

1 **Rule 3-108. Judicial assistance.**

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3 **Intent:**

4 To establish the authority, procedure and criteria for judicial assistance.

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6 **Applicability:**

7 This rule shall apply to judicial assistance provided by active senior judges and judges of courts
8 of record.

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10 **Statement of the Rule:**

11 (1) **Criteria for requesting assistance.** Judicial assistance shall be provided only for the
12 following reasons:

13 (1)(A) when assistance is needed because of a judicial vacancy or an absence due to an
14 illness, accident, or disability;

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16 (1)(B) to prevent the occurrence of or to reduce a critical accumulated backlog;

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18 (1)(C) to handle a particular case involving complex issues and extensive time which
19 would have a substantial impact on the court's calendar;

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21 (1)(D) to replace a sitting judge who is absent because of assignment as a tax judge,
22 illness or to replace the judges in that location because of disqualification in a particular
23 case;

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25 (1)(E) to mentor a newly appointed judge;

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27 (1)(F) to handle cases during vacation periods or during attendance at education
28 programs by the sitting judge, following every effort by that judge to adjust the calendar
29 to minimize the need for assistance and only to handle those matters which cannot be
30 accommodated by the other judges of the court during the absence;

31

32 (1)(G) to provide education and training opportunities to judges of one court level in the
33 disposition of cases in another court level;

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35 (1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of
36 the Utah Code of Judicial Administration;

37

38 (1)(I) to handle automatic expungement cases; and

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40 (1)(J) to serve on a grand jury panel.

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42 (2) **Assigning a senior judge for judicial assistance.**

43 (2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance
44 under the priorities listed in paragraph (3) before assigning a senior judge.
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46 (2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the
47 presiding judge shall seek approval from the Management Committee, and present to
48 the Management Committee a plan for meeting the needs of the court and a budget to
49 implement the plan. The plan should describe the calendars to be covered by judges of
50 the district, judges of other districts, and senior judges. The budget should estimate the
51 funds needed for travel by the judges and senior judges.
52

53 **(3) Criteria for transferring or assigning judges.** The transfer or assignment of judges for
54 judicial assistance under this rule, shall, in general, be based upon the following priorities:

55 (3)(A) experience and familiarity with the subject matter, including, in district court cases
56 involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial
57 Administration, knowledge of the theory and practice of ad valorem, excise, income,
58 sales and use, and corporate taxation;
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60 (3)(B) active judges before active senior judges with consideration of the following:
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62 (3)(B)(i) active judges from a court of equal jurisdiction in a different geographical
63 division than the court in need, and who are in close proximity to that court;
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65 (3)(B)(ii) active senior judges from a court of equal jurisdiction to the court in
66 need and who are in close proximity to that court;
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68 (3)(B)(iii) active judges from a court of different jurisdiction than the court in need
69 whose subject matter jurisdiction is most closely related to that court and who are
70 in close proximity to that court;
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72 (3)(B)(iv) active judges from a court of equal jurisdiction in a different
73 geographical division than the court in need who are far removed from that court;
74

75 (3)(B)(v) active or active senior judges from a court of different jurisdiction than
76 the court in need whose subject matter jurisdiction is similar to that court and who
77 are not in close proximity to that court;
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79 (3)(C) availability;
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81 (3)(D) expenses and budget.
82

83 **(4) Assignment of active judges.**

84 (4)(A) Any active judge of a court of record may serve temporarily as the judge of a court
85 with equal jurisdiction in a different judicial district upon assignment by the presiding

86 judge of the district in which the judge to be assigned normally sits or, in district court
87 cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial
88 Administration, assignment by the supervising tax judge with the approval of the
89 presiding officer of the Council.
90

91 (4)(B) Any active judge of a court of record may serve temporarily as the judge of a court
92 with different jurisdiction in the same or a different judicial district upon assignment by
93 the presiding officer of the Council or assignment by the state court administrator or
94 designee with the approval of the presiding officer of the Council.
95

96 (4)(C) The presiding officer of the Council may appoint a district court presiding judge as
97 the signing judge for automatic expungements [and deferred traffic prosecution orders](#) in
98 all district courts within the presiding judge's district [with jurisdiction over eligible cases](#).
99 The length of the assignment may coincide with the judge's term as presiding judge.
100

101 (4)(D) The assignment shall be made only after consideration of the judge's calendar.
102 The assignment may be for a special or general assignment in a specific court or
103 generally within that level of court and shall be for a specific period of time, or for the
104 duration of a specific case. Full time assignments in excess of 30 days in a calendar
105 year shall require the concurrence of the assigned judge. The state court administrator
106 or designee shall report all assignments to the Council on an annual basis.
107

108 (4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding
109 judge, to the person with authority to make the assignment under paragraphs (A) and
110 (B). A judge who is assigned temporarily to another court shall have the same powers as
111 a judge of that court.
112

113 (5) **Notice of assignments.** Notice of assignments made under this rule shall be made in
114 writing, a copy of which shall be sent to the state court administrator or designee.
115

116 (6) **Schedule of trials or court sessions.** The state court administrator or designee, under the
117 supervision of the presiding officer of the Council, may schedule trials or court sessions and
118 designate a judge to preside, assign judges within courts and throughout the state, reassign
119 cases to judges, and change the county for trial of any case if no party to the litigation files
120 timely objections to the change.
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122 | **Effective:** [October 1, 2022](#)~~6/28/2021~~