

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;

11 | (1)(B) to reduce a critical accumulated backlog;

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

14 | (1)(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 | (1)(E) to handle essential cases when there is a vacant judicial position;

18 | (1)(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 | (1)(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 | (1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of  
25 the Utah Code of Judicial Administration; ~~and~~

26 | (1)(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 | (2)(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 | (2)(B) active judges before active senior judges with consideration of the following:

34 | (2)(B)(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 | (2)(B)(ii) active senior judges from a court of equal jurisdiction to the court in  
38 need who are physically situated nearest and are most convenient to that court;

39 | (2)(B)(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 | (2)(B)(iv) active judges from a court of equal jurisdiction in a different  
 43 | geographical division than the court in need who are far removed from that court;

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

47 | (2)(C) availability;

48 | (2)(D) expenses and budget.

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

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

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

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

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

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

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

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

81 | ~~May~~ November 1, 2021