

1 **Rule 11-201. Senior Judges.**

2 **Intent:**

3 To establish the qualifications, term, authority, appointment and assignment for senior
4 judges.

5 **Applicability:**

6 This rule shall apply to judges of courts of record.

7 The term "judge" includes justices of the Supreme Court.

8 **Statement of the Rule:**

9 (1) **Qualifications.**

10 (1)(A) A judge may apply to become a senior judge, on either inactive or active status.

11 (1)(B) ~~Inactive Senior Judge. To be an inactive senior judge, a judge shall~~ A judge is
12 qualified to be an inactive senior judge if the judge:

13 (1)(B)(i) ~~have been was~~ retained in the last election for which the judge stood for election;

14 (1)(B)(ii) ~~have~~ voluntarily resigned from judicial office, retired upon reaching the mandatory
15 retirement age, or, if involuntarily retired due to disability, ~~shall have~~ recovered from or ~~shall~~
16 ~~have~~ accommodated that disability;

17 (1)(B)(iii) demonstrats appropriate ability and character;

18 (1)(B)(iv) ~~be~~ is admitted to the practice of law in Utah, but ~~shall~~ does not practice law; ~~and~~

19 (1)(B)(v) ~~be is-~~ eligible to receive compensation under the Judges' Retirement Act, subject
20 only to attaining the appropriate age; ~~and~~

21 (1)(B)(vi) is appointed by the Supreme Court.

22 (1)(C) ~~Active Senior Judge. To be an active senior judge, a judge shall~~ A judge is
23 qualified to be an active senior judge if the judge:

24 (1)(C)(i) meets the qualifications of an inactive senior judge;

25 (1)(C)(ii) ~~be~~ is a current resident of Utah and ~~be~~ is available to take cases;

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

27 (1)(C)(iv) maintains familiarity with current statutes, rules, ~~-~~ case law, court case
28 management systems, such as CORIS for district courts, and CARE for juvenile courts,
29 Workspace and remote hearing technology;

30 (1)(C)(v) ~~satisfy~~ satisfies the education requirements of an active judge set forth in Rule 3-
31 403;

32 (1)(C)(vi) attends the annual judicial conference;

33 (1)(C)(vii) accepts assignments, subject to being called, at least two days per calendar year;

34 (1)(C)(viii) conforms to the Code of Judicial Conduct, the Code of Judicial Administration and
35 rules of the Supreme Court;

36 (1)(C)(ix) ~~have obtained~~ obtains results on the most recent judicial performance evaluation
37 prior to termination of service sufficient to have been recommended for retention regardless of
38 whether the evaluation was conducted for self-improvement or certification;

39 (1)(C)(x) continues to meet the requirements for judicial retention as those requirements are
40 determined by the Judicial Council to be applicable to active senior judges;

41 (1)(C)(xi) undergoes a performance evaluation every eighteen months following an initial
42 term as an active senior judge; and

43 (1)(C)(xii) takes and subscribes an oath of office to be maintained by the state court
44 administrator or the administrator's designee; and

45 ~~(1)(C)(xiii) is appointed by the Supreme Court as an active senior judge.~~

46 (2) **Disqualifications.** ~~To be an active senior judge, a~~ A judge is not qualified to be an active
47 senior judge if the judge:

48 (2)(A) ~~shall not have been~~ was removed from office or involuntarily retired on grounds other
49 than disability;

50 (2)(B) ~~shall not have been~~ was suspended during the judge's final term of office or final six
51 years in office, whichever is greater;

52 (2)(C) ~~shall not have~~ has resigned from office as a result of negotiations with the Judicial
53 Conduct Commission or while a complaint against the applicant was pending before the
54 Supreme Court or pending before the Judicial Conduct Commission after a finding of
55 reasonable cause; and

56 (2)(D) ~~shall not have~~ has been subject to any order of discipline for conduct as a senior
57 judge.

58 (3) **Term of Office.**

59 (3)(A) The initial term of office of an inactive senior judge is until December 31 of the second
60 year following appointment. The initial term of office of an active senior judge less than age 75
61 years is until December 31 of the second year following appointment or until December 31 of
62 the year in which the judge reaches age 75, whichever is shorter. The initial term of office of an
63 active senior judge age 75 years or more is until December 31 of the year following
64 appointment.

65 (3)(B) A subsequent term of office of an inactive senior judge is for three years. A
66 subsequent term of office of an active senior judge is three years or until December 31 of the
67 year in which the judge reaches age 75, whichever is shorter. The subsequent term of office of
68 an active senior judge age 75 years or more is for one year.

69 (3)(C) All subsequent appointments begin on January 1.

70 ~~(3)(D)~~ (3)(D) The Supreme Court ~~or Judicial Council~~ may withdraw an appointment with or without
71 cause.

72 (4) **Authority.** An active or inactive senior judge may solemnize marriages. An active
73 senior judge, during an assignment, has all the authority of the office of a judge of the court to
74 which the assignment is made.

