

**Matt MacPherson** proposes the following substitute bill:

## **District Court Amendments**

## 2026 GENERAL SESSION

## STATE OF UTAH

## **Chief Sponsor: Matt MacPherson**

Senate Sponsor: Michael K. McKell

## LONG TITLE

### **General Description:**

This bill addresses the creation of a panel of judges in the district court.

## **Highlighted Provisions:**

This bill:

- provides that the Utah Supreme Court has exclusive and original appellate jurisdiction over a judgment or order from a panel of three district court judges;
- provides that the attorney general, the governor, or the Legislature may file a notice of statewide concern in a civil action in the district court;
- requires a panel of three district court judges to be convened to hear and decide a civil action upon the filing of a notice of statewide concern;
- requires each judge of a district court panel to be randomly selected and from a different judicial district than the other judges on the panel;
- addresses the structure and voting process for a district court panel;
- provides that the statutory venue requirements for a civil action do not apply to an action before a district court panel;
- requires the Judicial Council to create a rule regarding the random selection process for a judge on a district court panel;
- addresses staffing of a district court panel; and
- makes technical and conforming changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

## Utah Code Sections Affected:

29 AMENDS:

30 **78A-3-102**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3

31 **78B-3a-102**, as enacted by Laws of Utah 2023, Chapter 401

32 ENACTS:

33 **78A-5-102.7**, Utah Code Annotated 1953

34 **Utah Code Sections Affected by Revisor Instructions:**

35 **78A-5-102.7**, Utah Code Annotated 1953

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37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **78A-3-102** is amended to read:

39 **78A-3-102 . Jurisdiction of Supreme Court.**

40 (1) The Supreme Court has original jurisdiction to answer questions of state law certified  
41 by a court of the United States.

42 (2) The Supreme Court has original jurisdiction to issue all extraordinary writs and  
43 authority to issue all writs and process necessary to carry into effect the Supreme Court's  
44 orders, judgments, and decrees or in aid of the jurisdiction of the Supreme Court.

45 (3)(a) The Supreme Court has exclusive and original appellate jurisdiction, including  
46 exclusive and original appellate jurisdiction of an interlocutory appeal, over:

47 (i) a judgment of the Court of Appeals;

48 (ii) a case certified to the Supreme Court by the Court of Appeals before final  
49 judgment by the Court of Appeals;

50 (iii) the discipline of a lawyer;

51 (iv) a final order of the Judicial Conduct Commission;

52 (v) an interlocutory appeal from a court of record involving a capital felony;

53 (vi) an appeal from the district court involving a conviction or charge of a capital  
54 felony;

55 (vii) an appeal from the district court of an order, judgment, or decree ruling on a  
56 legislative subpoena;

57 (viii) an appeal of an injunctive order as described in Section 78B-5-1002;

58 (ix) a judgment, or an interlocutory appeal of an order, of a district court involving:  
59 (A) an election or voting contest; or

60 (B) the establishment of boundaries of political districts for purposes of an  
61 election; [and]

62 (x) the retention or removal of a public officer[.] ; and

- (xi) a judgment, or an interlocutory appeal of an order, from a district court panel described in Section 78A-5-102.7.
- (b) The Supreme Court may not transfer any matter described in Subsection (3)(a) to the Court of Appeals.
- (c) In a case involving an election or voting contest or the establishment of boundaries of political districts for purposes of an election, a judgment is appealable to the Supreme Court even if:
  - (i) a party files a motion or claim for attorney fees under Rule 73 of the Utah Rules of Civil Procedure in the district court; and
  - (ii) the district court has not entered a dispositive order for that motion or claim.
- (a) In addition to Subsection (3)(a), the Supreme Court has original appellate jurisdiction, including original appellate jurisdiction of an interlocutory appeal, over:
  - (i) a final agency action, as described in Section 63G-4-403, in a formal adjudicative proceeding originating from:
    - (A) the Public Service Commission;
    - (B) the State Tax Commission;
    - (C) the School and Institutional Trust Lands Board of Trustees;
    - (D) the Board of Oil, Gas, and Mining;
    - (E) the state engineer; or
    - (F) the executive director of the Department of Natural Resources reviewing an action of the Division of Forestry, Fire, and State Lands;
  - (ii) a final order or decree of the district court review of an informal adjudicative proceeding of an agency described in Subsection (4)(a)(i);
  - (iii) a final judgment or decree of a court of record holding a statute of the United States or this state is unconstitutional on its face under the Constitution of the United States or the Utah Constitution;
  - (iv) an interlocutory appeal from a court of record involving a first degree felony;
  - (v) an appeal from a district court involving a conviction or charge of a first degree felony; and
  - (vi) an order, judgment, or decree of a court of record over which the Court of Appeals does not have appellate jurisdiction.
- (b) The Supreme Court may transfer any matter described in Subsection (4)(a) to the Court of Appeals.
- (a) The Supreme Court has sole discretion in granting or denying a petition for writ of

97 certiorari for the review of a Court of Appeals adjudication.

