

## **Part 1** **Judicial Administration**

### **78A-2-101 Title.**

This chapter is known and cited as the "Judicial Administration Act."

Renumbered and Amended by Chapter 3, 2008 General Session

### **78A-2-102 Purpose.**

The purpose of this chapter is to create an administrative system for all courts of this state, subject to central direction by the Judicial Council, to enable these courts to provide uniformity and coordination in the administration of justice.

Renumbered and Amended by Chapter 3, 2008 General Session

### **78A-2-103 Definitions.**

As used in this chapter:

- (1) "Conference" means the annual statewide judicial conference established by Section 78A-2-111.
- (2) "Council" means the Judicial Council.
- (3) "Courts" mean all courts of this state, including all courts of record and not of record.
- (4) "Judicial Council" means the Judicial Council established by Utah Constitution, Article VIII, Section 12.

Amended by Chapter 394, 2023 General Session

### **78A-2-104 Judicial Council -- Creation -- Members -- Terms and election -- Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.**

- (1) The Judicial Council is composed of:
  - (a) the chief justice of the Supreme Court;
  - (b) one member elected by the justices of the Supreme Court;
  - (c) one member elected by the judges of the Court of Appeals;
  - (d) one member elected by the judges of the Business and Chancery Court;
  - (e) six members elected by the judges of the district courts;
  - (f) three members elected by the judges of the juvenile courts;
  - (g) three members elected by the justice court judges; and
  - (h) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is an active member of the Utah State Bar in good standing at the time of election by the Board of Commissioners.
- (2) The Judicial Council shall have a seal.
- (3)
  - (a) The chief justice of the Supreme Court shall act as presiding officer of the Judicial Council and chief administrative officer for the courts.
  - (b) The chief justice shall vote only in the case of a tie.
- (4)
  - (a) All members of the Judicial Council shall serve for three-year terms.

- (b) If a Judicial Council member should die, resign, retire, or otherwise fail to complete a term of office, the appropriate constituent group shall elect a member to complete the term of office.
- (c) In courts having more than one member, the members shall be elected to staggered terms.
- (d) The individual elected by the Board of Commissioners under Subsection (1)(h) may complete a three-year term of office on the Judicial Council even though the individual ceases to be a member or ex officio member of the Board of Commissioners.
- (e) The individual elected by the Board of Commissioners under Subsection (1)(h) shall be an active member of the Utah State Bar in good standing for the entire term of the Judicial Council.
- (f) Elections are held under rules made by the Judicial Council.

(5)

- (a) The Judicial Council is responsible for the development of uniform administrative policy for the courts throughout the state.
- (b) The presiding officer of the Judicial Council is responsible for the implementation of the policies developed by the Judicial Council and for the general management of the courts, with the aid of the state court administrator.
- (c) The Judicial Council has authority and responsibility to:
  - (i) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and
  - (ii) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an annual report of the operations of the courts, which shall include financial and statistical data and may include suggestions and recommendations for legislation.

(6) The Judicial Council shall establish standards for the operation of the courts of the state, including facilities, court security, support services, and staff levels for judicial and support personnel.

(7) The Judicial Council shall by rule:

- (a) establish the time and manner for destroying court records, including computer records; and
- (b) establish retention periods for court records.

(8)

- (a) Consistent with the requirements of judicial office and security policies, the Judicial Council shall establish procedures to govern the assignment of state vehicles to public officers of the judicial branch.
- (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may be assigned for unlimited use, within the state only.

(9)

- (a) The Judicial Council shall:
  - (i) advise judicial officers and employees concerning ethical issues; and
  - (ii) establish procedures for issuing informal and formal advisory opinions on ethical issues.
- (b) Compliance with an informal opinion is evidence of good faith compliance with the Code of Judicial Conduct.
- (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.

(10)

- (a) The Judicial Council shall establish written procedures authorizing the presiding officer of the Judicial Council to appoint judges of courts of record by special or general assignment to serve temporarily in another level of court in a specific court or generally within that level.
- (b) The appointment under Subsection (10)(a) shall be:
  - (i) for a specific period of time; and
  - (ii) reported to the Judicial Council.