75 (5) **Application and Appointment.**

76 (5)(A) To be appointed a senior judge a judge shall apply to the Judicial Council for either
77 inactive or active status and shall submit relevant information as requested by the Judicial
78 Council.

79 (5)(B) The applicant shall:

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

82 (5)(B)(ii) declare whether at the time of the application there is any complaint against the
83 applicant pending before the Supreme Court or pending before the Judicial Conduct Commission
84 after a finding of reasonable cause; ~~and~~

85 (5)(B)(iii) declare whether at the time of the application there is any criminal charge, other
86 than an infraction, pending against the applicant.

87 (5)(B)(iv) Judges who decline to participate in an attorney survey in anticipation of retirement
88 may use the results of an earlier survey to satisfy paragraph (1)(C)(ix).

89 (5)(C)(i) After considering all information, including any performance evaluation conducted
90 under rule 3-111, the most recent Judicial Performance Evaluation Commission evaluations,
91 and the need for senior judges, the Judicial Council ~~may certify to~~ shall notify the Supreme
92 Court that:

93 (5)(C)(ii) the applicant meets the qualifications ~~of~~ for appointment as an inactive senior
94 judge or active senior judge, and the Council recommends the appointment of the applicant as
95 an inactive or active senior judge;

96 (5)(C)(iii) the applicant meets the qualifications for appointment as an inactive or active
97 senior judge, but based on the need for senior judges at the time of application, the Council
98 does not recommend appointment of the applicant; or

99 (5)(C)(iv) the applicant does not meet the qualifications for appointment as an inactive or
100 active senior judge.

101 (6)(A) The Judicial Council shall inform an applicant, in writing, if the Judicial Council notifies
102 the Supreme Court that the applicant does not meet qualifications for appointment or if the
103 Council does not recommend appointment. ~~forward to, and the Supreme Court shall review,~~
104 information on all applicants.

105 (6)(B) Any An applicant who is not certified by receives notice from the Judicial Council
106 under paragraph (6)(A), may, within 14 days of the date the Judicial Council sent the notice,
107 ~~may~~ submit to the Supreme Court a written explanation on why the applicant should be
108 appointed as an inactive senior judge or active senior judge.-

109 (6)(C) The Supreme Court shall review each applicant's information and the
110 recommendation of the Judicial Council. With the concurrence of a majority of the members of
111 the Supreme Court, the Chief Justice may appoint the judge as an inactive senior judge or
112 active senior judge.

113 Judges who declined, under former Rule 3-111, to participate in an attorney survey in
114 anticipation of retirement may use the results of an earlier survey to satisfy Subsection
115 ~~(1)(B)(ix)~~.

116 ~~(6) **Assignment.** (6)(A)~~ With the consent of the active senior judge, the presiding judge may
117 assign an active senior judge to a case or for a specified period of time. Cumulative
118 assignments under this subsection shall not exceed 60 days per calendar year except as
119 necessary to complete an assigned case.

120 ~~(6)(B)~~ In extraordinary circumstances and with the consent of the active senior judge, the
121 chief justice may assign an active senior judge to address the extraordinary circumstances for a
122 specified period of time not to exceed 60 days per calendar year, which may be in addition to
123 assignments under subsection ~~(6)(A)~~. To request an assignment under this subsection, the
124 presiding judge shall certify that there is an extraordinary need. The state court administrator
125 shall certify whether there are funds available to support the assignment.

126 ~~(6)(C)~~ (7) **Assignment.**

127 (7)(A) An active senior judge may be assigned to any court other than the Supreme Court.

128 ~~(6)(D)~~ (7)(B) The state court administrator or the administrator's designee shall provide
129 such assistance to the presiding judge and chief justice as requested and shall exercise such
130 authority in making assignments as delegated by the presiding judge and chief justice.

131 ~~(6)(E)~~ (7)(C) Notice of an assignment made under this rule shall be in writing and
132 maintained by the state court administrator or the administrator's designee.

133 (8) **Changes to senior judge status.**

134 (8)(A)(i) An active senior judge may convert to inactive status during the term of appointment
135 if the senior judge sends written notice of the change in status to the chief justice of the
136 Supreme Court and the state court administrator or the administrator's designee. An active
137 senior judge who converts to inactive status may not receive an incentive benefit under Rule 3-
138 501 while on inactive status.

139 (8)(A)(ii) A senior judge who converts to inactive status under (8)(A)(i) may return to active
140 status for the remainder of the senior judge's unexpired term if the senior judge sends written
141 notice of the judge's intent to return to active status to the chief justice of the Supreme Court
142 and to the state court administrator or the administrator's designee.

143 (8)(B) A senior judge who resigns from senior judge service during the term of appointment
144 shall send written notice to the chief justice of the Supreme Court and to the state court
145 administrator or the administrator's designee.

146
147 Effective June 28, 2021