No person shall serve on the Judicial Council for more than two consecutive three-year terms plus the remainder of any unexpired portion of a term.~~

(4) **Board nomination procedures.** The Boards shall develop procedures for the nomination and election of Council members and shall certify to the Council the names of the members elected. The Boards shall give due regard to geographic representation, security of the election, timely publication of Council vacancies or expired terms, and ease of administration.

(5) **Meeting attendance.** When a judicial member of the Council is unable to attend a Council meeting, that member may designate a judge from the same level of court to attend the Council meeting and observe the proceedings. When the representative of the Utah State Bar is unable to attend a Council meeting, that member may designate a member or ex officio member of the Board of Commissioners to attend the Council meeting and observe the proceedings. The designee shall be provided with a copy of the Council agenda and other meeting materials, and may attend the open and closed sessions of the meeting. The designee may participate in the general discussion of agenda items but may not make motions or vote on Council issues.

(6) **Expenses.** Council members or their designated substitutes may be reimbursed for actual and necessary expenses incurred in the execution of their duties as Council members.

(7) **Board membership.** Council members ~~shall not be eligible to~~may not serve as voting members of a Board of Judges of a trial court or ~~to~~ serve as members of the standing committees of the Council, except for the Standing Committee on Judicial Fairness and Accountability. The representative of the Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules governing the conduct of the Board of Commissioners.

Effective: ~~June 22~~May 1, 20230