

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

2 **Intent:**

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

5 **Applicability:**

6 This rule shall apply to presiding judges and associate presiding judges in the Justice Courts.

7 **Statement of the Rule:**

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

9 (1)(A) Presiding judge.

10 (1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the judges in
11 the district at the 2018 annual conference. Thereafter, regular elections shall take place at the annual
12 conference in odd years for odd-numbered districts and in even years for even-numbered districts. Interim
13 elections, if necessary, shall take place as provided in this rule.

14 (1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or
15 appointment until he or she resigns or until the next regular election, whichever occurs first. A district, by
16 majority vote of its judges, may re-elect a judge to serve successive terms of office as presiding judge. In
17 the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the chair of
18 the Board of Justice Court Judges to serve until the next regular election.

19 (1)(B) Associate presiding judge.

20 (1)(B)(i) The judges of a district may, at their discretion, elect one judge of the district to the office of
21 associate presiding judge. An associate presiding judge shall be elected in the same manner and serve
22 the same term as the presiding judge in paragraph (1)(A).

23 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the
24 responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned
25 by the presiding judge.

26 (1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or
27 associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or
28 associate presiding judge shall then be selected as provided in this rule.

29 **(2) District meetings.**

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

32 (2)(B) The presiding judge shall call and preside over meetings of other justice court judges in the
33 district. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding
34 judge's designee shall preside.

35 (2)(C) Each district shall have a minimum of two meetings each year.

36 (2)(D) An agenda shall be circulated among the judges in advance of the meeting with a known
37 method on how matters may be placed on the agenda.

38 (2)(E) In addition to regular meetings, the presiding judge or a majority of the judges may call
39 additional meetings as necessary.

40 (2)(G) Other than judges and the Justice Court Administrator, those attending the meeting shall be by
41 approval of the presiding judge only.

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

44 **(3) Administrative responsibilities and authority of presiding judge.**

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

50 (3)(B) Coordination of required training.

51 (3)(B)(i) The presiding judge or his or her designee shall: (a) be responsible to see that judges in
52 his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the
53 Education Committee, (c) plan district training to be held in connection with the meetings required by
54 paragraph (2)(C), (d) recommend mentors for new judges, and (e) arrange for individual training, as
55 needed.

56 (3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to
57 assess training needs.

58 (3)(C) Court committees. The presiding judge shall, where appropriate, make use of court committees
59 composed of other judges and court personnel to investigate problem areas and handle court business.

60 (3)(D) Outside agencies and the media. The presiding judge shall be available to meet with outside
61 agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar
62 association leaders, probation and parole officers, government officials of cities or counties located within
63 the district, civic organizations and other state agencies. The presiding judge shall be the primary
64 representative of the district.

65 (3)(E) Judicial officers. The presiding judge shall discuss significant problems or complaints regarding
66 the judges in his or her district with the Justice Court Administrator, both of whom shall work together to
67 resolve the concern. In the event that another judge in the district fails to comply with a reasonable
68 administrative directive of the presiding judge, interferes with the effective operation of the court, abuses
69 his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the
70 presiding judge may:

71 (3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss
72 the issue with other presiding judges;

73 (3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken,
74 consult with the judge about alternative solutions and reevaluate the directive or position, as
75 appropriate;

76 (3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

77 (3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or
78 treatment; or

79 (3)(E)(v) Refer the problem to the Judicial Council or to the Chief Justice.

80 (3)(E)(vi) In the event that the options listed in paragraphs (3)(E)(i) through (3)(E)(v) do not
81 resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge
82 believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall
83 refer the problem to the Council or the Judicial Conduct Commission.

84 (3)(F) Liaison. The presiding judge or his or her designee shall serve as a liaison between the justice
85 courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile
86 Court and District Court.

87 (3)(G) Reassignment of cases. In the event that a judge is disqualified from a case, the presiding
88 judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a
89 temporary justice court judge.