

**78A-5-107 Court commissioners -- Qualifications -- Appointment -- Functions governed by rule.**

- (1)
  - (a) Court commissioners are quasi-judicial officers of courts of record and have limited judicial authority as provided by this section and rules of the Judicial Council.
  - (b) Court commissioners serve full-time and are subject to the restrictions of Section 78A-2-221, which prohibits the practice of law.
- (2)
  - (a) The Judicial Council shall appoint court commissioners with the concurrence of a majority of the judges of trial courts in the district the court commissioner primarily serves.
  - (b) The Judicial Council may assign court commissioners appointed under this section to serve in one or more judicial districts.
- (3) A person appointed as a court commissioner shall have the following qualifications:
  - (a) be 25 years of age or older;
  - (b) be a citizen of the United States;
  - (c) be a resident of this state while serving as court commissioner;
  - (d) be admitted to the practice of law in this state; and
  - (e) possess ability and experience in the areas of law in which the commissioner will be serving.
- (4) A court commissioner shall take and subscribe to the oath of office as required by Article IV, Sec. 10, Utah Constitution, prior to assuming the duties of the office.
- (5) Court commissioners shall:
  - (a) comply with applicable constitutional and statutory provisions, court rules and procedures, and rules of the Judicial Council;
  - (b) comply with the Code of Judicial Conduct to the same extent as full-time judges; and
  - (c) successfully complete orientation and education programs as required by the Judicial Council.
- (6) The presiding judge of the district the commissioner primarily serves:
  - (a) shall develop a performance plan for the court commissioner and annually conduct an evaluation of the commissioner's performance, and shall provide the plan and evaluations to the Judicial Council upon request; and
  - (b) is responsible for the day-to-day supervision of the court commissioner.
- (7) The Judicial Council shall:
  - (a) establish by rule procedures for the investigation and review of complaints and the discipline and removal of court commissioners; and
  - (b) evaluate court commissioners under the requirements of Subsection 78A-2-104(5).
- (8) The Judicial Council shall make uniform statewide rules defining the duties and authority of court commissioners for each level of court they serve. The rules shall not exceed constitutional limitations upon the delegation of judicial authority. The rules shall at a minimum establish:
  - (a) types of cases and matters commissioners may hear;
  - (b) types of orders commissioners may recommend;
  - (c) types of relief commissioners may recommend; and
  - (d) procedure for timely judicial review of recommendations and orders made by court commissioners.

Renumbered and Amended by Chapter 3, 2008 General Session