

1 **Rule 9-109. Presiding judges.**

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3 **Intent:**

4 To establish the procedure for election, term of office, role, responsibilities, and authority of presiding
5 judges, and associate presiding judges, ~~and education directors~~ for Justice Courts.

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7 **Applicability:**

8 This rule shall apply to presiding judges, and associate presiding judges, ~~and education directors~~ in the
9 Justice Courts.

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11 **Statement of the Rule:**

12 **(1) Election and term of office.**

13 **(1)(A) Presiding judge.**

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15 (1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the
16 active judges present at the district meetings held at the ~~2018~~ Justice Court Conference.
17 ~~Thereafter, regular elections shall take place at the annual conference~~ in odd years for
18 odd-numbered districts and in even years for even-numbered districts. In the event that a
19 majority vote cannot be obtained, the presiding judge shall be determined by the Board of
20 Justice Court Judges. Interim elections, if necessary, shall take place as provided in this
21 rule. A presiding judge shall be an active judge, currently appointed to at least one court
22 within the district. Senior judges are ineligible to hold or vote for the office of presiding
23 judge.

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25 (1)(A)(ii) The presiding judge's term of office shall commence on July 1 following his or
26 her election be from the time of his or her election or immediately upon appointment, as
27 applicable, and run until he or she resigns or until June 30 of an odd year for odd-
28 numbered districts or of an even year for even-numbered districts~~the next regular~~
29 ~~election~~, whichever occurs first. A presiding judge may serve successive terms.

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31 **(1)(B) Associate presiding judge.**

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33 (1)(B)(i) The active judges of a district ~~may, at their discretion, shall~~ elect one judge of the
34 district to the office of associate presiding judge. An associate presiding judge shall be
35 elected in the same manner and serve the same term as the presiding judge in
36 paragraph (1)(A). An associate presiding judge shall be an active judge, currently
37 appointed to at least one court within the district. Senior judges are ineligible to hold or
38 vote for the office of associate presiding judge.

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40 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall
41 assume the responsibilities of the presiding judge. The associate presiding judge shall
42 serve on the justice court Education Committee and shall work with the Education
43 Department of the Administrative Office in developing, planning and presenting relevant
44 judicial training at the district level. In addition, the associate presiding judge shall
45 perform other duties assigned by the presiding judge.

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47 ~~(1)(C) District education director.~~

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~~(1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of education director. An education director shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). Senior judges are ineligible to vote for the office of district education director but may hold the office. If a district does not elect an education director, the associate presiding judge, if there is one, shall serve as the education director. If the district elects neither an education director nor an associate presiding judge, the presiding judge shall serve as the education director.~~

~~(1)(C)(ii) The education director shall serve on the justice court education committee and shall work with the Education Department of the Administrative Office in developing, planning and presenting relevant judicial training at the district level.~~

(1)(C) Compensation. Presiding judges and associate presiding judges shall be compensated for their service at the end of each fiscal year, in proportion to the percentage of the year they served in office, and as otherwise contemplated by Section 78A-7-209.5 of the Utah Code.

(1)(D) Removal and Other Vacancies of Office.

(1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding judge shall serve the rest of the presiding judge's term. ~~If there is no associate presiding judge, the district education director shall, if the education director is an active judge, serve the unexpired term. Otherwise, the Chair of the Board of Justice Court Judges shall appoint a judge to serve until the next district meeting.~~

(1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the district to fill an unexpired term of the associate presiding judge ~~or education director~~ until the next district meeting. At the district meeting, the active judges present shall ratify the appointment by majority vote. If they do not ratify the appointment, or if the presiding judge does not make an interim appointment, nominations and an election shall then be held at that meeting to fill the unexpired term.

(1)(D)(iii) A presiding judge, or associate presiding judge ~~or education director~~ may be removed from that office by a two-thirds vote of the active justice court judges in the district. A successor presiding judge or associate presiding judge shall, ~~or an associate presiding judge or education director may,~~ then be elected to fill the unexpired term of the vacant office.

(1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair administration of justice, the Presiding Officer of the Judicial Council may remove a judge from any office described in this rule. Vacancies shall be filled as provided in this rule.

(2) District meetings.

(2)(A) Each district shall have regular meetings to discuss and decide district business, receive training, or address issues and concerns specific to the district.

(2)(A)(i) The presiding judge shall call and preside over a meeting of other justice court judges in the district at the annual Justice Court Conference.

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98 (2)(A)(ii) Each district shall have at least one other meeting during the calendar year in
99 which a majority of active justice court judges is present, including the presiding judge or
100 associate presiding judge.

