

1 **Rule 11-203. Senior justice court judges.**

2 Intent:

3 To establish the qualifications, term, authority, appointment and assignment for senior justice court judges
4 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 at the last time
11 the Judicial Council considered the judge for certification;

12 (1)(A)(ii) have voluntarily resigned from judicial office, been laid off pursuant to a reduction in force, retired
13 upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, shall have
14 recovered from or shall 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 shall:

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

20 (1)(B)(ii) be a current resident of Utah;

21 (1)(B)(iii) be physically and mentally able to perform the duties of judicial office;

22 (1)(B)(iv) maintain familiarity with current statutes, rules and case law;

23 (1)(B)(v) satisfy the education requirements of an active justice court judge;

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

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

27 (1)(B)(viii) have obtained results on the most recent judicial performance evaluation prior to termination of
28 service sufficient to have been certified for retention, regardless of whether the evaluation was conducted
29 for self-improvement or certification;

30 (1)(B)(~~viii~~ix) continue to meet the requirements for certification as those requirements are determined by
31 the Judicial Council to apply to active senior justice court judges; and

32 (1)(B)(ix) undergo a performance evaluation every eighteen months following an initial term as an active
33 senior judge; and

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

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

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

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

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

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

43 (3) Term of Office.

44 (3)(A) The initial term of office of a senior justice court judge is until December 31 of the second year
45 following appointment. The initial term of office of an active senior justice court judge less than age 75
46 years is until December 31 of the second year following appointment or until December 31 of the year in
47 which the judge reaches age 75, whichever is shorter. The initial term of office of an active senior justice
48 court judge age 75 years or more is until December 31 of the year following appointment.

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

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

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

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

61 (5) Application and Appointment.

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

64 (5)(B) The applicant shall:

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

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

70 (5)(C) The Judicial Council may apply to the judicial performance evaluation information the same
71 standards and discretion provided for in Rule 3-111.04. After considering all information the Judicial
72 Council may certify to the Supreme Court that the applicant meets the qualifications of a senior justice

73 court judge or active senior justice court judge. The chief justice may appoint the judge as a senior justice
74 court judge or active senior justice court judge.

75 (6) Assignment.

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

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

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

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