

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

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3 Intent:

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5 To establish the qualifications, term, authority, appointment and assignment for senior judges
6 and active senior judges.

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8 Applicability:

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

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

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12 Statement of the Rule:

13 (1) Qualifications.

14 (1)(A) Senior Judge. To be a senior judge, a judge shall:

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

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

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

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

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

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

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

25 (1)(B)(ii) be a current resident of Utah;

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

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

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

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

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

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

33 (1)(B)(ix) **have** obtained **attorney survey** results on the **final most recent** judicial performance
34 evaluation **survey conducted** prior to termination of service, sufficient to have been certified for
35 retention **election** regardless **of** whether the **survey** evaluation was conducted for self-
36 improvement or certification;

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

40 (1)(B)(xi) undergo a performance evaluation every eighteen months following an initial term as
41 an active senior judge; and
42 (1)(B)(xii) take and subscribe an oath of office to be maintained by the state court administrator.
43 (2) Disqualifications. To be an active senior judge, a judge:
44 (2)(A) shall not have been removed from office or involuntarily retired on grounds other than
45 disability;
46 (2)(B) shall not have been suspended during the judge's final term of office or final six years in
47 office, whichever is greater;
48 (2)(C) shall not have resigned from office as a result of negotiations with the Judicial Conduct
49 Commission or while a complaint against the applicant was pending before the Supreme Court or
50 pending before the Judicial Conduct Commission after a finding of reasonable cause; and
51 (2)(D) shall not have been subject to any order of discipline for conduct as a senior 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 year
54 following appointment. The initial term of office of an active senior judge less than age 75 years
55 is until December 31 of the second year following appointment or until December 31 of the year
56 in which the judge reaches age 75, whichever is shorter. The initial term of office of an active
57 senior judge age 75 years or more is until December 31 of the year following appointment.
58 (3)(B) A subsequent term of office of a senior judge is for three years. A subsequent term of
59 office of an active senior judge is three years or until December 31 of the year in which the judge
60 reaches age 75, whichever is shorter. The subsequent term of office of an active senior judge age
61 75 years or more is for one year.
62 (3)(C) All subsequent appointments begin on January 1. The Supreme Court may withdraw an
63 appointment with or without cause.
64 (3)(D) The term of office of senior judges and active senior judges in office on November 1,
65 2005 shall continue until December 31 of the year in which their terms would have expired under
66 the former rule.
67 (4) Authority. A senior judge may solemnize marriages. In addition to the authority of a senior
68 judge, an active senior judge, during an assignment, has all the authority of the office of a judge
69 of the court to which the assignment is made.
70 (5) Application and Appointment.
71 (5)(A) To be appointed a senior judge or active senior judge a judge shall apply to the Judicial
72 Council and submit relevant information as requested by the Judicial Council.
73 (5)(B) The applicant shall:
74 (5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered by the
75 Supreme Court; and
76 (5)(B)(ii) declare whether at the time of the application there is any complaint against the
77 applicant pending before the Supreme Court or pending before the Judicial Conduct Commission
78 after a finding of reasonable cause.

79 (5)(C) The Judicial Council may apply to the judicial performance evaluation information the
80 same standards and discretion provided for in Rule 3-111.05. After considering all information
81 the Judicial Council may certify to the Supreme Court that the applicant meets the qualifications
82 of a senior judge or active senior judge and the Chief Justice may appoint the judge as a senior
83 judge or active senior judge. Judges who declined, under former Rule 3-111, to participate in an
84 attorney survey in anticipation of retirement may use the results of an earlier survey to satisfy
85 Subsection (1)(B)(ix).

86 (6) Assignment.

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

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

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

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

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

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