98 (b) Notwithstanding Subsection (5)(a), the Supreme Court shall review a case certified  
99 to the Supreme Court by the Court of Appeals under Subsection (3)(a)(ii).

100 (6) The Supreme Court shall comply with the requirements of Title 63G, Chapter 4,  
101 Administrative Procedures Act, in the Supreme Court's review of an agency adjudicative  
102 proceeding.

103 *The following section is affected by a revisor instruction at the end of this bill.*

104 Section 2. Section **78A-5-102.7** is enacted to read:

105 **78A-5-102.7 . Requirement of three-judge panel for a case of statewide concern.**

106 (1)(a) If the attorney general, the governor, or the Legislature determine that a civil  
107 action brought in the district court is a matter of statewide concern, the attorney  
108 general, the governor, or the Legislature may file a notice in the district court that a  
109 panel of three district court judges must be convened to hear and decide the civil  
110 action.

111 (b) A determination under Subsection (1)(a):

112 (i) may not be challenged by a party or the attorney general, the governor, or the  
113 Legislature; and  
114 (ii) is not subject to judicial review.

115 (c) The attorney general, the governor, or the Legislature is not required to be a party to  
116 a civil action to file a notice under Subsection (1)(a).

117 (2)(a) Upon the filing of a request under Subsection (1), a panel of three district court  
118 judges shall hear and decide, by majority decision, the civil action in accordance with  
119 this section.

120 (b) Each judge on a panel described in Subsection (2)(a) shall be:

121 (i) selected at random; and  
122 (ii) from a different judicial district than the other judges on the panel.

123 (3)(a) The presiding officer of the Judicial Council shall select one district court judge  
124 from the panel to be the chief judge of the panel.

125 (b) Except as provided in Subsection (3)(c), the chief judge shall conduct all proceedings  
126 in an action before the panel.

127 (c) The panel shall sit en banc for a trial, an order for an injunction or temporary  
128 restraining order, or any motion that would dispose of the action or any claim or  
129 defense in the action.

130 (d) A district court judge on a panel may concur or dissent from any decision for which

131                   the panel sits en banc.

132       (4)(a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before  
133                   the panel.

134                   (i) Any requirement in the Utah Code to file or bring an action in a specific district or  
135                   county does not apply to an action before the panel.

136       (5)(a) Before March 7, 2026, the Judicial Council shall:

137                   (i) by rule, create a process by which a district court judge is assigned to the panel by  
138                   random selection, including any reassignment of a district court judge on a panel  
139                   due to disqualification, recusal, or a change of judge as a matter of right; and

140                   (ii) establish and maintain a list of judges who the Judicial Council determines are  
141                   qualified to serve on a three-judge panel.

142                   (b) The list established under Subsection (5)(a) shall consist of at least 50% of the  
143                   district court judges from each district.

144                   (c) The Judicial Council shall post the list described in Subsection (5)(b) on the Utah  
145                   Courts' website with information on the dates and number of times that a judge has  
146                   served on a panel.

147       (6) The Judicial Council shall hire a coordinator and staff to assist any panel that is  
148                   convened under this section.

149       (7) This section applies to any civil action pending in the district court on and after the  
150                   effective date of this bill.

151                   Section 3. Section **78B-3a-102** is amended to read:

152                   **78B-3a-102 . Applicability of this chapter -- Venue for the Business and**

153                   **Chancery Court.**

154       (1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall  
155                   bring an action in accordance with the requirements of this chapter.

156       (2) The requirements of this chapter do not apply to:

157                   (a) an action brought in the Business and Chancery Court[.] ; or

158                   (b) an action before a panel of judges in the district court under Section 78A-5-102.7.

159                   Section 4. **Effective Date.**

160                   This bill takes effect:

161       (1) except as provided in Subsection (2), May 6, 2026; or

162       (2) if approved by two-thirds of all members elected to each house:

163                   (a) upon approval by the governor;

164                   (b) without the governor's signature, the day following the constitutional time limit of

165                    Utah Constitution, Article VII, Section 8; or  
166                    (c) in the case of a veto, the date of veto override.

167                    **Section 5. Revisor instructions.**

168                    The Legislature intends that Office of Legislative Research and General Counsel, in  
169                    preparing the Utah Code database for publication, replace the phrase "the effective date of this  
170                    bill" with the actual effective date of the bill.