

1 **Rule 3-102. Assumption of judicial office**

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3 **Intent:**

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5 To provide standards for qualification, training, and furnishings for judicial office.

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7 **Applicability:**

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9 This rule shall apply to all judges of courts of record. Paragraphs (1) and (2) apply to judges of
10 courts not of record.

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12 **Statement of the Rule:**

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14 **(1) Qualification for office.**

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16 (1)(A) **Appointment.** Under Utah Constitution Article VIII, Section 8, appointment to a
17 court of record is effective upon confirmation by the Senate. Under Utah Code Section
18 78A-7-202, appointment to a court not of record is effective upon certification by the
19 Judicial Council.

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21 (1)(B) **Qualification.** An appointee to judicial office shall qualify for office as provided by
22 law within 60 days after the appointment is effective. If an appointee is confirmed by the
23 Senate but cannot qualify for office within 60 days after the appointment is effective
24 because the term of the judge the appointee is replacing has not ended, the Judicial
25 Council may extend this time period. To qualify for office judicial appointees must have
26 appropriate residency, take the oath of office, refrain from the practice of law and resign
27 from any elective, non-judicial public office or political party office which they may hold.
28 The oath of office shall be subscribed by the appointee, administered as provided by law
29 and filed with the appropriate state, county, or municipal office and the administrative
30 office. An appointee to judicial office is entitled to assume the duties of judge and be
31 compensated for such duties on the date he or she has qualified for office.

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33 (1)(C) **Oath.** A judge elected to office by retention election shall take and subscribe the
34 constitutional oath or affirmation on or before the first Monday in January following the
35 date of the election and shall file the oath or affirmation within 60 days with the
36 appropriate state, county or municipal office and the administrative office. The oath of
37 office may be administered by any person authorized to administer oaths.

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39 **(2) Education and training.** Within twelve months of qualification for office, each judge is
40 required to complete a program of education and training as provided by this Code and the
41 education policies and procedures adopted pursuant to this Code.

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43 **(3) Furnishings.** The administrative office shall establish a schedule for the provision and
44 replacement of appropriate furnishings, equipment and supplies for individual judges. The

45 furnishings shall include at a minimum one desk, one chair, two side chairs, one bookcase, one
46 credenza and one couch and shall be provided in accordance with applicable procurement
47 provisions. The schedule shall consider such factors as the physical stature of successor
48 judges, wear and tear and other damage to furnishings, and the cost and feasibility of repair
49 rather than replacement. Any expenses incurred in complying with this paragraph shall be borne
50 by the state.

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52 | *Effective: ~~November 1, 2009~~ August 23, 2024*