

1 | **Rule 1-201. Judicial Council Membership - Election.**

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3 | **Intent:**

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

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

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8 | **Applicability:**

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

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

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

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18 | **Statement of the Rule:**

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

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

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27 | **(2-3) Election.** Election of judicial members of the Council shall take place during the annual
28 | judicial conference at the business meeting of each respective court. Election of the
29 | representative of the Utah State Bar shall take place at a regularly scheduled meeting of the
30 | Board of Commissioners.

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32 | **(3-4) Vacancies**

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34 | **(3-4)(A) Judges.** If a vacancy exists for a judicial member of the Council who represents
35 | a trial court, the Board for the court represented by that seat shall appoint a judge to
36 | serve on the Council until the next judicial conference. At such conference, the judges
37 | shall elect a member to the Council to serve for the unexpired portion of the original
38 | term. If a judicial member of the Council who represents an appellate court is unable to
39 | complete a term of office, the members of that court shall appoint a judge to serve on the
40 | Council until the expiration of the vacated term.

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42 | **(3-4)(B) Bar representative.** If the representative of the Utah State Bar is unable to
43 | complete a term of office, the Board of Commissioners shall elect a member or ex officio

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

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

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50 (4-5) **Board nomination procedures.** The Boards shall develop procedures for the nomination
51 and election of Council members and shall certify to the Council the names of the members
52 elected. The Boards shall give due regard to geographic representation, security of the election,
53 timely publication of Council vacancies or expired terms, and ease of administration.

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55 (5 6) **Meeting attendance.** When a judicial member of the Council is unable to attend a Council
56 meeting, that member may designate a judge from the same level of court to attend the Council
57 meeting and observe the proceedings. When the representative of the Utah State Bar is unable
58 to attend a Council meeting, that member may designate a member or ex officio member of the
59 Board of Commissioners to attend the Council meeting and observe the proceedings. The
60 designee shall be provided with a copy of the Council agenda and other meeting materials, and
61 may attend the open and closed sessions of the meeting. The designee may participate in the
62 general discussion of agenda items but may not make motions or vote on Council issues.

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64 (6 7) **Expenses.** Council members or their designated substitutes may be reimbursed for actual
65 and necessary expenses incurred in the execution of their duties as Council members.

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67 (7 8) **Board membership.** Council members ~~shall not be eligible to~~ **may not** serve as voting
68 members of a Board of Judges of a trial court or ~~to~~ serve as members of the standing
69 committees of the Council, **except for the Standing Committee on Judicial Fairness and**
70 **Accountability.** The representative of the Utah State Bar may vote at meetings of the Board of
71 Commissioners if permitted to vote under rules governing the conduct of the Board of
72 Commissioners.

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