

1 Rule 11-203. Senior justice court judges.

2 Intent:

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

5 Applicability:

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

7 Statement of the Rule:

8 (1) Qualifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (3)(A) The initial term of office of a senior justice court judge is until December 31 of the  
14 second year following appointment. The initial term of office of an active senior justice court  
15 judge less than age 75 years is until December 31 of the second year following appointment or  
16 until December 31 of the year in which the judge reaches age 75, whichever is shorter. The  
17 initial term of office of an active senior justice court judge age 75 years or more is until  
18 December 31 of the year following appointment.

19 (3)(B) A subsequent term of office of a senior justice court judge is for three years. A  
20 subsequent term of office of an active senior justice court judge is three years or until December  
21 31 of the year in which the judge reaches age 75, whichever is shorter. The subsequent term of  
22 office of an active senior justice court judge age 75 years or more is for one year.

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

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

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

31 (5) Application and Appointment.

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

4 (5)(B) The applicant shall:

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

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

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

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

18 (6) Assignment.

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

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

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

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

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