

1 Rule 11-203. Senior Justice Court Judges.

2 Intent:

3 To establish the qualifications, term, authority, appointment, **reappointment**, and assignment for
4 senior justice court judges.

5 Applicability:

6 This rule ~~shall apply~~ **applies** to senior judges of courts not of record.

7 Statement of the Rule:

8 **(a) ~~(1)~~ Qualifications. ~~(1)(A)~~** A judge may apply to become a senior justice court judge, on either
9 inactive or active status.

10 **(1) ~~(1)(B)~~ Inactive senior justice court judge. ~~To be an inactive senior justice court judge, a judge~~
11 ~~shall:~~ A judge is qualified to be an inactive senior justice court judge if the judge:**

12 **(A) ~~(1)(B)(i) have been~~ **was**** retained in the last election for which the judge stood for election;

13 **(B) ~~(1)(B)(ii) have~~** voluntarily resigned from judicial office, been laid off pursuant to a reduction
14 in force, **voluntarily** retired ~~upon reaching the mandatory retirement age~~, or, **if** involuntarily
15 retired due to disability, **but shall have** recovered from or accommodated that disability;

16 **(C)** did not resign from office as a result of negotiations with the Judicial Conduct Commission
17 or while a complaint against the judge was pending before the Supreme Court or pending
18 before the Judicial Conduct Commission;

19 **(D)** has not been subject to any order of discipline for conduct as a judge;

20 **(E)** does not have any criminal charge, other than an infraction, pending at the time of the
21 application;

22 **(F) ~~(1)(B)(iii) demonstrate~~ **demonstrates**** appropriate ability and character;

23 **(G) ~~(1)(B)(iv) have~~ **has**** been in office for at least five years; and

24 **(H) ~~(1)(B)(v) comply~~ **complies**** with the restrictions on secondary employment provided by the
25 Utah Code.

26 **(2) ~~(1)(C)~~ Active senior justice court judge. ~~To be an active senior justice court judge, a judge shall:~~
27 A judge is qualified to be an active senior justice court judge if the judge:**

- 28 (A) ~~(1)(C)(i) meet~~meets the qualifications of an inactive senior justice court judge;
- 29 (B) was not suspended during the judge's final term of office or final six years in
- 30 office, whichever is greater;
- 31 (C) ~~(1)(C)(ii) be~~ is a current resident of Utah and is available to take cases;
- 32 (D) ~~(1)(C)(iii) be~~ is physically and mentally able to perform the duties of judicial office;
- 33 (E) ~~(1)(C)(iv) maintain familiarity~~ is familiar with current statutes, rules, ~~and~~ case law, ~~and court~~
- 34 case management systems;
- 35 (F) ~~(1)(C)(v) satisfy~~ satisfies the education requirements ~~of an active justice court judge~~ set forth
- 36 in Rule 3-403; and
- 37 ~~(1)(C)(vi) accept assignments, subject to being called, at least two days per calendar year;~~
- 38 (G) ~~(1)(C)(vii)~~ agrees to conform to the Code of Judicial Administration and the Code of Judicial
- 39 Conduct and other rules of the Supreme Court. ~~and the Code of Judicial Administration; and~~
- 40 ~~rules of the Supreme Court;~~
- 41 ~~(1)(C)(viii) obtains results on the most recent judicial performance evaluation prior to~~
- 42 ~~—termination of service sufficient to have been recommended for retention. regardless of~~
- 43 ~~whether the evaluation was conducted for self-improvement or certification;~~
- 44 ~~(1)(C)(ix) continue to meet the requirements for judicial retention as those requirements are~~
- 45 ~~determined by the Judicial Council to be applicable to active senior judges;~~
- 46 ~~(1)(C)(xi) undergo a performance evaluation every eighteen months following an initial term~~
- 47 ~~as an active senior judge; and~~
- 48 ~~(1)(C)(xii) take and subscribe an oath of office to be maintained by the state court~~
- 49 ~~administrator.~~

50 ~~2) Disqualifications. To be an active senior justice court judge, a judge shall not:~~

- 51 ~~(2)(A) have been removed from office or involuntarily retired on grounds other than disability;~~
- 52 ~~(2)(B) have been suspended during the judge's final term of office or final six years in office,~~
- 53 ~~whichever is greater;~~
- 54 ~~(2)(C) have resigned from office as a result of negotiations with the Judicial Conduct Commission~~
- 55 ~~or while a complaint against the applicant was pending before the Supreme Court or pending~~

56 ~~before the Judicial Conduct Commission after a finding of reasonable cause; and~~
57 ~~(2)(D) have been subject to any order of discipline for conduct as a senior justice court judge.~~

58 ~~(3) Term of Office.~~

59 ~~(3)(A) The initial term of office of an inactive senior justice court judge is until December 31 of the~~
60 ~~second year following appointment. The initial term of office of an active senior justice court judge~~
61 ~~less than age 75 years is until December 31 of the second year following appointment or until~~
62 ~~December 31 of the year in which the judge reaches age 75, whichever is shorter. The initial term~~
63 ~~of office of an active senior justice court judge age 75 years or more is until December 31 of the year~~
64 ~~following appointment.~~