- (c) The Judicial Council shall develop the procedures described in this Subsection (10) in accordance with Subsection 78A-2-107(2) regarding the temporary appointment of judges.
- (11)
  - (a) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record.
  - (b) There shall be at least one court clerk's office open during regular court hours in each county.
  - (c) Any trial court of record may hold court in any municipality designated as a location of a court of record.
- (12) The Judicial Council shall by rule determine whether the administration of a court is the obligation of the Administrative Office of the Courts or whether the Administrative Office of the Courts should contract with local government for court support services.
- (13) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.
- (14)
  - (a) The Judicial Council shall:
    - (i) establish the Office of Guardian Ad Litem in accordance with Title 78A, Chapter 2, Part 8, Guardian Ad Litem; and
    - (ii) establish and supervise a Guardian Ad Litem Oversight Committee.
  - (b) The Guardian Ad Litem Oversight Committee described in Subsection (14)(a)(ii) shall oversee the Office of Guardian Ad Litem, established under Subsection (14)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.
- (15) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery Services within the Department of Health and Human Services, the part of the state case registry that contains records of each support order established or modified in the state on or after October 1, 1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec. 654a.

Amended by Chapter 394, 2023 General Session

**78A-2-105 State court administrator -- Appointment -- Qualifications -- Salary.**

The Supreme Court shall appoint a chief administrative officer of the council who shall have the title of the state court administrator and shall serve at the pleasure of the council, the Supreme Court, or both. The state court administrator shall be selected on the basis of professional ability and experience in the field of public administration and shall possess an understanding of court procedures as well as of the nature and significance of other court services. The state court administrator shall devote the state court administrator's full time and attention to the duties of the state court administrator's office, and shall receive a salary equal to that of a district court judge.

Amended by Chapter 25, 2018 General Session

**78A-2-106 Presiding officer -- Compensation -- Duties.**

- (1) The chief justice of the Supreme Court shall serve as the presiding officer of the Judicial Council.
- (2)
  - (a) The presiding officer of the Judicial Council shall supervise the courts to ensure uniform adherence to law and to the rules and forms adopted by the council and to promote the proper and efficient functioning of the courts.

(b) The presiding officer of the council may issue orders as necessary to assure compliance with uniform administrative practices.

Amended by Chapter 276, 2022 General Session

**78A-2-107 Court administrator -- Powers, duties, and responsibilities.**

Under the general supervision of the presiding officer of the Judicial Council, and within the policies established by the the Judicial Council:

(1) the state court administrator shall:

- (a) organize and administer all of the nonjudicial activities of the courts;
- (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;
- (c) implement the standards, policies, and rules established by the Judicial Council;
- (d) formulate and administer a system of personnel administration, including in-service training programs;
- (e) prepare and administer the state judicial budget, fiscal, accounting, and procurement activities for the operation of the courts of record;
- (f) assist justice courts in budgetary, fiscal, and accounting procedures;
- (g) conduct studies of the business of the courts, including the preparation of recommendations and reports relating to the studies;
- (h) develop uniform procedures for the management of court business, including the management of court calendars;
- (i) maintain liaison with the governmental and other public and private groups having an interest in the administration of the courts;
- (j) establish uniform policy concerning vacations and sick leave for judges and nonjudicial officers of the courts;
- (k) establish uniform hours for court sessions throughout the state;
- (l) when necessary for administrative reasons, change the county for trial of any case if no party to the litigation files timely objections to this change;
- (m)
  - (i) organize and administer a program of continuing education for judges and support staff, including training for justice court judges; and
  - (ii) ensure that any training or continuing education described in Subsection (1)(m)(i) complies with Title 63G, Chapter 22, State Training and Certification Requirements;
- (n) provide for an annual meeting for each level of the courts of record and the annual judicial conference; and
- (o) perform other duties as assigned by the presiding officer of the Judicial Council; and

(2) with the consent of the presiding officer of the Judicial Council, the state court administrator may:

- (a) call and appoint a justice or judge of a court of record to serve temporarily as a judge of the Court of Appeals, the Business and Chancery Court, a district court, or a juvenile court; and
- (b) set reasonable compensation for the service of a justice or judge under Subsection (2)(a).

Amended by Chapter 394, 2023 General Session

**78A-2-108 Assistants for state court administrator -- Appointment of trial court executives.**

(1) The state court administrator, with the approval of the presiding officer of the Judicial Council, is responsible for the establishment of positions and salaries of assistants as necessary to enable the state court administrator to perform the powers and duties vested in the state court

administrator by this chapter, including the positions of appellate court administrator, business and chancery court administrator, district court administrator, juvenile court administrator, and justice court administrator.

