

1 **Rule 3-102. Assumption of judicial office.**

2 Intent:

3 To provide standards for qualification, training, and furnishings for judicial office.

4 Applicability:

5 This rule shall apply to all judges of courts of record. Paragraphs (1) and (2) apply to  
6 judges of courts not of record.

7 Statement of the Rule:

8 (1) Qualification for office.

9 (1)(A) Under Utah Constitution Article VIII, Section 8, appointment to a court of  
10 record is effective upon confirmation by the Senate. Under Utah Code Section 78A-7-  
11 202, appointment to a court not of record is effective upon certification by the Judicial  
12 Council.

13 ~~(1)(A)~~ (1)(B) An appointee to judicial office shall qualify for office as provided by law  
14 within 60 days ~~of confirmation by the Senate after the appointment is effective.~~ To  
15 qualify for office judicial appointees must have appropriate residency, take the oath of  
16 office, refrain from the practice of law and resign from any elective, non-judicial public  
17 office or political party office which they may hold. The oath of office shall be subscribed  
18 by the appointee, administered as provided by law and filed with the appropriate state,  
19 county, or municipal office ~~of the Lieutenant Governor~~ and the administrative office. An  
20 appointee to judicial office is entitled to assume the duties of judge and be compensated  
21 for such duties on the date he or she has qualified for office.

22 ~~(1)(B)~~ (1)(C) A judge elected to office by retention election shall take and subscribe  
23 the constitutional oath or affirmation on or before the first Monday in January following  
24 the date of the election and shall ~~refile, with the Utah State Archivist, file~~ the oath or  
25 affirmation within 60 days ~~thereafter~~ with the appropriate state county or municipal office  
26 and the administrative office. The oath of office may be administered by any person  
27 authorized to administer oaths.

28 (2) Education and training. Within twelve months of qualification for office, each  
29 judge is required to complete a program of education and training as provided by this  
30 Code and the education policies and procedures adopted pursuant to this Code.

31 (3) Furnishings. The administrative office shall establish a schedule for the provision  
32 and replacement of appropriate furnishings, equipment and supplies for individual  
33 judges. The furnishings shall include at a minimum one desk, one chair, two side chairs,  
34 one bookcase, one credenza and one couch and shall be provided in accordance with  
35 applicable procurement provisions. The schedule shall consider such factors as the  
36 physical stature of successor judges, wear and tear and other damage to furnishings,  
37 and the cost and feasibility of repair rather than replacement.

38 ~~(4) Expenses.~~ Any expenses incurred in complying with this ~~rule paragraph~~ shall be  
39 borne by the state.

40