

Rule 63A. Change of judge as a matter of right.

(a) Change of judge by one side of an action.

~~(a)(1)~~(1) Right to change a judge by one side of an action.

~~(a)(1)~~(A) In a civil action pending in a court in a county with seven or more district court judges, each side is entitled to one change of judge as a matter of right under this paragraph (a).

(B) When a district court panel is convened, each side is entitled to one change of a judge on the district court panel as a matter of right under this paragraph (a).

~~(a)(1)~~~~(B)~~(C) Even if two or more parties on one side of a civil action have adverse or hostile interests, the action, whether single or consolidated, must be treated as only having two sides for purposes of a changing judge under this paragraph (a).

~~(a)(1)~~~~(C)~~(D) A side is not entitled to more than one change of judge under this paragraph (a).

~~(a)(1)~~~~(D)~~(E) Regardless of when a party joins a civil action, a party is not entitled to a change of judge as a matter of right under this paragraph (a) if the notice of a change of judge is untimely under paragraph (a)(2).

~~(a)(2)~~(2) Notice of a change of judge.

~~(a)(2)~~(A) A party seeking a change of judge under this paragraph (a) must file a notice of a change of judge with the clerk of the court.

~~(a)(2)~~(B) If the notice of a change of judge is timely under this paragraph (a)(2), the notice must be granted.

~~(a)(2)~~(C) In filing a notice of a change of judge under this paragraph (a), a party is not required to state any reason for seeking a change of judge, but the party must attest in good faith that the notice is not being filed:

~~(a)(2)~~~~(C)~~(i) for the purpose to delay any action or proceeding; or

~~(a)(2)~~~~(C)~~(ii) to change the judge on the grounds of race, gender, or religious affiliation.

~~(a)(2)~~(D) The notice must be filed:

~~(a)(2)(D)~~(i) on the side of a plaintiff or petitioner, within seven days after the day on which a judge is first assigned to the action or proceeding; or

~~(a)(2)(D)~~(ii) on the side of a defendant or respondent, within seven days after the day on which the defendant or respondent is served the complaint or petition, or at the time of the first filing by the defendant or respondent with the court, whichever occurs first.

(E) For a district court panel, the notice must be filed within seven days after the day on which the parties receive notice of the judges assigned to the district court panel.

~~(a)(2)(E)~~(F) Failure to file a timely notice of a change of judge under this rule precludes a change of judge under this paragraph (a).

~~(a)~~(3) **Assignment of action.**

~~(a)(3)~~(A) Upon the filing of a notice under this paragraph (a), the judge assigned to the action must take no further action in the case.

~~(a)(3)~~(B) ~~The~~Except as provided in paragraph (a)(3)(D), the action must be promptly reassigned to another judge within the county.

~~(a)(3)~~(C) If the action is unable to be reassigned to another judge within the county under paragraph (a)(3)(B), the action may be transferred to a court in another county in accordance with Rule 42.

(D) If a notice of a change of judge is filed for a district court panel:

(i) the action is not reassigned to a new district court panel; and

(ii) a new judge must be promptly assigned in accordance with the random selection process described in the Utah Code of Judicial Administration for a district court panel.

~~(a)~~(4) **Exceptions.** A party, or a side, is not entitled to change a judge as a matter of right under this paragraph (a):

~~(a)(4)~~(A) in any proceeding regarding a petition for post-conviction relief under Rule 65C;

~~(a)(4)~~(B) on a petition to modify child custody, child support, or alimony, unless the judge assigned to the action is not the same judge assigned to any of the previous actions between the parties;

~~(a)(4)~~(C) in an action before the juvenile court or the Business and Chancery Court;

~~(a)(4)~~(D) in an action in which the judge is sitting as a water or tax judge;

~~(a)(4)~~(E) in an action on remand from an appellate court; or

~~(a)(4)~~(F) if an action is unable to be transferred under paragraph (a)(3)(C) to another county in accordance with Rule 42.

(b) Right to change a judge by agreement of the parties.

~~(b)~~(1) **Notice of a change of judge.**

~~(b)(1)~~(A) Except in actions with only one party, all parties joined in the action may, by unanimous agreement and without cause, change the judge assigned to the action by filing a notice of change of judge.

(B) For an action before a district court panel, all parties joined in the action may, by unanimous agreement and without cause, change a judge assigned to the panel by filing a notice of change of judge.

~~(b)(1)(B) The parties shall send a copy of the notice to the assigned judge and the presiding judge.~~

(C) Except as provided in paragraph (b)(1)(D), the parties must file a copy of the notice with the assigned judge and send a copy of the notice to the presiding judge.

(D) If the action is before a district court panel, the parties must file a copy of the notice with the district court panel and send a copy of the notice to the presiding officer of the Judicial Council.

~~(b)(1)(C)~~(E) The notice ~~shall~~must be signed by all parties and ~~shall~~must state: (1) the name of the assigned judge; (2) the date on which the action was commenced; (3) that all parties joined in the action have agreed to the change; (4) that no other

persons are expected to be named as parties; and (5) that a good faith effort has been made to serve all parties named in the pleadings.

~~(b)(1)(D)~~(F) The notice ~~shall not~~may not specify any reason for the change of judge.

~~(b)(1)(E)~~(G) Under no circumstances ~~shall~~is more than one change of judge ~~be~~ allowed under this paragraph (b) in an action.

~~(b)~~(2) **Time for filing a notice.**

~~(b)(2)~~(A) Unless extended by the court upon a showing of good cause, the notice must be filed within 90 days after

(i) commencement of the action or prior to the notice of trial setting, whichever occurs first; or

(ii) if the action is before a district court panel, the parties receive notice of the judges assigned to the district court panel.

~~(b)(2)~~(B) Failure to file a timely notice precludes any change of judge under this paragraph (b).

~~(b)~~(3) **Assignment of action.**

~~(b)(3)~~(A) Upon the filing of a notice of change, the assigned judge ~~shall~~must take no further action in the case.

~~(b)(3)~~(B) ~~The~~Except as provided in paragraph (b)(3)(D), the presiding judge ~~shall~~must promptly determine whether the notice is proper and, if so, ~~shall~~must reassign the action.

~~(b)(3)~~(C) If the presiding judge is also the assigned judge, the clerk ~~shall~~must promptly send the notice to the associate presiding judge, to another judge of the district, or to any judge of a court of like jurisdiction, who ~~shall~~must determine whether the notice is proper and, if so, ~~shall~~must reassign the action.

(D) If a notice is filed for a change of judge on a district court panel:

(i) the presiding officer of the Judicial Council must promptly determine whether the notice is proper; and

(ii) if the notice is proper, a new judge must be promptly assigned in accordance with the random selection process described in the Utah Code of Judicial Administration for a district court panel.

~~(b)~~(4) **Nondisclosure to court.** ~~No party shall~~A party may not communicate to the court, or cause another to communicate to the court, the fact of any party's seeking consent to a notice of change.

(c) **Rule 63 unaffected.** Nothing in this rule precludes the right of any party to seek disqualification of a judge under Rule 63.

Effective: ~~January 1, 2025~~February 13, 2026

The February 13, 2026 effective date is upon approval by a constitutional two-thirds vote of all members elected to each house.