

1 **Rule 3-108. Judicial assistance.**

2 **Intent:**

3 To establish the authority, procedure and criteria for judicial assistance.

4 **Applicability:**

5 This rule shall apply to judicial assistance provided by active senior judges and judges of courts
6 of record.

7 **Statement of the Rule:**

8 (1) **Criteria for requesting assistance.** Judicial assistance shall be provided only for the
9 following reasons:

10 (1)(A) ~~to prevent the occurrence of a backlog in the court's calendar when assistance is~~
11 ~~needed because of a judicial vacancy or an absence due to an illness, accident, or~~
12 ~~disability;~~

13 (1)(B) ~~to~~ prevent the occurrence of or to reduce a critical accumulated backlog;

14 (1)(C) to handle a particular case involving complex issues and extensive time which
15 would have a substantial impact on the court's calendar;

16 (1)(D) to replace a sitting judge who is absent because of assignment as a tax judge,
17 illness or to replace the judges in that location because of disqualification in a particular
18 case;

19 (1)(E) ~~to handle essential cases when there is a vacant judicial position~~ mentor a newly
20 appointed judge;

21 (1)(F) to handle ~~high priority~~ cases during vacation periods or during attendance at
22 education programs by the sitting judge, following every effort by that judge to adjust the
23 calendar to minimize the need for assistance and only to handle those matters which
24 cannot be accommodated by the other judges of the court during the absence;

25 (1)(G) to provide education and training opportunities to judges of one court level in the
26 disposition of cases in another court level;

27 (1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of
28 the Utah Code of Judicial Administration; ~~and~~

29 (1)(I) to handle automatic expungement cases; and

30 (1)(J) to serve on a grand jury panel.

31 (2) Assigning a senior judge for judicial assistance.

32 (2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance
33 under the priorities listed in paragraph (3) before assigning a senior judge.

34 (2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the
35 presiding judge shall seek approval from the Management Committee, and present to
36 the Management Committee a plan for meeting the needs of the court and a budget to
37 implement the plan. The plan should describe the calendars to be covered by judges of

38 the district, judges of other districts, and senior judges. The budget should estimate the
39 funds needed for travel by the judges and senior judges.

40
41 **(3) Criteria for transferring or assigning judges.** The transfer or assignment of judges for
42 judicial assistance under this rule, shall, in general, be based upon the following priorities:

43 ~~(2)(3)~~ (A) experience and familiarity with the subject matter, including, in district court
44 cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial
45 Administration, knowledge of the theory and practice of ad valorem, excise, income,
46 sales and use, and corporate taxation;

47 ~~(2)(3)~~ (B) active judges before active senior judges with consideration of the following:

48 ~~(2)(3)~~ (B)(i) active judges from a court of equal jurisdiction in a different
49 geographical division than the court in need, and who are ~~physically situated~~
50 ~~nearest and are most convenient in close proximity~~ to that court;

51 ~~(2)(3)~~ (B)(ii) active senior judges from a court of equal jurisdiction to the court in
52 need and who are ~~physically situated nearest and are most convenient in close~~
53 ~~proximity~~ to that court;

54 ~~(2)(3)~~ (B)(iii) active judges from a court of different jurisdiction than the court in
55 need whose subject matter jurisdiction is most closely related to that court and
56 who are in close proximity ~~to that court~~;

57 ~~(2)(3)~~ (B)(iv) active judges from a court of equal jurisdiction in a different
58 geographical division than the court in need who are far removed from that court;

59 ~~(2)(3)~~ (B)(v) active or active senior judges from a court of different jurisdiction
60 than the court in need whose subject matter jurisdiction is similar to that court
61 and who are not in close proximity to that court;

62 ~~(2)(3)~~ (C) availability;

63 ~~(2)(3)~~ (D) expenses and budget.

64 **(3)(4) Assignment of active judges.**

65 ~~(3)(4)~~ (A) Any active judge of a court of record may serve temporarily as the judge of a
66 court with equal jurisdiction in a different judicial district upon assignment by the
67 presiding judge of the district in which the judge to be assigned normally sits or, in
68 district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of
69 Judicial Administration, assignment by the supervising tax judge with the approval of the
70 presiding officer of the Council.

71 ~~(3)(4)~~ (B) Any active judge of a court of record may serve temporarily as the judge of a
72 court with different jurisdiction in the same or a different judicial district upon assignment
73 by the presiding officer of the Council or assignment by the state court administrator or
74 designee with the approval of the presiding officer of the Council.

75 ~~(3)(4)~~ (C) The presiding officer of the Council may appoint a district court presiding judge
76 as the signing judge for automatic expungements in all district courts within the presiding
77 judge's district. The length of the assignment may coincide with the judge's term as
78 presiding judge.

79 ~~(3)(4)~~ (D) The assignment shall be made only after consideration of the judge's calendar.
80 The assignment may be for a special or general assignment in a specific court or
81 generally within that level of court and shall be for a specific period of time, or for the
82 duration of a specific case. Full time assignments in excess of 30 days in a calendar
83 year shall require the concurrence of the assigned judge. The state court administrator
84 or designee shall report all assignments to the Council on an annual basis.

85 ~~(3)(4)~~ (E) Requests for the assignment of a judge shall be conveyed, through the
86 presiding judge, to the person with authority to make the assignment under paragraphs
87 (A) and (B). A judge who is assigned temporarily to another court shall have the same
88 powers as a judge of that court.

89 ~~(4)(5)~~ **Notice of assignments.** Notice of assignments made under this rule shall be made in
90 writing, a copy of which shall be sent to the state court administrator or designee.

91 ~~(5)(6)~~ **Schedule of trials or court sessions.** The state court administrator or designee, under
92 the supervision of the presiding officer of the Council, may schedule trials or court sessions and
93 designate a judge to preside, assign judges within courts and throughout the state, reassign
94 cases to judges, and change the county for trial of any case if no party to the litigation files
95 timely objections to the change.

96 ~~Effective: May 1, 2021~~

97 Effective June 28, 2021