65 ~~(3)(B) A subsequent term of office of an inactive senior justice court judge is for three years. A~~
66 ~~subsequent term of office of an active senior justice court judge is three years or until December 31~~
67 ~~of the year in which the judge reaches age 75, whichever is shorter. The subsequent term of office~~
68 ~~of an active senior justice court judge age 75 years or more is for one year.~~

69 ~~(3)(C) All subsequent appointments begin on January 1. The Supreme Court may withdraw an~~
70 ~~appointment with or without cause.~~

71 ~~(4) Authority. A senior justice court judge may solemnize marriages. An active senior justice court~~
72 ~~judge, during an assignment, has all the authority of a justice court judge.~~

73 ~~(b) (5) Application and appointment.~~

74 (1) ~~(5)(A)~~ To be appointed a senior justice court judge, a judge shall must:

75 (A) Submit an application to the Administrative Office of the Courts (AOC) on a form provided
76 by the AOC. ~~apply to the Judicial Council for either inactive or active status~~ and shall
77 ~~submit relevant information as requested by the Judicial Council.~~

78 (B) Declare on the application that the applicant meets each relevant qualification as set forth
79 in paragraph (a).

80 (C) If applying for active senior justice court judge status, submit results on the most recent
81 judicial performance evaluation prior to termination of service sufficient to have been
82 recommended for retention.

83 ~~(5)(B) The applicant shall:~~

84 ~~(5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered by the~~

85 ~~Supreme Court; and~~

86 ~~(5)(B)(ii) declare whether at the time of the application there is any complaint against the~~
87 ~~applicant pending before the Supreme Court or pending before the Judicial Conduct~~
88 ~~Commission after a finding of reasonable cause.~~

89 (2) After receiving the required senior judge application, the AOC will provide the application
90 to the Judicial Council, and a copy to the applicant. For applicants for active senior justice
91 court judge status, the AOC will also provide the most recent judicial performance evaluation
92 to the Judicial Council, and a copy to the applicant.

93 ~~(5)(C) After considering all information, including any performance evaluation conducted~~
94 ~~under rule 3-111, the Judicial Council may certify to the Supreme Court that the applicant~~
95 ~~meets the qualifications of a senior judge or active senior judge. The Judicial Council shall~~
96 ~~forward to, and the Supreme Court shall review, information on all applicants. Any applicant~~
97 ~~who is not certified by the Judicial Council may submit to the Supreme Court a written~~
98 ~~explanation on why the applicant should be appointed as an inactive senior judge or active~~
99 ~~senior judge despite not being certified by the Judicial Council. The written explanation shall~~
100 ~~be submitted to the Supreme Court no later than 14 days after the applicant is notified that~~
101 ~~the applicant is not certified. With the concurrence of a majority of the members of the~~
102 ~~Supreme Court, the Chief Justice may appoint the judge as an inactive senior judge or active~~
103 ~~senior judge.~~

104 (3) After considering all information in a session closed in compliance with Rule 2-103, the
105 Judicial Council will determine and notify the Supreme Court whether the applicant meets
106 the qualifications for an appointment as an active or inactive senior justice court judge.

107 (4) The Judicial Council will inform an applicant, in writing, if the Judicial Council notifies the
108 Supreme Court that the applicant does not meet qualifications for appointment.

109 (5) An applicant who receives notice from the Judicial Council under paragraph (4) may,
110 within 14 days of the date the Judicial Council sent the notice, submit to the Appellate Court
111 Administrator a written explanation on why the applicant should be appointed as an active
112 or inactive justice court senior judge.

113 (6) The Supreme Court will review each applicant's information. With the concurrence of a
114 majority of the members of the Supreme Court, the Chief Justice may appoint the judge as an
115 active or inactive senior justice court judge.

116 (7) Active senior justice court judges must take and subscribe an oath of office with the original
117 to be maintained by the State Archives and a copy to be maintained by the state court
118 administrator or the administrator's designee.

119 **(c) Reappointment qualifications.**

120 (1) An active senior justice court judge is qualified for reappointment if the judge:

121 (A) is physically and mentally able to perform the duties of judicial office;

122 (B) maintains familiarity with current statutes, rules, case law, and court case
123 management systems;

124 (C) satisfied the education requirement of completing 30 hours of education per fiscal year
125 as set forth in Rule 3-403;

126 (D) volunteered for a minimum of two case assignments per fiscal year during the current
127 term, subject to being called;

128 (E) continues to conform to the Code of Judicial Administration and the Code of Judicial
129 Conduct and other rules of the Supreme Court; and

130 (F) continues to meet the qualifications for an active senior justice court judge set forth
131 paragraph (a)(2).

132 (2) An inactive senior justice court judge is qualified for reappointment if the judge continues to
133 meet qualifications set forth in paragraph (a)(1).

134 **(d) Reappointment applications.** To be reappointed as a senior justice court judge, a judge must apply
135 to the Judicial Council for either inactive or active status.

