

1 **Rule 9-109. Presiding judges.**

2 **Intent:**

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

5 **Applicability:**

6 This rule shall apply to presiding judges, associate presiding judges, and education directors in the
7 justice courts.

8 **Statement of the Rule:**

9 **(1) Election and term of office.**

10 (1)(A) Presiding judge.

11 (1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the active
12 judges present at the district meetings held at the 2018 Justice Court Conference. Thereafter, regular
13 elections shall take place at the annual conference in odd years for odd-numbered districts and in
14 even years for even-numbered districts. In the event that a majority vote cannot be obtained, the
15 presiding judge shall be determined by the Board of Justice Court Judges. Interim elections, if
16 necessary, shall take place as provided in this rule. A presiding judge shall be an active judge,
17 currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote
18 for the office of presiding judge.

19 (1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or
20 appointment until he or she resigns or until the next regular election, whichever occurs first. A
21 presiding judge may serve successive terms.

22 (1)(B) Associate presiding judge.

23 (1)(B)(i) The active judges of a district may, at their discretion, elect one judge of the district to the
24 office of associate presiding judge. An associate presiding judge shall be elected in the same manner
25 and serve the same term as the presiding judge in paragraph (1)(A). An associate presiding judge
26 shall be an active judge, currently appointed to at least one court within the district. Senior judges are
27 ineligible to hold or vote for the office of associate presiding judge.

28 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the
29 responsibilities of the presiding judge. The associate presiding judge shall perform other duties
30 assigned by the presiding judge.

31 (1)(C) District education director.

32 (1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the district to the
33 office of education director. An education director shall be elected in the same manner and serve the
34 same term as the presiding judge in paragraph (1)(A). Senior judges are ineligible to vote for the
35 office of district education director but may hold the office. If a district does not elect an education

36 director, the associate presiding judge, if there is one, shall serve as the education director. If the
37 district elects neither an education director nor an associate presiding judge, the presiding judge shall
38 serve as the education director.

39 (1)(C)(ii) The education director shall serve on the justice court education committee and shall
40 work with the Education Department of the Administrative Office in developing, planning and
41 presenting relevant judicial training at the district level.

42 (1)(D) Removal and Other Vacancies of Office.

43 (1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding judge shall
44 serve the rest of the presiding judge's term. If there is no associate presiding judge, the district
45 education director shall, if the education director is an active judge, serve the unexpired term.
46 Otherwise, the Chair of the Board of Justice Court Judges shall appoint a judge to serve until the next
47 district meeting.

48 (1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the district to fill
49 an unexpired term of associate presiding judge or education director until the next district meeting. At
50 the district meeting, the active judges present shall ratify the appointment by majority vote. If they do
51 not ratify the appointment, or if the presiding judge does not make an interim appointment,
52 nominations and an election shall then be held at that meeting to fill the unexpired term.

53 (1)(D)(iii) A presiding judge, associate presiding judge or education director may be removed from
54 that office by a two-thirds vote of the active justice court judges in the district. A successor presiding
55 judge shall, or an associate presiding judge or education director may, then be elected to fill the
56 unexpired term of the vacant office.

57 (1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair administration of
58 justice, the Presiding Officer of the Judicial Council may remove a judge from any office described in
59 this rule. Vacancies shall be filled as provided in this rule.

60 **(2) District meetings.**

61 (2)(A) Each district shall have regular meetings to discuss and decide district business, receive
62 training, or address issues and concerns specific to the district.

63 (2)(A)(i) The presiding judge shall call and preside over a meeting of other justice court judges in
64 the district at the annual Justice Court Conference.

65 (2)(A)(ii) Each district shall have at least one other meeting during the calendar year in which a
66 majority of active justice court judges is present, including the presiding judge or associate presiding
67 judge.

68 (2)(B) In addition to regular meetings, the presiding judge or a majority of the active judges may call
69 additional meetings as necessary.

70 (2)(C) An agenda shall be circulated among the judges in advance of any meeting with a known
71 method on how matters may be placed on the agenda.

72 (2)(D) Other than judges and the Justice Court Administrator, attendance at district meetings shall be
73 by invitation of the presiding judge only.

74 (2)(E) The issues on which judges vote shall be left to the sound discretion and judgment of each
75 district and the applicable sections of the Utah Constitution, statutes, and this Code.

76 **(3) Administrative responsibilities and authority of presiding judge.**

77 (3)(A) Generally. The presiding judge is charged with the responsibility for the effective operation of
78 the justice courts within a district. He or she is responsible for the implementation and enforcement of
79 statutes, rules, policies, and directives of the Judicial Council and the Board of Justice Court Judges as
80 they pertain to the administration of the courts. When the presiding judge acts within the scope of these
81 responsibilities, the presiding judge is acting within the judge's judicial office.

82 (3)(B) Coordination of required training.

83 (3)(B)(i) The presiding judge, associate presiding judge, or education director shall: (a) be
84 responsible to see that judges in his or her district are appropriately trained, (b) assist in planning
85 statewide trainings as part of the Education Committee, (c) plan district training to be held in
86 connection with the meetings required by section (2), (d) recommend mentors for new judges, and (e)
87 arrange for individual training, as needed.

88 (3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to
89 assess training needs.

90 (3)(C) Court committees. The presiding judge shall, where appropriate, make use of committees
91 composed of other judges and court personnel to investigate problem areas and improve the
92 administration of justice.

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

94 (3)(D)(i) The presiding judge shall be available to meet with outside agencies, such as
95 prosecuting attorneys, city attorneys, county attorneys, public defenders or associations of defense
96 counsel, sheriffs, police chiefs, bar association leaders, probation providers, government officials of
97 cities or counties located within the district, civic organizations, and other state agencies.

98 (3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice court
99 judges in the district.

100 (3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and administrative
101 responsibilities of an appointed judge to the appointing authority of a court.

102 (3)(E) Judicial officers. The presiding judge shall discuss significant concerns, problems or complaints
103 regarding the judges in his or her district with the Justice Court Administrator, who shall work together to
104 resolve the concern. In the event that another judge in the district fails to comply with a reasonable
105 administrative directive of the presiding judge, interferes with the effective operation of the court, abuses
106 his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the
107 presiding judge may, depending on the severity of the issue and consistent with legal and ethical
108 obligations:

109 (3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss
110 the issue with other presiding judges;

111 (3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken,
112 consult with the judge about alternative solutions and reevaluate the directive or position, as
113 appropriate;

114 (3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

115 (3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or
116 treatment; or

117 (3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial Conduct
118 Commission, as appropriate.

119 (3)(F) Liaison. The presiding judge or his or her designee shall serve as a liaison between the justice
120 courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile
121 Court and District Court.

122 (3)(G) Reassignment.

123 (3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no appointed judge
124 of the court is available or empowered to hear the motion, the presiding judge shall consider the
125 motion and, if necessary, assign any judge duly appointed pursuant to Utah Code section 78A-7-208
126 to serve as a temporary justice court judge.

127 (3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a matter,
128 the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208
129 to serve as a temporary justice court judge.

130 (3)(H) Compliance with standards. The presiding judge shall monitor and ensure that judges are
131 complying with performance standards established by the Council or as otherwise required by law.

132 (3)(I) Performance evaluations. Pursuant to Utah Code 78A-12-203, the presiding judge shall receive
133 the midterm reports prepared by the Judicial Performance Evaluation Commission for the other justice
134 court judges in his or her district. The presiding judge shall consult with the evaluated judge and the
135 Justice Court Administrator to develop a plan for addressing the issues resulting in less than satisfactory
136 scores.