- (2) The state court administrator shall appoint an appellate court administrator, a business and chancery court administrator, a district court administrator, a juvenile court administrator, and a justice court administrator with the concurrence of the respective boards as established by the Judicial Council.
- (3)
  - (a) The district court administrator, with the concurrence of the presiding judge of a district or the district court judge in single judge districts, may appoint a trial court executive in each district.
  - (b) The trial court executive may appoint, subject to budget limitations, necessary support personnel including clerks, research clerks, secretaries, and other persons required to carry out the work of the court.
  - (c) The trial court executive shall supervise the work of all nonjudicial court staff and serve as administrative officer of the district.
- (4) Administrators and assistants appointed under this section are known collectively as the Administrative Office of the Courts.

Amended by Chapter 394, 2023 General Session

**78A-2-109 Courts to provide information and statistical data to state court administrator.**

The judges, clerks of the courts, and all other officers, state and local, shall comply with all requests made by the state court administrator or the state court administrator's assistants for information and statistical data bearing on the state of the dockets of the courts and such other information as may reflect the business transacted by them and the expenditure of public money for the maintenance and operation of the judicial system.

Amended by Chapter 25, 2018 General Session

**78A-2-109.5 Court data collection and reporting.**

- (1) As used in this section, "commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- (2) The Administrative Office of the Courts shall submit the following information to the commission for each criminal case filed with the court:
  - (a) case number;
  - (b) the defendant's:
    - (i) full name;
    - (ii) offense tracking number; and
    - (iii) date of birth;
  - (c) charges filed;
  - (d) if applicable, all enhancements to the charges against the defendant;
  - (e) initial appearance date;
  - (f) bail amount set by the court, if any;
  - (g) whether the defendant was represented by a public defender, private counsel, or pro se;
  - (h) whether the defendant has previously been convicted of an offense;
  - (i) final disposition of the charges; and

- (j) if the defendant is convicted, the defendant's total score for any pretrial risk assessment used by a magistrate or judge in making a determination about pretrial release as described in Section 77-20-205.
- (3)
  - (a) The Administrative Office of the Courts shall submit the information described in Subsection (2) to the commission on the 15th day of July and January of each year for the previous six-month period ending the last day of June and December of each year in the form and manner selected by the commission.
  - (b) If the last day of the month is a Saturday, Sunday, or state holiday, the Administrative Office of the Courts shall submit the information described in Subsection (2) to the commission on the next working day.
- (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data on cases involving individuals charged with class A misdemeanors and felonies, broken down by judicial district, to the commission for each preceding calendar year:
  - (a) the number of cases in which a preliminary hearing is set and placed on the court calendar;
  - (b) the median and range of the number of times that a preliminary hearing is continued in cases in which a preliminary hearing is set and placed on the court calendar;
  - (c) the number of cases, and the average time to disposition for those cases, in which only written statements from witnesses are submitted as probable cause at the preliminary hearing;
  - (d) the number of cases, and the average time to disposition for those cases, in which written statements and witness testimony are submitted as probable cause at the preliminary hearing;
  - (e) the number of cases, and the average time to disposition for those cases, in which only witness testimony is submitted as probable cause at the preliminary hearing; and
  - (f) the number of cases in which a preliminary hearing is held and the defendant is bound over for trial.
- (5) The commission shall include the data collected under Subsection (4) in the commission's annual report described in Section 63M-7-205.
- (6) No later than November 1, 2027, the Administrative Office of the Courts shall provide the Law Enforcement and Criminal Justice Interim Committee with a written report on, for each fiscal year that begins on and after July 1, 2024:
  - (a) the total number of offenses, including the level of each offense, for which an enhancement was sought under Section 76-3-203.17;
  - (b) the total number of offenses, including the level of each offense, that were enhanced under Section 76-3-203.17; and
  - (c) the total amount of fines that were imposed under Section 76-3-203.17.

