

1 Rule 3-104. Presiding judges.

2 Intent:

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

5 Applicability:

6 This rule shall apply to presiding judges and associate presiding judges in the
7 District and Juvenile Courts.

8 Statement of the Rule:

9 (1) Election and term of office.

10 (1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by
11 a majority vote of the judges of the court. The presiding judge's term of office is
12 presumed to be two years. A district, by majority vote of the judges of the court, may opt
13 for a one year term of office and may re-elect a judge to serve successive terms of
14 office as presiding judge. In the event that a majority vote cannot be obtained, the
15 presiding judge shall be appointed by the presiding officer of the Council to serve for
16 two years.

17 (1)(B) Associate presiding judge.

18 (1)(B)(i) In a court having more than two judges, the judges may elect one judge of
19 the court to the office of associate presiding judge. An associate presiding judge shall
20 be elected in the same manner and serve the same term as the presiding judge in
21 paragraph (1)(A).

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

25 (2) Court organization.

26 (2)(A) Court en banc.

27 (2)(A)(i) Multi-judge courts there shall have regular court en banc meetings,
28 including all judges of the court and the court executive, to discuss and decide court
29 business. The presiding judge has the discretion to excuse the attendance of the court
30 executive from court en banc meetings called for the purpose of discussing judicial

31 business. In single-judge courts, the judge shall meet with the court executive to discuss
32 and decide court business.

33 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither
34 the presiding judge nor associate presiding judge, if any, is present, the presiding
35 judge's designee shall preside.

36 (2)(A)(iii) Each court shall have a minimum of four meetings each year.

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

39 (2)(A)(v) Minutes of each meeting shall be taken and preserved.

40 (2)(A)(vi) Other than judges and court executives, those attending the meeting shall
41 be by court invitation only.

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

45 (2)(B) Absence of presiding judge. When the presiding judge and the associate
46 presiding judge, if any, are absent from the court, an acting presiding judge shall be
47 appointed. The method of designating an acting presiding judge may be by
48 supplemental court rule or at the discretion of the presiding judge. All parties that must
49 necessarily be informed shall be notified of the judge acting as presiding judge.

50 (3) Administrative responsibilities and authority of presiding judge.

51 (3)(A) Generally. The presiding judge is charged with the responsibility for the
52 effective operation of the court. He or she is responsible for the implementation and
53 enforcement of statutes, rules, policies and directives of the Council as they pertain to
54 the administration of the courts, orders of the court en banc and supplementary rules.
55 The presiding judge has the authority to delegate the performance of non-judicial duties
56 to the court executive.

57 (3)(B) Coordination of judicial schedules.

58 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules
59 of judges and be responsible for an orderly plan of judicial absences from court duties.

60 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to
61 the presiding judge.

62 (3)(C) Court committees. The presiding judge shall, where appropriate, make use of
63 court committees composed of other judges and court personnel to investigate problem
64 areas, handle court business and report to the presiding judge and/or the court en banc.

65 (3)(D) Outside agencies and the media.

66 (3)(D)(i) The presiding judge or court executive shall be available to meet with
67 outside agencies, such as the prosecuting attorney, the city attorney, public defender,
68 sheriff, police chief, bar association leaders, probation and parole officers, county
69 governmental officials, civic organizations and other state agencies. The presiding judge
70 shall be the primary representative of the court at ceremonial functions.

71 (3)(D)(ii) Generally, the presiding judge or court executive shall represent the court
72 and make statements to the media on matters pertaining to the total court and provide
73 general information about the court and the law, and about court procedures, practices
74 and rulings where ethics permit.

75 (3)(E) Docket management and case and judge assignments.

76 (3)(E)(i) The presiding judge shall monitor the status of the dockets in the court and
77 implement improved methods and systems of managing dockets.

78 (3)(E)(ii) The presiding judge shall assign cases and judges in accordance with
79 supplemental court rules to provide for an equitable distribution of the workload and the
80 prompt disposition of cases.

81 (3)(E)(iii) Individual judges of the court shall convey needs for assistance to the
82 presiding judge. The presiding judge shall, through the Administrative Office, request
83 assistance of visiting judges when needed to handle the workload of the court.

84 (3)(E)(iv) The presiding judge shall discuss problems of delay with other judges and
85 offer necessary assistance to expedite the disposition of cases.

86 (3)(F) Local supplemental rules.

87 (3)(F)(i) Prior to submission of a local supplemental rule to the Board, the presiding
88 judge shall submit the rule to a vote of the judges of that jurisdiction. Upon a majority
89 vote, the rule shall be submitted to the Board and the Council for review, adoption and
90 ratification as provided in this Code.

