

1 **Rule 3-108. Judicial assistance.**

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3 **Intent:**

4 To establish the authority, procedure and criteria for judicial assistance.

5 **Applicability:**

6 This rule shall apply to judicial assistance provided by active senior judges and judges of courts  
7 of record.

8 **Statement of the Rule:**

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10 **(1) Criteria for requesting assistance.** Judicial assistance shall be provided only for the  
11 following reasons:

12 (1)(A) when assistance is needed because of a judicial vacancy or an absence due to an  
13 illness, accident, or disability;

14 (1)(B) to prevent the occurrence of or to reduce a critical accumulated backlog;

15 (1)(C) to handle a particular case involving complex issues and extensive time which  
16 would have a substantial impact on the court's calendar;

17 (1)(D) to replace a sitting judge who is absent because of assignment as a tax judge,  
18 water law judge, illness or to replace the judges in that location because of  
19 disqualification in a particular case;

20 (1)(E) to mentor a newly appointed judge;

21 (1)(F) to handle cases during vacation periods or during attendance at education  
22 programs by the sitting judge, following every effort by that judge to adjust the calendar  
23 to minimize the need for assistance and only to handle those matters which cannot be  
24 accommodated by the other judges of the court during the absence;

25 (1)(G) to provide education and training opportunities to judges of one court level in the  
26 disposition of cases in another court level;

27 (1)(H) in district court, to handle cases involving taxation, as defined in ~~Rule 6-103(4) of~~  
28 the Utah Code of Judicial Administration and cases involving water, as defined in rule 6-  
29 104;

30 (1)(I) to handle automatic expungement cases; and

31 (1)(J) to serve on a grand jury panel.

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33 **(2) Assigning a senior judge for judicial assistance.**

34 (2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance  
35 under the priorities listed in paragraph (3) before assigning a senior judge.

36 (2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the  
37 presiding judge shall seek approval from the Management Committee, and present to  
38 the Management Committee a plan for meeting the needs of the court and a budget to  
39 implement the plan. The plan should describe the calendars to be covered by judges of

40 the district, judges of other districts, and senior judges. The budget should estimate the  
41 funds needed for travel by the judges and senior judges.

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43 **(3) Criteria for transferring or assigning judges.** The transfer or assignment of judges for  
44 judicial assistance under this rule, shall, in general, be based upon the following priorities:

45 (3)(A) experience and familiarity with the subject matter, including, in district court cases  
46 involving taxation, as defined in ~~r~~Rule 6-103(4) of the Utah Code of Judicial  
47 Administration, and cases involving water, as defined in rule 6-104, ~~knowledge of the~~  
48 ~~theory and practice of ad valorem, excise, income, sales and use, and corporate~~  
49 ~~taxation;~~

50 (3)(B) active judges before active senior judges with consideration of the following:

51 (3)(B)(i) ~~proximity to the court in need if the judicial assignment requires~~  
52 ~~travel active judges from a court of equal jurisdiction in a different geographical~~  
53 ~~division than the court in need, and who are in close proximity to that court;~~

54 (3)(B)(ii) ~~priority of judicial coverage by a judge from a court of equal jurisdiction;~~  
55 ~~and active senior judges from a court of equal jurisdiction to the court in need and~~  
56 ~~who are in close proximity to that court;~~

57 (3)(B)(iii) ~~priority of judicial coverage by a judge whose subject matter jurisdiction~~  
58 ~~is most closely related to that of the court in need, active judges from a court of~~  
59 ~~different jurisdiction than the court in need whose subject matter jurisdiction is~~  
60 ~~most closely related to that court and who are in close proximity to that court;~~

61 (3)(B)(iv) ~~active judges from a court of equal jurisdiction in a different~~  
62 ~~geographical division than the court in need who are far removed from that court;~~

63 (3)(B)(v) ~~active or active senior judges from a court of different jurisdiction than~~  
64 ~~the court in need whose subject matter jurisdiction is similar to that court and who~~  
65 ~~are not in close proximity to that court;~~

66 (3)(C) availability;

67 (3)(D) expenses and budget.

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69 **(4) Assignment of active judges.**

70 (4)(A) Any active judge of a court of record may serve temporarily as the judge of a court  
71 with equal jurisdiction in a different judicial district upon assignment by the presiding  
72 judge of the district in which the judge to be assigned normally sits or, in district court  
73 cases involving taxation, as defined in ~~r~~Rule 6-103(4) of the Utah Code of Judicial  
74 Administration, and cases involving water, as defined in rule 6-104, assignment by the  
75 supervising tax judge or the supervising water judge with the approval of the presiding  
76 officer of the Council.

77 (4)(B) Any active judge of a court of record may serve temporarily as the judge of a court  
78 with different jurisdiction in the same or a different judicial district upon assignment by  
79 the presiding officer of the Council or assignment by the state court administrator or  
80 designee with the approval of the presiding officer of the Council.

81 (4)(C) The presiding officer of the Council may appoint a district or juvenile court  
82 presiding judge as the signing judge for automatic expungements and deferred traffic

83 prosecution orders in all district or juvenile courts within the presiding judge's district with  
84 jurisdiction over eligible cases. The length of the assignment may coincide with the  
85 judge's term as presiding judge.

86 (4)(D) The assignment shall be made only after consideration of the judge's calendar.  
87 The assignment may be for a special or general assignment in a specific court or  
88 generally within that level of court and shall be for a specific period of time, or for the  
89 duration of a specific case. Full time assignments in excess of 30 days in a calendar  
90 year shall require the concurrence of the assigned judge. The state court administrator  
91 or designee shall report all assignments to the Council on an annual basis.

92 (4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding  
93 judge, to the person with authority to make the assignment under paragraphs (A) and  
94 (B). A judge who is assigned temporarily to another court shall have the same powers as  
95 a judge of that court.

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97 (5) **Notice of assignments.** Notice of assignments made under this rule shall be made in  
98 writing, a copy of which shall be sent to the state court administrator or designee.

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100 (6) **Schedule of trials or court sessions.** The state court administrator or designee, under the  
101 supervision of the presiding officer of the Council, may schedule trials or court sessions and  
102 designate a judge to preside, assign judges within courts and throughout the state, reassign  
103 cases to judges, and change the county for trial of any case if no party to the litigation files  
104 timely objections to the change.

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106 *Effective: ~~January~~ May 1, 2024*