

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 (A) to prevent the occurrence of a backlog in the court's calendar;
- 11 (B) to reduce a critical accumulated backlog;
- 12 (C) to handle a particular case involving complex issues and extensive time which would  
13 have a substantial impact on the court's calendar;
- 14 (D) to replace a sitting judge who is absent because of assignment as a tax judge,  
15 illness or to replace the judges in that location because of disqualification in a particular  
16 case;
- 17 (E) to handle essential cases when there is a vacant judicial position;
- 18 (F) to handle high priority cases during vacation periods or during attendance at  
19 education programs by the sitting judge, following every effort by that judge to adjust the  
20 calendar to minimize the need for assistance and only to handle those matters which  
21 cannot be accommodated by the other judges of the court during the absence;
- 22 (G) to provide education and training opportunities to judges of one court level in the  
23 disposition of cases in another court level; ~~and~~
- 24 (H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of the  
25 Utah Code of Judicial Administration; and
- 26 (I) to handle automatic expungement cases.

27 (2) **Criteria for transferring or assigning judges.** The transfer or assignment of judges shall  
28 be based upon the following priorities:

- 29 (A) experience and familiarity with the subject matter, including, in district court cases  
30 involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial  
31 Administration, knowledge of the theory and practice of ad valorem, excise, income,  
32 sales and use, and corporate taxation;
- 33 (B) active judges before active senior judges with consideration of the following:
- 34 (i) active judges from a court of equal jurisdiction in a different geographical  
35 division than the court in need, who are physically situated nearest and are most  
36 convenient to that court;
- 37 (ii) active senior judges from a court of equal jurisdiction to the court in need who  
38 are physically situated nearest and are most convenient to that court;

39 (iii) active judges from a court of different jurisdiction than the court in need  
40 whose subject matter jurisdiction is most closely related to that court and who are  
41 in close proximity to it;

42 (iv) active judges from a court of equal jurisdiction in a different geographical  
43 division than the court in need who are far removed from that court;

44 (v) active or active senior judges from a court of different jurisdiction than the  
45 court in need whose subject matter jurisdiction is similar to that court who are not  
46 in close proximity;

47 (C) availability;

48 (D) expenses and budget.

49 **(3) Assignment of active judges.**

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

55 (B) Any active judge of a court of record may serve temporarily as the judge of a court with  
56 different jurisdiction in the same or a different judicial district upon assignment by the presiding  
57 officer of the Council or assignment by the state court administrator with the approval of the  
58 presiding officer of the Council.

59 (C) The presiding officer of the Council may appoint a district court presiding judge as the  
60 signing judge for automatic expungements in all district courts within the presiding judge's  
61 district. The length of the assignment may coincide with the judge's term as presiding judge.

62 (~~G~~ D) The assignment shall be made only after consideration of the judge's calendar. The  
63 assignment may be for a special or general assignment in a specific court or generally within  
64 that level of court and shall be for a specific period of time, or for the duration of a specific case.  
65 Full time assignments in excess of 30 days in a calendar year shall require the concurrence of  
66 the assigned judge. The state court administrator shall report all assignments to the Council on  
67 an annual basis.

68 (~~D~~ E) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to  
69 the person with authority to make the assignment under paragraphs (A) and (B). A judge who is  
70 assigned temporarily to another court shall have the same powers as a judge of that court.

71 (4) Notice of assignments made under this rule shall be made in writing, a copy of which shall  
72 be sent to the state court administrator.

73 **(5) Schedule of trials or court sessions.** The state court administrator, under the supervision  
74 of the presiding officer of the Council, may schedule trials or court sessions and designate a  
75 judge to preside, assign judges within courts and throughout the state, reassign cases to  
76 judges, and change the county for trial of any case if no party to the litigation files timely  
77 objections to the change.

78 *May/November 1, 20\_\_*