

### **Part 3**

## **Trial Court Nominating Commission**

#### **78A-10-301 Creation.**

- (1) There is created a Trial Court Nominating Commission for each geographical division of the trial courts of record.
- (2) The Trial Court Nominating Commission shall nominate judges of the district court and the juvenile court within its geographical division.

Enacted by Chapter 3, 2008 General Session

#### **78A-10-302 Membership.**

- (1) The Trial Court Nominating Commission shall consist of seven commissioners, each appointed by the governor to serve a single four-year term.
- (2) Each commissioner shall:
  - (a) be a United States citizen;
  - (b) be a resident of Utah;
  - (c) be a resident of the geographic division to be served by the commission to which the commissioner is appointed; and
  - (d) serve until the commissioner's successor is appointed.
- (3) The governor may not appoint:
  - (a) a commissioner to serve successive terms;
  - (b) a member of the Legislature to serve as a member of a Trial Court Nominating Commission; or
  - (c) more than four commissioners from the same political party to a Trial Court Nominating Commission.
- (4) The governor shall appoint two commissioners from a list of nominees provided by the Utah State Bar.
- (5) The Utah State Bar shall submit:
  - (a) six nominees from Districts 2, 3, and 4; and
  - (b) four nominees from Districts 1, 5, 6, 7, and 8.
- (6) The governor may reject any list and request a new list of nominees.
- (7) The governor may not appoint more than four persons who are members of the Utah State Bar to a Trial Court Nominating Commission.
- (8) The chief justice of the Supreme Court shall appoint another member of the Judicial Council to serve as an ex officio, nonvoting member of each Trial Court Nominating Commission.
- (9) The governor shall appoint the chair of each Trial Court Nominating Commission from among its membership.

Amended by Chapter 134, 2010 General Session

#### **78A-10-303 Procedure.**

- (1) Four commissioners are a quorum.
- (2) The governor shall appoint a member of the governor's staff to serve as staff to each Trial Court Nominating Commission.
- (3) The governor shall:

- (a) ensure that each Trial Court Nominating Commission follows the rules promulgated by the Commission on Criminal and Juvenile Justice; and
  - (b) resolve any questions regarding those rules.
- (4) A member of a Trial Court Nominating Commission who is also a member of the Utah State Bar may recuse himself if there is a conflict of interest that makes the member unable to serve.

Amended by Chapter 134, 2010 General Session

**78A-10-304 Vacancies.**

- (1) The governor shall fill any vacancy on the Trial Court Nominating Commission.
- (2) If a commissioner is disqualified or otherwise unable to serve, the governor shall appoint a new commissioner of the same political party as the unavailable commissioner.
- (3) If a vacancy occurs among commission members who are also members of the Utah State Bar, the governor shall replace that commissioner with a person from a list of nominees submitted by the Utah State Bar as provided in Section 78A-10-302.
- (4) The governor shall ensure that each person who is appointed to fill any vacancy in the office of commissioner, other than a vacancy caused by expiration of term, is a member of the same political party as the commissioner whom the person replaced.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term of the commissioner being replaced and may not be reappointed.

Enacted by Chapter 3, 2008 General Session

**78A-10-305 Expenses -- Per diem and travel.**

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Repealed and Re-enacted by Chapter 286, 2010 General Session