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102 (2)(B) In addition to regular meetings, the presiding judge or a majority of the active judges may
103 call additional meetings as necessary.

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105 (2)(C) An agenda shall be circulated among the judges in advance of any meeting with a known
106 method on how matters may be placed on the agenda.

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108 (2)(D) Other than judges and the Justice Court Administrator, attendance at district meetings shall
109 be by invitation of the presiding judge only.

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111 (2)(E) The issues on which judges vote shall be left to the sound discretion and judgment of each
112 district and the applicable sections of the Utah Constitution, statutes, and this Code.

113
114 **(3) Administrative responsibilities and authority of presiding judge and associate presiding judge.**

115 (3)(A) **Generally.** The presiding judge is charged with the responsibility for the effective operation
116 of the justice courts within a district. He or she is responsible for the implementation and
117 enforcement of statutes, rules, policies, and directives of the Judicial Council and the Board of
118 Justice Court Judges as they pertain to the administration of the courts. When the presiding judge
119 acts within the scope of these responsibilities, the presiding judge is acting within the judge's
120 judicial office.

121
122 (3)(B) **Coordination of required training.**

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124 (3)(B)(i) The ~~presiding judge,~~ associate presiding judge, ~~or education director~~ shall: (a) be
125 responsible to see that judges in his or her district are appropriately trained, (b) assist in
126 planning statewide trainings as part of the Education Committee, (c) plan district training
127 to be held in connection with the meetings required by section (2), (d) recommend
128 mentors for new judges, and (e) arrange for individual training, as needed.

129
130 (3)(B)(ii) Presiding judges ~~are encouraged to~~ shall occasionally observe ~~the~~ hearings of
131 judges within the district to assess training needs.

132
133 (3)(C) **Court committees.** The presiding judge shall, where appropriate, make use of committees
134 composed of other judges and court personnel to investigate problem areas and improve the
135 administration of justice.

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137 (3)(D) **Outside agencies and the media.**

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139 (3)(D)(i) The presiding judge shall be available to meet with outside agencies, such as
140 prosecuting attorneys, city attorneys, county attorneys, public defenders or associations
141 of defense counsel, sheriffs, police chiefs, bar association leaders, probation providers,
142 government officials of cities or counties located within the district, civic organizations,
143 and other state agencies.

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145 (3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice
146 court judges in the district.
147

148 (3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and
149 administrative responsibilities of an appointed judge to the appointing authority of a court.
150

151 (3)(E) **Judicial officers.** The presiding judge shall discuss significant concerns, problems or
152 complaints regarding the judges in his or her district with the Justice Court Administrator, who
153 shall work together to resolve the concern. In the event that another judge in the district fails to
154 comply with a reasonable administrative directive of the presiding judge, interferes with the
155 effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or
156 violates the Code of Judicial Conduct, the presiding judge may, depending on the severity of the
157 issue and consistent with legal and ethical obligations:

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159 (3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or
160 discuss the issue with other presiding judges;
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162 (3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position
163 taken, consult with the judge about alternative solutions and reevaluate the directive or
164 position, as appropriate;
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166 (3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;
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168 (3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or
169 treatment; or
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171 (3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial
172 Conduct Commission, as appropriate.
173

174 (3)(F) **Liaison.** The presiding judge or his or her designee shall serve as a liaison between the
175 justice courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges
176 of Juvenile Court and District Court.
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178 (3)(G) **Reassignment.**
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180 (3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no appointed
181 judge of the court is available or empowered to hear the motion, the presiding judge shall
182 consider the motion and, if necessary, assign any judge duly appointed pursuant to Utah
183 Code section 78A-7-208 to serve as a temporary justice court judge.
184

185 (3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a
186 matter, the presiding judge shall assign any judge duly appointed pursuant to Utah Code
187 section 78A-7-208 to serve as a temporary justice court judge.
188

189 (3)(H) **Compliance with standards.** The presiding judge shall monitor and ensure that judges
190 are complying with performance standards established by the Council or as otherwise required by
191 law.
192

193 (3)(l) **Performance evaluations.** Pursuant to Utah Code 78A-12-203, the presiding judge shall
194 receive the midterm reports prepared by the Judicial Performance Evaluation Commission for the
195 other justice court judges in his or her district. The presiding judge shall consult with the
196 evaluated judge and the Justice Court Administrator to develop a plan for addressing the issues
197 resulting in less than satisfactory scores.

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199 | *Effective: ~~August 21, 2020~~May 25, 2022*