91 (3)(F)(ii) The presiding judge shall ensure that copies of local supplemental rules are
92 available and disseminated to interested persons.

93 (3)(G) Court executives.

94 (3)(G)(i) The presiding judge shall review the proposed appointment of the court
95 executive made by the state level court administrator ~~for the respective court level~~ and
96 must concur in the appointment before it can be effected. The presiding judge shall
97 obtain the approval of a majority of the judges in that jurisdiction prior to concurring in
98 the appointment of a court executive.

99 (3)(G)(ii) The presiding judge for the respective court level and the state level
100 administrator shall jointly develop an annual performance plan for the court executive.

101 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge
102 in the preparation of an evaluation of the court executive's performance for the previous
103 year.

104 (3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court
105 executive, including coordination of annual leave.

106 (3)(G)(v) Pursuant to Council policy and the direction of the state level administrator,
107 the court executive has the responsibility for the day-to-day supervision of the non-
108 judicial support staff and the non-judicial administration of the court. The presiding
109 judge, in consultation with the judges of the jurisdiction, shall coordinate with the court
110 executive on matters concerning the support staff and the general administration of the
111 court including budget, facility planning, long-range planning, administrative projects,
112 intergovernmental relations and other administrative responsibilities as determined by
113 the presiding judge and the state level administrator.

114 (3)(H) Courtrooms and facilities. The presiding judge shall coordinate the
115 assignment of courtrooms and facilities in accordance with supplemental court rules.

116 (3)(I) Recordkeeping. Consistently with Council policies, the court executive, in
117 consultation with the presiding judge, shall:

118 (3)(I)(i) coordinate the compilation of management and statistical information
119 necessary for the administration of the court;

120 (3)(I)(ii) establish policies and procedures and ensure that court personnel are
121 advised and aware of these policies;

122 (3)(I)(iii) approve proposals for computerization within the court in compliance with
123 administrative rules.

124 (3)(J) Budgets. The presiding judge, in consultation with the court executive, shall
125 oversee the development of the budget for the court.

126 In courts for which the county clerk serves as the clerk of court, the presiding judge
127 shall supervise the preparation and management of the county budget for the court on
128 an annual basis and in accordance with Utah Code Ann. Section 78-3-29(5).

129 (3)(K) Judicial officers. In the event that another judge of the court fails to comply
130 with a reasonable administrative directive of the presiding judge, interferes with the
131 effective operation of the court, abuses his or her judicial position, or violates the Code
132 of Judicial Conduct, the presiding judge shall consider one or more of the following
133 options:

134 (3)(K)(i) Explain to the judge the reasons for the directive given or the position taken
135 and consult with the judge.

136 (3)(K)(ii) Reevaluate the position.

137 (3)(K)(iii) If the problem persists, determine the available alternatives. Discuss and
138 evaluate the alternatives with the judge.

139 (3)(K)(iv) Discuss the position with other judges and reevaluate the position.

140 (3)(K)(v) Present the problem to the court en banc or a committee of judges for a
141 recommendation or establish a procedure within the court for resolving disputes
142 between judges and the presiding judge, such as requiring the judge and the presiding
143 judge to state in writing, within a stated and reasonable time, the reasons for their
144 positions.

145 (3)(K)(vi) Refer the problem to a higher authority such as the appropriate Board.

146 (3)(K)(vii) Where the refusal is willful and continual, refer the problem to the Council
147 or the Judicial Conduct Commission.

148 (3)(L) Cases under advisement.

149 (3)(L)(i) A case is considered to be under advisement when the entire case or any
150 issue in the case has been submitted to the judge for final determination.

151 (3)(L)(ii) Once a month each judge shall submit a signed statement on a form to be
152 provided by the Administrative Office notifying the presiding judge of any cases or
153 issues held under advisement for more than 60 days and the reason why the case or
154 issue continues to be held under advisement.

155 (3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues
156 held under advisement for more than 60 days to the Chair of the appropriate Board and
157 indicate the reasons why the case or issue continues to be held under advisement.

158 (3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the
159 Board shall report that fact to the Council.

160 (3)(M) Board of judges. The presiding judge shall serve as a liaison between the
161 court and the Board for the respective court level.

162 (3)(N) Supervision and evaluation of court commissioners. The presiding judge is
163 responsible for the development of a performance plan for the Court Commissioner
164 serving in that court and shall prepare an evaluation of the Commissioner's performance
165 on an annual basis. A copy of the performance plan and evaluation shall be maintained
166 in the official personnel file in the Administrative Office.

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