

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

2 Intent:

3 To establish the qualifications, term, authority, appointment and assignment for
4 senior judges and active senior 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) Senior Judge. To be a senior judge, a judge shall:

11 (1)(A)(i) have been retained in the last election for which the judge stood for election;

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

15 (1)(A)(iii) demonstrate appropriate ability and character;

16 (1)(A)(iv) be admitted to the practice of law in Utah, but shall not practice law; and

17 (1)(A)(v) be eligible to receive compensation under the Judges' Retirement Act,
18 subject only to attaining the appropriate age.

19 (1)(B) Active Senior Judge. To be an active senior judge, a judge shall:

20 (1)(B)(i) meet the qualifications of a senior judge;

21 (1)(B)(ii) be a current resident of Utah and be available to take cases;

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

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

24 (1)(B)(v) satisfy the education requirements of an active judge;

25 (1)(B)(vi) attend the annual judicial conference;

26 (1)(B)(vii) accept assignments, subject to being called, at least two days per
27 calendar year;

28 (1)(B)(viii) conform to the Code of Judicial Conduct, the Code of Judicial
29 Administration and rules of the Supreme Court;

30 (1)(B)(ix) obtain attorney survey results on the final judicial performance evaluation
31 survey conducted prior to termination of service sufficient to have been certified for

32 retention election regardless whether the survey was conducted for self-improvement or
33 certification;

34 (1)(B)(x) continue to meet the requirements for certification for judicial retention
35 election as those requirements are determined by the Judicial Council to be applicable
36 to active senior judges;

37 (1)(B)(xi) undergo a performance evaluation every eighteen months following an
38 initial term as an active senior judge; and

39 (1)(B)(xii) take and subscribe an oath of office to be maintained by the state court
40 administrator.

41 (2) Disqualifications. To be an active senior judge, a judge:

42 (2)(A) shall not have been removed from office or involuntarily retired on grounds
43 other than disability;

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

46 (2)(C) shall not have resigned from office as a result of negotiations with the Judicial
47 Conduct Commission or while a complaint against the applicant was pending before the
48 Supreme Court or pending before the Judicial Conduct Commission after a finding of
49 reasonable cause; and

50 (2)(D) shall not have been subject to any order of discipline for conduct as a senior
51 judge.

52 (3) Term of Office.

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

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

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

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

68 (4) Authority. A senior judge may solemnize marriages. In addition to the authority of
69 a senior judge, an active senior judge, during an assignment, has all the authority of the
70 office of a judge of the court to which the assignment is made.

71 (5) Application and Appointment.

72 (5)(A) To be appointed a senior judge or active senior judge a judge shall apply to
73 the Judicial Council and submit relevant information as requested by the Judicial
74 Council.

75 (5)(B) The applicant shall:

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

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

81 (5)(C) The Judicial Council may apply to the judicial performance evaluation
82 information the same standards and discretion provided for in Rule 3-111.05. After
83 considering all information the Judicial Council may certify to the Supreme Court that
84 the applicant meets the qualifications of a senior judge or active senior judge and the
85 Chief Justice may appoint the judge as a senior judge or active senior judge.

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

89 (6) Assignment.

90 (6)(A) With the consent of the active senior judge, the presiding judge may assign an
91 active senior judge to a case or for a specified period of time. Cumulative assignments
92 under this subsection shall not exceed 60 days per calendar year except as necessary
93 to complete an assigned case.

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

101 (6)(C) An active senior judge may be assigned to any court other than the Supreme
102 Court.

103 (6)(D) The state court administrator shall provide such assistance to the presiding
104 judge and chief justice as requested and shall exercise such authority in making
105 assignments as delegated by the presiding judge and chief justice.

106 (6)(E) Notice of an assignment made under this rule shall be in writing and
107 maintained by the state court administrator.