

1 **Rule 1-201. Membership - Election.**

2 **Intent:**

3 To establish the manner of election of Council members as authorized by statute.

4 To establish the procedure for filling a vacancy on the Council as authorized by statute.

5 **Applicability:**

6 This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief
7 Justice of the Supreme Court.

8 This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State Bar.

9 As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of Judges
10 and the Board of Commissioners of the Utah State Bar.

11 **Statement of the Rule:**

12 (1) The composition of the Council, the term of office of elected Council members, and the electorate
13 of elected Council members shall be as prescribed by law. The term of office of all elected Council
14 members shall begin with the October meeting of the Council.

15 (2) Election of Council members from courts of record shall take place at the annual judicial
16 conference. Election of Council members from courts not of record shall take place at the annual spring
17 training conference of the justice court judges. Election of the representative of the Utah State Bar shall
18 take place at a regularly scheduled meeting of the Board of Commissioners.

19 (3)(A) If a judicial member of the Council who represents a trial court is unable to complete a term of
20 office, the Board for the court represented by that member shall appoint a judge to serve on the Council
21 until the next judicial conference or the next spring training conference as the case may be. At such
22 conference, the judges shall elect a member to the Council to serve for the unexpired portion of the
23 original term. If a judicial member of the Council who represents an appellate court is unable to complete
24 a term of office, the members of that court shall appoint a judge to serve on the Council until the
25 expiration of the vacated term.

26 (3)(B) If the representative of the Utah State Bar is unable to complete a term of office, the Board of
27 Commissioners shall elect a member or ex officio member of the Board of Commissioners to serve for the
28 unexpired portion of the original term.

29 (3)(C) No person shall serve on the Judicial Council for more than two consecutive terms and the
30 remainder of a predecessor's term.

31 (4) The Boards shall develop procedures for the nomination and election of Council members and
32 shall certify to the Council the names of the members elected. The Boards shall give due regard to
33 geographic representation, security of the election, timely publication of Council vacancies or expired
34 terms, and ease of administration.

35 (5) When a judicial member of the Council is unable to attend a Council meeting, that member may
36 designate a judge from the same level of court to attend the Council meeting and observe the
37 proceedings. When the representative of the Utah State Bar is unable to attend a Council meeting, that

38 member may designate a member or ex officio member of the Board of Commissioners to attend the
39 Council meeting and observe the proceedings. The designee shall be provided with a copy of the Council
40 agenda and other meeting materials, and may attend the open and closed sessions of the meeting. The
41 designee may participate in the general discussion of agenda items but may not make motions or vote on
42 Council issues.

43 (6) Council members or their designated substitutes may be reimbursed for actual and necessary
44 expenses incurred in the execution of their duties as Council members.

45 (7) Council members shall not be eligible to serve as voting members of ~~a the~~ Boards of Judges of a
46 trial court or to serve as members of the standing committees of the Council. The representative of the
47 Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules
48 governing the conduct of the Board of Commissioners.