

78A-11-108 Involuntary disability retirement or removal of a judge.

- (1) The commission shall recommend and issue an order for the removal or involuntary retirement of a judge of any court of this state, in accordance with the procedure outlined in this section, for a disability that seriously interferes with the performance of the judge's judicial duties and which is, or is likely to become, of a permanent character.
- (2) The commission shall order a medical examination and report.
- (3) The commission in recommending an order of involuntary retirement or removal of a judge for a disability, shall base it on the evaluation and recommendations submitted by one or more medical examiners or physicians, including an examination of essential statements submitted by either bar or judicial associations or committees certifying that:
 - (a) the judge acquires a physical or mental disability and this disability seriously interferes with the performance of the judge's judicial duties; and
 - (b) the judge's incapacity is likely to continue and be permanent and that the judge should be involuntarily retired or removed.
- (4)
 - (a) The Supreme Court shall review the commission's proceedings as to both law and fact and may permit the introduction of additional evidence.
 - (b) After its review, the Supreme Court shall issue its order implementing, rejecting, or modifying the commission's order.
- (5) Retirement or involuntary retirement as provided in this chapter shall be processed through the Utah State Retirement Office, and the judge retiring shall meet the requirements for retirement as specified in this chapter.
- (6) Upon an order for involuntary retirement, the judge shall retire with the same rights and privileges as if the judge retired pursuant to statute.

Amended by Chapter 366, 2011 General Session