

1 **Rule 11-203. Senior justice court judges.**

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3 Intent:

4
5 To establish the qualifications, term, authority, appointment and assignment for senior justice
6 court judges and active senior justice court judges.

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8 Applicability:

9 This rule shall apply to judges of courts not of record.
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11 Statement of the Rule:

12 (1) Qualifications.

13 (1)(A) Senior Justice Court Judge. To be a senior justice court judge, a judge shall:

14 (1)(A)(i) have been certified by the Judicial Council for retention election or reappointment at
15 the last time the Judicial Council considered the judge for certification;

16 (1)(A)(ii) have voluntarily resigned from judicial office, **been laid off pursuant to a reduction**
17 **in force**, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to
18 disability, shall have recovered from or shall have accommodated that disability;

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

20 (1)(A)(iv) have been in office for at least five years; and

21 (1)(A)(v) comply with the restrictions on secondary employment provided by the Utah Code.

22 (1)(B) Active Senior Justice Court Judge. To be an active senior justice court judge, a judge
23 shall:

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

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

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

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

35 (1)(B)(ix) continue to meet the requirements for certification as those requirements are
36 determined by the Judicial Council to apply to active senior justice court judges; and

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

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

41 (2) Disqualifications. To be an active senior justice court judge, a judge shall not:
42 (2)(A) have been removed from office or involuntarily retired on grounds other than disability;
43 (2)(B) have been suspended during the judge's final term of office or final four years in office,
44 whichever is greater;
45 (2)(C) have resigned from office as a result of negotiations with the Judicial Conduct
46 Commission or while a complaint against the applicant was pending before the Supreme Court or
47 pending before the Judicial Conduct Commission after a finding of reasonable cause; and
48 (2)(D) have been subject to any order of discipline for conduct as a senior justice court judge.

49 (3) Term of Office.

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

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

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

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

65 (4) Authority. A senior justice court judge may solemnize marriages. In addition to the authority
66 of a senior justice court judge, an active senior justice court judge, during an assignment, has all
67 the authority of a justice court judge.

68 (5) Application and Appointment.

69 (5)(A) To be appointed a senior justice court judge or active senior justice court judge a judge
70 shall apply to the Judicial Council and submit relevant information as requested by the Judicial
71 Council.

72 (5)(B) The applicant shall:

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

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

78 (5)(C) The Judicial Council may apply to the judicial performance evaluation information the
79 same standards and discretion provided for in Rule 3-111.04. After considering all information
80 the Judicial Council may certify to the Supreme Court that the applicant meets the qualifications

81 of a senior justice court judge or active senior justice court judge. The chief justice may appoint
82 the judge as a senior justice court judge or active senior justice court judge.

83 (6) Assignment.

84 (6)(A) With the consent of the active senior justice court judge, the appointing authority for a
85 justice court may assign an active senior justice court judge to a case or for a specified period of
86 time. Cumulative assignments under this subsection shall not exceed 60 days per calendar year
87 except as necessary to complete an assigned case.

88 (6)(B) In extraordinary circumstances and with the consent of the active senior justice court
89 judge, the chief justice may assign an active senior justice court judge to address the
90 extraordinary circumstances for a specified period of time not to exceed 60 days per calendar
91 year, which may be in addition to assignments under subsection (6)(A). To request an
92 assignment under this subsection, the appointing authority shall certify that there is an
93 extraordinary need.

94 (6)(C) An active senior justice court judge may be assigned to any justice court in the state.

95 (6)(D) The appointing authority shall make the assignment in writing and send a copy to the
96 court to which the active senior justice court judge is assigned and to the state court
97 administrator.