

1 Rule 11-201. Senior judges.

2 Intent:

3 To establish the qualifications, term, authority, appointment and assignment for
4 senior judges and active senior judges.

5 Applicability:

6 This rule shall apply to judges of courts of record.

7 The term “judge” includes justices of the Supreme Court.

8 Statement of the Rule:

9 (1) Qualifications.

10 (1)(A) Senior Judge. To be a senior judge, a judge shall:

11 (1)(A)(i) have been retained in the last election for which the judge stood for election;

12 (1)(A)(ii) have voluntarily resigned from judicial office, retired upon reaching the
13 mandatory retirement age, or, if involuntarily retired due to disability, shall have
14 recovered from or shall have accommodated that disability;

15 (1)(A)(iii) demonstrate appropriate ability and character;

16 (1)(A)(iv) be admitted to the practice of law in Utah, but shall not practice law; and

17 (1)(A)(v) be eligible to receive compensation under the Judges’ Retirement Act,
18 subject only to attaining the appropriate age.

19 (1)(B) Active Senior Judge. To be an active senior judge, a judge shall:

20 (1)(B)(i) meet the qualifications of a senior judge;

21 (1)(B)(ii) be physically and mentally able to perform the duties of judicial office;

22 (1)(B)(iii) maintain familiarity with current statutes, rules and case law;

23 (1)(B)(iv) satisfy the education requirements of an active judge;

24 (1)(B)(v) attend the annual judicial conference;

25 (1)(B)(vi) accept assignments, subject to being called, at least two days per calendar
26 year;

27 (1)(B)(vii) conform to the Code of Judicial Conduct, the Code of Judicial
28 Administration and rules of the Supreme Court;

29 (1)(B)(viii) obtain attorney survey results on the final judicial performance evaluation
30 survey conducted prior to termination of service sufficient to have been certified for

31 retention election by the Judicial Council regardless whether the survey was conducted
32 for self improvement or certification;

33 (1)(B)(ix) continue to meet the requirements for certification for judicial retention
34 election as those requirements are determined by the Judicial Council to be applicable
35 to active senior judges; and

36 (1)(B)(x) take and subscribe an oath of office to be maintained by the state court
37 administrator.

38 (2) Disqualifications. To be an active senior judge, a judge:

39 (2)(A) shall not have been removed from office or involuntarily retired on grounds
40 other than disability;

41 (2)(B) shall not have been suspended during the judge's final term of office or final
42 six years in office, whichever is greater;

43 (2)(C) shall not have resigned from office as a result of negotiations with the Judicial
44 Conduct Commission or while a complaint against the applicant was pending before the
45 Supreme Court or pending before the Judicial Conduct Commission after a finding of
46 reasonable cause; and

47 (2)(D) shall not have been subject to any order of discipline for conduct as a senior
48 judge.

49 (3) Term of Office. ~~A senior judge and active senior judge is appointed for three~~
50 ~~years unless earlier removed by the Supreme Court with or without cause. Upon~~
51 ~~application, a senior judge and active senior judge may be reappointed. An active senior~~
52 ~~judge may not serve beyond age 75.~~

53 (3)(A) The initial term of office of a senior judge is until December 31 of the second
54 year following appointment. The initial term of office of an active senior judge less than
55 age 75 years is until December 31 of the second year following appointment or until
56 December 31 of the year in which the judge reaches age 75, whichever is shorter. The
57 initial term of office of an active senior judge age 75 years or more is until December 31
58 of the year following appointment.

59 (3)(B) A subsequent term of office of a senior judge is for three years. A subsequent
60 term of office of an active senior judge is three years or until December 31 of the year in

61 which the judge reaches age 75, whichever is shorter. The subsequent term of office of
62 an active senior judge age 75 years or more is for one year.

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

65 (3)(D) The term of office of senior judges and active senior judges in office on
66 November 1, 2005 shall continue until December 31 of the year in which their terms
67 would have expired under the former rule.

68 (4) Authority. A senior judge may solemnize marriages. In addition to the authority of
69 a senior judge, an active senior judge, during an assignment, has all the authority of the
70 office of a judge of the court to which the assignment is made.

71 (5) Application and Appointment.

72 (5)(A) To be appointed a senior judge or active senior judge a judge shall apply to
73 the Judicial Council and submit relevant information as requested by the Judicial
74 Council.

75 (5)(B) The applicant shall:

76 (5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered
77 by the Supreme Court; and

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

81 (5)(C) The Judicial Council may apply to the judicial performance evaluation
82 information the same standards and discretion provided for in Rule 3-111.05. After
83 considering all information the Judicial Council may certify to the Supreme Court that
84 the applicant meets the qualifications of a senior judge or active senior judge and the
85 Chief Justice may appoint the judge as a senior judge or active senior judge.

86 ~~(5)(D) Senior judges and active senior judges holding those offices on the effective~~
87 ~~date of this rule may continue to serve in that capacity until the expiration of the term of~~
88 ~~appointment and thereafter shall meet the requirements of this rule.~~ Judges who
89 declined, under former Rule 3-111, to participate in an attorney survey in anticipation of
90 retirement may use the results of an earlier survey to satisfy Subsection (1)(B)(viii).

91 (6) Assignment.

92 (6)(A) With the consent of the active senior judge, the presiding judge may assign an
93 active senior judge to a case or for a specified period of time. Cumulative assignments
94 under this subsection shall not exceed 60 days per calendar year except as necessary
95 to complete an assigned case.

96 (6)(B) In extraordinary circumstances and with the consent of the active senior
97 judge, the chief justice may assign an active senior judge to address the extraordinary
98 circumstances for a specified period of time not to exceed 60 days per calendar year,
99 which may be in addition to assignments under subsection (6)(A). To request an
100 assignment under this subsection, the presiding judge shall certify that there is an
101 extraordinary need. The state court administrator shall certify whether there are funds
102 available to support the assignment.

103 (6)(C) An active senior judge may be assigned to any court other than the Supreme
104 Court.

105 (6)(D) The state court administrator shall provide such assistance to the presiding
106 judge and chief justice as requested and shall exercise such authority in making
107 assignments as delegated by the presiding judge and chief justice.

108 (6)(E) Notice of an assignment made under this rule shall be in writing and
109 maintained by the state court administrator.

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