

**Rule 11-203. Senior justice court judges.**

Intent:

To establish the qualifications, term, authority, appointment and assignment for senior justice court judges and active senior justice court judges.

Applicability:

This rule shall apply to judges of courts not of record.

Statement of the Rule:

(1) Qualifications.

(A) Senior Justice Court Judge. To be a senior justice court judge, a judge shall:

(i) have been certified by the Judicial Council for retention election or reappointment at the last time the Judicial Council considered the judge for certification;

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

(iii) demonstrate appropriate ability and character;

(iv) have been in office for at least five years; and

(v) comply with the restrictions on secondary employment provided by the Utah Code.

(B) Active Senior Justice Court Judge. To be an active senior justice court judge, a judge shall:

(i) meet the qualifications of a senior justice court judge;

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

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

(iv) satisfy the education requirements of an active justice court judge;

(v) accept assignments, subject to being called, at least two days per calendar year;

(vi) conform to the Code of Judicial Conduct, the Code of Judicial Administration and rules of the Supreme Court;

(vii) continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court judges; and

(viii) take and subscribe an oath of office to be maintained by the state court administrator.

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

(A) have been removed from office or involuntarily retired on grounds other than disability;

(B) have been suspended during the judge's final term of office or final four years in office, whichever is greater;

(C) have resigned from office as a result of negotiations with the Judicial Conduct Commission or while a complaint against the applicant was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause; and

(D) have been subject to any order of discipline for conduct as a senior justice court judge.

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

(4) Authority. A senior justice court judge may solemnize marriages. In addition to the authority of a senior justice court judge, an active senior justice court judge, during an assignment, has all the authority of a justice court judge.

(5) Application and Appointment.

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

(B) The applicant shall:

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

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

(C) The Judicial Council may apply to the judicial performance evaluation information the same standards and discretion provided for in Rule 3-111.04. After considering all information the Judicial Council may certify to the Supreme Court that the applicant meets the qualifications of a senior justice court judge or active senior justice court judge. The chief justice may appoint the judge as a senior justice court judge or active senior justice court judge.

(D) Senior justice court judges and active senior justice court judges holding those offices on the effective date of this rule may continue to serve in that capacity for three years and thereafter shall meet the requirements of this rule.

(6) Assignment.

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

(B) In extraordinary circumstances and with the consent of the active senior justice court judge, the chief justice may assign an active senior justice court judge to address the extraordinary circumstances for a specified period of time not to exceed 60 days per calendar year, which may be in addition to assignments under subsection (6)(A). To request an assignment under this subsection, the appointing authority shall certify that there is an extraordinary need.

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

(D) The appointing authority shall make the assignment in writing and send a copy to the court to which the active senior justice court judge is assigned and to the state court administrator.