

1 **Rule 3-202. Court Referees prohibited.**

2 Intent:

3 To ~~establish the position of C~~ prohibit courts from establishing the position of court  
4 Referee as a quasi-judicial officer.

5 ~~To establish the duties, responsibilities, and authority of Court Referees.~~

6 ~~To establish uniform administrative policies governing the qualifications, appointment~~  
7 ~~and supervision of Court Referees.~~

8 Applicability:

9 This rule ~~shall apply to District and Juvenile C~~ applies to all trial courts.

10 Statement of the Rule:

11 **(1) Definition.** ~~Court Referees are quasi-judicial officers of the judicial branch of~~  
12 ~~government. means any person, other than:~~

13 (1)(A) a judge appointed under Article VIII of the Utah Constitution;

14 (1)(B) a senior judge appointed under Rule 11-201 or Rule 11-203;

15 (1)(C) a judge pro tempore appointed under Rule 11-202;

16 (1)(D) a court commissioner appointed under Rule 3-201;

17 (1)(E) a master appointed under Rule of Civil Procedure 53;

18 (1)(F) a clerk of court acting under Rule 4-704; or

19 (1)(G) a juvenile court probation officer acting under Section 78A-6-602 or Rule 7-  
20 301

21 by any title, including but not limited to court referee, traffic referee, hearing officer, or  
22 adjuster who resolves or recommends resolution of any case.

23 ~~(2) Qualifications. Court Referees must be at least 25 years of age, United States~~  
24 ~~citizens and Utah residents for three years preceding appointment. Court Referees must~~  
25 ~~possess knowledge of laws and regulations, court procedures, and penalties for~~  
26 ~~violations within the authority of the referee to impose. Court Referees must possess~~  
27 ~~evidence of good character.~~

28 ~~(3) Appointment – Oath of office. The Court Executive shall assist the presiding~~  
29 ~~judge or judges of the jurisdiction in the selection of Court Referees. The presiding~~  
30 ~~judge with the approval of the judges of the jurisdiction may appoint an individual to the~~

31 ~~office by contract or by employment. Court Referees, before entering upon the duties of~~  
32 ~~their office, shall take and subscribe to an oath of office.~~

33 ~~(4) **Standards of performance.** Court Referees must comply with applicable~~  
34 ~~constitutional and statutory provisions, court rules and procedures, and the provisions of~~  
35 ~~this Code.~~

36 ~~(5) **Evaluation.** The presiding judge and the court executive shall develop a~~  
37 ~~performance plan for the Court Referee and shall prepare an evaluation of performance~~  
38 ~~annually. A copy of the performance plan and evaluation shall be maintained in the~~  
39 ~~official personnel file in the Administrative Office.~~

40 ~~(6) **Salaries and benefits.**~~

41 ~~(6)(A) Court Referees employed by the court shall be compensated at a level within~~  
42 ~~the standards of the Judicial Council and shall receive the same employment benefits~~  
43 ~~as non-judicial officers employed in the judicial branch.~~

44 ~~(6)(B) Court clerks serving as part-time referees shall receive no additional~~  
45 ~~compensation for referee services.~~

46 ~~(7) Authority and duties. The respective Boards shall develop uniform rules~~  
47 ~~governing the duties and authority of Court Referees at each court level. The rules shall~~  
48 ~~be submitted to the Council for final approval and shall, at a minimum, provide the~~  
49 ~~following:~~

50 ~~(7)(A) Court Referees shall be authorized to adjudicate only those offenses listed in~~  
51 ~~the uniform bail schedule not requiring court appearance by the defendant.~~

52 ~~(7)(B) Court Referees may establish bail, order dismissals, refer persons to traffic~~  
53 ~~school or otherwise equitably dispose of citations.~~

54 ~~(7)(C) Court Referees shall review the offense described on the citation and the~~  
55 ~~circumstances of the offense with the defendant and propose a mutually acceptable~~  
56 ~~disposition. Upon stipulation of the defendant, the Court Referee may order disposition~~  
57 ~~in accordance with the agreement.~~

58 ~~(7)(D) In the event that a stipulation cannot be reached or the defendant so~~  
59 ~~requests, the Court Referee shall refer the matter to the court for trial.~~

60       ~~(7)(E) Dispositions by Court Referees shall be final unless the defendant withdraws~~  
61 ~~a stipulation within 10 days of its entry. If the defendant withdraws a stipulation in a~~  
62 ~~timely manner, the matter shall be scheduled for trial before the Court.~~

63       ~~(7)(F) Documentation of Court Referee dispositions shall be maintained; however,~~  
64 ~~such proceedings shall not be a matter of record.~~

65       **(2) Court referees prohibited.** Court referees are prohibited.