Amended by Chapter 252, 2025 General Session

**78A-2-110 Databases for judicial boards.**

- (1) As used in this section, "judicial board" means any judicial branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by:
  - (a) the constitution;
  - (b) statute;
  - (c) judicial order;
  - (d) any justice or judge;

- (e) the Judicial Council;
- (f) the state court administrator, a district court administrator, trial court executive, or a business and chancery court administrator; or
- (g) any clerk or administrator in the judicial branch of state government.

(2) The Judicial Council shall designate an individual from the Judicial Council's staff to maintain a computerized database containing information about all judicial boards.

(3) The individual designated to maintain the database shall:

- (a) ensure that the database contains:
  - (i) the name of the judicial board;
  - (ii) the statutory or constitutional authority for the creation of the judicial board;
  - (iii) the court or other judicial entity under whose jurisdiction the judicial board operates or with which the judicial board is affiliated, if any;
  - (iv) the name, address, gender, telephone number, and county of each individual currently serving on the judicial board, along with a notation of all vacant or unfilled positions;
  - (v) the title of the position held by the individual who appointed each member of the judicial board;
  - (vi) the length of the term to which each member of the judicial board was appointed and the month and year that each judicial board member's term expires;
  - (vii) the organization, interest group, profession, local government entity, or geographic area that the member of the judicial board represents, if any;
  - (viii) whether or not the judicial board allocates state or federal funds and the amount of those funds allocated during the last fiscal year;
  - (ix) whether the judicial board is a policy board or an advisory board;
  - (x) whether or not the judicial board has or exercises rulemaking authority; and
  - (xi) any compensation and expense reimbursement that members of the executive board are authorized to receive;
- (b) make the information contained in the database available to the public upon request;
- (c) cooperate with other entities of state government to publish the data or useful summaries of the data;
- (d) prepare, publish, and distribute an annual report by April 1 of each year that includes, as of March 1 of that year:
  - (i) the total number of judicial boards;
  - (ii) the name of each of those judicial boards and the court, council, administrator, executive, or clerk under whose jurisdiction the executive board operates or with which the judicial board is affiliated, if any;
  - (iii) for each court, council, administrator, executive, or clerk, the total number of judicial boards under the jurisdiction of or affiliated with that court, council, administrator, executive, or clerk;
  - (iv) the total number of members for each of those judicial boards;
  - (v) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and
  - (vi) the compensation, if any, paid to the members of each of those judicial boards; and
- (e) distribute copies of the report described in Subsection (3)(d) to:
  - (i) the chief justice of the Utah Supreme Court;
  - (ii) the state court administrator;
  - (iii) the governor;
  - (iv) the president of the Utah Senate;
  - (v) the speaker of the Utah House;

- (vi) the Office of Legislative Research and General Counsel; and
- (vii) any other persons who request a copy of the annual report.

Amended by Chapter 394, 2023 General Session

**78A-2-111 Annual judicial conference.**

- (1) There is established an annual judicial conference for all courts of this state, to facilitate the exchange of ideas among all courts and judges, and to study and improve the administration of the courts.
- (2) All elections provided in this act shall be conducted during the annual judicial conference.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-2-112 Grants to nonprofit legal assistance organization.**

Subject to legislative appropriation, the state court administrator shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, solicit requests for proposals and award grants to nonprofit legal assistance providers to provide legal assistance throughout the state to:

- (1) low to moderate income victims of domestic violence; and
- (2) low to moderate income individuals in family law matters.

Amended by Chapter 347, 2012 General Session

**78A-2-113 Judicial hiring freeze authorized.**

- (1) As used in this section, "General Fund budget deficit" means a situation where General Fund appropriations made by the Legislature for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the General Fund in that fiscal year.
- (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of the House, and chief justice of the Supreme Court, may, by unanimous vote, implement a judicial hiring freeze for judicial vacancies for:
  - (a) a juvenile court district with three or more juvenile court judges;
  - (b) a district court district with three or more district court judges;
  - (c) all Business and Chancery Court judges;
  - (d) all appellate court judges; or
  - (e) any combination of Subsections (2)(a) through (d).
- (3) In implementing a judicial hiring freeze, the governor, president of the Senate, speaker of the House, and chief justice of the Supreme Court shall:
  - (a) establish the length of that hiring freeze; and
  - (b) ensure that the hiring freeze lasts at least 90 days, but not longer than the last day of the annual general session of the Legislature.

Amended by Chapter 394, 2023 General Session