136 (1) Active and inactive senior justice court judges seeking reappointment must submit the
137 senior judge application by February 1 in the last year of their current term.

138 (A) An applicant for active senior justice court judge status must submit an application to
139 the AOC declaring whether the applicant meets qualifications as an active senior justice
140 judge set forth in paragraphs (a)(2) and (c).

141 (B) An applicant for inactive senior justice court judge status must submit an application
142 to the AOC declaring whether the judge continues to meet qualifications set forth in
143 paragraph (a)(1).

144 (2) After receiving an application, the AOC will, for active senior judges, assemble the judicial

145 education records, records of formal and informal sanctions, recommendation from the
146 Board of Justice Court Judges, and any information requested by the Judicial Council. The
147 AOC will provide the application and any assembled information to the Judicial Council,
148 with a copy to the applicant for reappointment as an active or inactive senior justice court
149 judge.

150 (3) After considering all information in a session closed in compliance with Rule 2-103, the
151 Judicial Council will determine whether:

152 (A) The applicant for reappointment as an active senior justice court judge meets
153 qualifications for reappointment set forth in paragraphs (a)(2) and (c).

154 (B) The applicant for reappointment as an inactive senior justice court judge meets
155 qualifications for reappointment set forth in paragraph (a)(1).

156 (4) If the Judicial Council finds that the applicant does not meet qualifications for
157 reappointment, the Council will:

158 (A) Notify the applicant of the Judicial Council's decision within five days of the Judicial
159 Council's meeting, including a description of the reasons for the Council's decision;

160 (B) Invite the applicant to meet with the Judicial Council and provide information
161 challenging the Judicial Council's decision on qualifications; and

162 (C) In a session closed in compliance with Rule 2-103, review information challenging the
163 Council's decision and provide the applicant adequate time to present evidence and
164 arguments in favor of reappointment.

165 (5) The Judicial Council will:

166 (A) In an open session, approve its final decisions regarding each applicant's
167 qualifications for reappointment as a senior justice court judge;

168 (B) Notify the applicant in writing if the Judicial Council's final decision is that the
169 applicant does not meet the qualifications for reappointment; and

170 (C) Notify the Supreme Court of the final decisions regarding each applicant's
171 qualifications for reappointment as a senior justice court judge.

172 (6) An applicant who receives notice from the Judicial Council under paragraph (5) may,
173 within 14 days of the date the Judicial Council sent the notice, submit to the Appellate Court

174 Administrator a written explanation on why the applicant should be reappointed as an
175 inactive senior justice court judge or active senior justice court judge.

176 (7) The Supreme Court will review each applicant's information. With the concurrence of a
177 majority of the members of the Supreme Court, the Chief Justice may reappoint the judge as
178 an inactive senior justice court judge or active senior justice court judge.

179 (e) ~~(6)~~ **Assignment.**

180 (1) ~~(6)(A)~~ With the consent of the active senior justice court judge, the governing body for a
181 justice court may assign an active senior justice court judge to a case or for a specified period
182 of time. Cumulative assignments under this subsection ~~shall~~ may not exceed 60 days per
183 calendar year except as necessary to complete an assigned case.

184 (2) ~~(6)(B)~~ In extraordinary circumstances and with the consent of the active senior justice court
185 judge, the Chief Justice may assign an active senior justice court judge to address the
186 extraordinary circumstances for a specified period of time not to exceed 60 days per calendar
187 year, which may be in addition to assignments under paragraph (1) ~~subsection (6)(A).~~ To
188 request an assignment under this ~~paragraph subsection~~, the governing body ~~shall~~ must certify
189 that there is an extraordinary need.

190 (3) ~~(6)(C)~~ An active senior justice court judge may be assigned to any justice court in the state.

191 (4) ~~(6)(D)~~ The governing body ~~shall~~ must make the assignment in writing and send a copy to
192 the court to which the active senior justice court judge is assigned and to the state court
193 administrator.

194 (f) **Term of office.**

195 (1) **Active senior justice court judges.** The initial term of office of an active senior justice
196 court judge less than age 75 years is until June 30 of the second year following appointment.
197 The initial term of office of an active senior justice court judge age 75 years or more is until
198 June 30 of the first year following appointment. A subsequent term of office of an active
199 senior justice court judge less than 75 years is three years or until June 30 of the year in which
200 the judge reaches age 75, whichever is shorter. A subsequent term of office of an active senior
201 justice court judge age 75 years or more is one year.

202 (2) **Inactive senior justice court judges.** The initial term of office of an inactive senior justice
203 court judge is until June 30 of the third year following appointment. A subsequent term of

204 office of an inactive senior justice court judge is three years.

205 (3) All subsequent appointments begin on July 1.

206 (4) The Supreme Court may withdraw an appointment with or without cause.

207 (g) **Authority.** An active or inactive senior justice court judge may solemnize marriages and
208 administer oaths of office. An active senior justice court judge, during an assignment, has all
209 the authority of a justice court judge.

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