

1 Rule 3-104. Presiding judges.

2 Intent:

3 To establish the procedure for election, term of office, role, responsibilities and authority of
4 presiding judges and associate presiding judges.

5 Applicability:

6 This rule shall apply to presiding judges and associate presiding judges in the District and
7 Juvenile Courts.

8 Statement of the Rule:

9 (1) Election and term of office.

10 (1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a
11 majority vote of the judges of the court. The presiding judge's term of office is presumed to be
12 two years. A district, by majority vote of the judges of the court, may opt for a one year term of
13 office and may re-elect a judge to serve successive terms of office as presiding judge. In the
14 event that a majority vote cannot be obtained, the presiding judge shall be appointed by the
15 presiding officer of the Council to serve for two years.

16 (1)(B) Associate presiding judge.

17 (1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court
18 to the office of associate presiding judge. An associate presiding judge shall be elected in the
19 same manner and serve the same term as the presiding judge in paragraph (1)(A).

20 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume
21 the responsibilities of the presiding judge. The associate presiding judge shall perform other
22 duties assigned by the presiding judge or by the court.

23 (2) Court organization.

24 (2)(A) Court en banc.

25 (2)(A)(i) Multi-judge courts there shall have regular court en banc meetings, including all
26 judges of the court and the court executive, to discuss and decide court business. The presiding
27 judge has the discretion to excuse the attendance of the court executive from court en banc
28 meetings called for the purpose of discussing judicial business. In single-judge courts, the judge
29 shall meet with the court executive to discuss and decide court business.

30 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the
31 presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee
32 shall preside.

33 (2)(A)(iii) Each court shall have a minimum of four meetings each year.

34 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a
35 known method on how matters may be placed on the agenda.

36 (2)(A)(v) Minutes of each meeting shall be taken and preserved.

37 (2)(A)(vi) Other than judges and court executives, those attending the meeting shall be by
38 court invitation only.

39 (2)(A)(vii) The issues on which judges should vote shall be left to the sound discretion and
40 judgment of each court and the applicable sections of the Utah Constitution, statutes, and this
41 Code.

42 (2)(B) Absence of presiding judge. When the presiding judge and the associate presiding
43 judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method
44 of designating an acting presiding judge may be by supplemental court rule or at the discretion of
45 the presiding judge. All parties that must necessarily be informed shall be notified of the judge
46 acting as presiding judge.

47 (3) Administrative responsibilities and authority of presiding judge.

48 (3)(A) Generally. The presiding judge is charged with the responsibility for the effective
49 operation of the court. He or she is responsible for the implementation and enforcement of
50 statutes, rules, policies and directives of the Council as they pertain to the administration of the
51 courts, orders of the court en banc and supplementary rules. The presiding judge has the
52 authority to delegate the performance of non-judicial duties to the court executive.

53 (3)(B) Coordination of judicial schedules.

54 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of
55 judges and be responsible for an orderly plan of judicial absences from court duties.

56 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the
57 presiding judge.

58 (3)(C) Court committees. The presiding judge shall, where appropriate, make use of court
59 committees composed of other judges and court personnel to investigate problem areas, handle
60 court business and report to the presiding judge and/or the court en banc.

61 (3)(D) Outside agencies and the media.

62 (3)(D)(i) The presiding judge or court executive shall be available to meet with outside
63 agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police
64 chief, bar association leaders, probation and parole officers, county governmental officials, civic
65 organizations and other state agencies. The presiding judge shall be the primary representative of
66 the court at ceremonial functions.

67 (3)(D)(ii) Generally, the presiding judge or court executive shall represent the court and
68 make statements to the media on matters pertaining to the total court and provide general
69 information about the court and the law, and about court procedures, practices and rulings where
70 ethics permit.

71 (3)(E) Docket management and case and judge assignments.

72 (3)(E)(i) The presiding judge shall monitor the status of the dockets in the court and
73 implement improved methods and systems of managing dockets.

74 (3)(E)(ii) The presiding judge shall assign cases and judges in accordance with supplemental
75 court rules to provide for an equitable distribution of the workload and the prompt disposition of
76 cases.

77 (3)(E)(iii) Individual judges of the court shall convey needs for assistance to the presiding
78 judge. The presiding judge shall, through the Administrative Office, request assistance of visiting
79 judges when needed to handle the workload of the court.

80 (3)(E)(iv) The presiding judge shall discuss problems of delay with other judges and offer
81 necessary assistance to expedite the disposition of cases.

