

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  
9 Bar.

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

12 **Statement of the Rule:**

13 (1) The composition of the Council, the term of office of elected Council members, and the  
14 electorate of elected Council members shall be as prescribed by law. The term of office of  
15 all elected Council members shall begin with the Council meeting immediately following  
16 the annual judicial conference.

17 (2) Election of ~~Council-judicial~~ members ~~of the Council from courts of record~~ shall take place  
18 ~~at during~~ the annual judicial conference at the business meeting of each respective court.  
19 ~~Election of Council members from courts not of record shall take place at the annual~~  
20 ~~spring training conference of the justice court judges.~~ Election of the representative of the  
21 Utah State Bar shall take place at a regularly scheduled meeting of the Board of  
22 Commissioners.

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

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

34 (3)(C) No person shall serve on the Judicial Council for more than two consecutive three-  
35 year terms and-plus the remainder of a-predecessor's any unexpired portion of a term.

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

40 (5) When a judicial member of the Council is unable to attend a Council meeting, that  
41 member may designate a judge from the same level of court to attend the Council meeting  
42 and observe the proceedings. When the representative of the Utah State Bar is unable to  
43 attend a Council meeting, that member may designate a member or ex officio member of  
44 the Board of Commissioners to attend the Council meeting and observe the proceedings.  
45 The designee shall be provided with a copy of the Council agenda and other meeting  
46 materials, and may attend the open and closed sessions of the meeting. The designee  
47 may participate in the general discussion of agenda items but may not make motions or  
48 vote on Council issues.

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

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

55 *Effective June 22, 2020*