

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

2 Intent:

3 To establish the qualifications, term, authority, appointment and assignment for senior justice
4 court judges ~~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) A judge may apply to become a senior justice court judge, on either inactive or active
10 status.

11 ~~(1)(A)(B)~~ Inactive Senior Justice Court Judge. To be an inactive senior justice court judge, a
12 judge shall:

13 ~~(1)(A)(B)(i)~~ have been ~~certified by the Judicial Council for retention~~ retained in the last election
14 ~~or reappointment at the last time the Judicial Council considered~~ for which the judge ~~for~~
15 ~~certification~~ stood for election;

16 ~~(1)(A)(B)(ii)~~ have voluntarily resigned from judicial office, been laid off pursuant to a reduction
17 in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to
18 disability, shall have recovered from or shall have accommodated that disability;

19 ~~(1)(A)(B)(iii)~~ demonstrate appropriate ability and character;

20 ~~(1)(A)(B)(iv)~~ have been in office for at least five years; and

21 ~~(1)(A)(B)(v)~~ comply with the restrictions on secondary employment provided by the Utah Code.

22 ~~(1)(B)(C)~~ Active Senior Justice Court Judge. To be an active senior justice court judge, a judge
23 shall:

24 ~~(1)(B)(C)(i)~~ meet the qualifications of an inactive senior justice court judge;

25 ~~(1)(B)(C)(ii)~~ be a current resident of Utah;

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

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

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

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

30 ~~(1)(B)(C)(vii)~~ conform to the Code of Judicial Conduct, the Code of Judicial Administration and
31 rules of the Supreme Court;

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

35 (1)(~~B~~)(C)(ix) continue to meet the requirements for ~~certification~~ judicial retention as those
36 requirements are determined by the Judicial Council to apply to active senior justice court
37 judges; and

38 (1)(~~B~~)(C)(x) undergo a performance evaluation every eighteen months following an initial term
39 as an active senior judge; and

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

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

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

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

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

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

50 (3) Term of Office.

51 (3)(A) The initial term of office of an inactive senior justice court judge is until December 31 of
52 the second year following appointment. The initial term of office of an active senior justice court
53 judge less than age 75 years is until December 31 of the second year following appointment or
54 until December 31 of the year in which the judge reaches age 75, whichever is shorter. The
55 initial term of office of an active senior justice court judge age 75 years or more is until
56 December 31 of the year following appointment.

57 (3)(B) A subsequent term of office of an inactive senior justice court judge is for three years. A
58 subsequent term of office of an active senior justice court judge is three years or until December
59 31 of the year in which the judge reaches age 75, whichever is shorter. The subsequent term of
60 office of an active senior justice court judge age 75 years or more is for one year.

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

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

66 (4) Authority. A senior justice court judge may solemnize marriages. ~~In addition to the authority~~
67 ~~of a senior justice court judge, a~~An active senior justice court judge, during an assignment, has
68 all the authority of a justice court judge.

69 (5) Application and Appointment.

70 (5)(A) To be appointed a senior justice court judge ~~or active senior justice court judge~~ a judge
71 shall apply to the Judicial Council for either inactive or active status and shall submit relevant
72 information as requested by the Judicial Council.

73 (5)(B) The applicant shall:

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

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

79 (5)(C) ~~The Judicial Council may apply to the judicial performance evaluation information the~~
80 ~~same standards and discretion provided for in Rule 3-111.05.~~ After considering all information,
81 including any performance evaluation conducted under rule 3-111, the Judicial Council may
82 certify to the Supreme Court that the applicant meets the qualifications of a senior judge or active
83 senior judge. The Judicial Council shall forward to, and the Supreme Court shall review,
84 information on all applicants. Any applicant who is not certified by the Judicial Council may
85 submit to the Supreme Court a written explanation on why the applicant should be appointed as
86 an inactive senior judge or active senior judge despite not being certified by the Judicial Council.
87 The written explanation shall be submitted to the Supreme Court no later than 14 days after the
88 applicant is notified that the applicant is not certified. ~~and~~ With the concurrence of a majority of
89 the members of the Supreme Court, the Chief Justice may appoint the judge as an inactive senior
90 judge or active senior judge.

91 (6) Assignment.

92 (6)(A) With the consent of the active senior justice court judge, the ~~appointing authority~~
93 governing body for a justice court may assign an active senior justice court judge to a case or for

94 a specified period of time. Cumulative assignments under this subsection shall not exceed 60
95 days per calendar year except as necessary to complete an assigned case.

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

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

103 (6)(D) The ~~appointing authority~~ governing body shall make the assignment in writing and send a
104 copy to the court to which the active senior justice court judge is assigned and to the state court
105 administrator.

106 Effective November 1, 2017