82 (3)(F) Local supplemental rules.

83 (3)(F)(i) Prior to submission of a local supplemental rule to the Board, the presiding judge
84 shall submit the rule to a vote of the judges of that jurisdiction. Upon a majority vote, the rule
85 shall be submitted to the Board and the Council for review, adoption and ratification as provided
86 in this Code.

87 (3)(F)(ii) The presiding judge shall ensure that copies of local supplemental rules are
88 available and disseminated to interested persons.

89 (3)(G) Court executives.

90 (3)(G)(i) The presiding judge shall review the proposed appointment of the court executive
91 made by the state [level-court](#) administrator ~~for the respective court level~~ and must concur in the

92 appointment before it can be effected. The presiding judge shall obtain the approval of a majority
93 of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

94 (3)(G)(ii) The presiding judge for the respective court level and the state level administrator
95 shall jointly develop an annual performance plan for the court executive.

96 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the
97 preparation of an evaluation of the court executive's performance for the previous year.

98 (3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court
99 executive, including coordination of annual leave.

100 (3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the
101 court executive has the responsibility for the day-to-day supervision of the non-judicial support
102 staff and the non-judicial administration of the court. The presiding judge, in consultation with
103 the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the
104 support staff and the general administration of the court including budget, facility planning, long-
105 range planning, administrative projects, intergovernmental relations and other administrative
106 responsibilities as determined by the presiding judge and the state level administrator.

107 (3)(H) Courtrooms and facilities. The presiding judge shall coordinate the assignment of
108 courtrooms and facilities in accordance with supplemental court rules.

109 (3)(I) Recordkeeping. Consistently with Council policies, the court executive, in consultation
110 with the presiding judge, shall:

111 (3)(I)(i) coordinate the compilation of management and statistical information necessary for
112 the administration of the court;

113 (3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and
114 aware of these policies;

115 (3)(I)(iii) approve proposals for computerization within the court in compliance with
116 administrative rules.

117 (3)(J) Budgets. The presiding judge, in consultation with the court executive, shall oversee
118 the development of the budget for the court.

119 In courts for which the county clerk serves as the clerk of court, the presiding judge shall
120 supervise the preparation and management of the county budget for the court on an annual basis
121 and in accordance with Utah Code Ann. Section 78-3-29(5).

122 (3)(K) Judicial officers. In the event that another judge of the court fails to comply with a
123 reasonable administrative directive of the presiding judge, interferes with the effective operation
124 of the court, abuses his or her judicial position, or violates the Code of Judicial Conduct, the
125 presiding judge shall consider one or more of the following options:

126 (3)(K)(i) Explain to the judge the reasons for the directive given or the position taken and
127 consult with the judge.

128 (3)(K)(ii) Reevaluate the position.

129 (3)(K)(iii) If the problem persists, determine the available alternatives. Discuss and evaluate
130 the alternatives with the judge.

131 (3)(K)(iv) Discuss the position with other judges and reevaluate the position.

132 (3)(K)(v) Present the problem to the court en banc or a committee of judges for a
133 recommendation or establish a procedure within the court for resolving disputes between judges
134 and the presiding judge, such as requiring the judge and the presiding judge to state in writing,
135 within a stated and reasonable time, the reasons for their positions.

136 (3)(K)(vi) Refer the problem to a higher authority such as the appropriate Board.

137 (3)(K)(vii) Where the refusal is willful and continual, refer the problem to the Council or the
138 Judicial Conduct Commission.

139 (3)(L) Cases under advisement.

140 (3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the
141 case has been submitted to the judge for final determination.

142 (3)(L)(ii) Once a month each judge shall submit a signed statement on a form to be provided
143 by the Administrative Office notifying the presiding judge of any cases or issues held under
144 advisement for more than 60 days and the reason why the case or issue continues to be held
145 under advisement.

146 (3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held
147 under advisement for more than 60 days to the Chair of the appropriate Board and indicate the
148 reasons why the case or issue continues to be held under advisement.

149 (3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the Board
150 shall report that fact to the Council.

151 (3)(M) Board of judges. The presiding judge shall serve as a liaison between the court and
152 the Board for the respective court level.

153 (3)(N) Supervision and evaluation of court commissioners. The presiding judge is
154 responsible for the development of a performance plan for the Court Commissioner serving in
155 that court and shall prepare an evaluation of the Commissioner's performance on an annual basis.
156 A copy of the performance plan and evaluation shall be maintained in the official personnel file
157 in the Administrative Office.

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