

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

2
3 **Intent:**

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

6
7 **Applicability:**

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

10
11 **Statement of the Rule:**

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

14
15 **(1)(A) Presiding judge.**

16 (1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of
17 the active judges present at the district meetings held at the 2018 Justice Court
18 Conference. Thereafter, regular elections shall take place at the Justice Court annual
19 eConference in odd years for odd-numbered districts and in even years for even-
20 numbered districts. If the Justice Court Conference is canceled, presiding judges shall
21 be elected at district meeting held no later than the last day of the Annual Judicial
22 Conference that same year. In the event that a majority vote cannot be obtained, the
23 presiding judge shall be determined by the Board of Justice Court Judges. Interim
24 elections, if necessary, shall take place as provided in this rule. A presiding judge shall
25 be an active judge, currently appointed to at least one court within the district. Senior
26 judges are ineligible to hold or vote for the office of presiding judge.

27 (1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election
28 or appointment until he or she resigns or until the next regular election, whichever occurs
29 first. A presiding judge may serve successive terms.

30
31 **(1)(B) Associate presiding judge.**

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

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

41
42 **(1)(C) District education director.**

43 (1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the
44 district to the office of education director. An education director shall be elected in the

45 same manner and serve the same term as the presiding judge in paragraph (1)(A).
46 Senior judges are ineligible to vote for the office of district education director but may
47 hold the office. If a district does not elect an education director, the associate presiding
48 judge, if there is one, shall serve as the education director. If the district elects neither an
49 education director nor an associate presiding judge, the presiding judge shall serve as
50 the education director.

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

54

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

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

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

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

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

75

76 **(2) District meetings.**

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

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

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

84

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

87

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

90

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

93

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

96

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

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

104

105 **(3)(B) Coordination of required training.**

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

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

113

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

117

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

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

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

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

129

130 (3)(E) **Judicial officers.** The presiding judge shall discuss significant concerns, problems or
131 complaints regarding the judges in his or her district with the Justice Court Administrator,

132 who shall work together to resolve the concern. In the event that another judge in the district
133 fails to comply with a reasonable administrative directive of the presiding judge, interferes
134 with the effective operation of the court, abuses his or her judicial position, exhibits signs of
135 impairment, or violates the Code of Judicial Conduct, the presiding judge may, depending
136 on the severity of the issue and consistent with legal and ethical obligations:

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

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

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

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

145 (3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial
146 Conduct Commission, as appropriate.

147
148 (3)(F) **Liaison.** The presiding judge or his or her designee shall serve as a liaison between
149 the justice courts of the district and (i) the Board of Justice Court Judges and (ii) the
150 presiding judges of Juvenile Court and District Court.

151
152 (3)(G) **Reassignment.**

153 (3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no
154 appointed judge of the court is available or empowered to hear the motion, the presiding
155 judge shall consider the motion and, if necessary, assign any judge duly appointed
156 pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

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

160
161 (3)(H) **Compliance with standards.** The presiding judge shall monitor and ensure that
162 judges are complying with performance standards established by the Council or as
163 otherwise required by law.

164
165 (3)(I) **Performance evaluations.** Pursuant to Utah Code 78A-12-203, the presiding judge
166 shall receive the midterm reports prepared by the Judicial Performance Evaluation
167 Commission for the other justice court judges in his or her district. The presiding judge shall
168 consult with the evaluated judge and the Justice Court Administrator to develop a plan for
169 addressing the issues resulting in less than satisfactory scores.