

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

- (1) The Judicial Council, established by Article VIII, Section 12, Utah Constitution, shall be 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) five members elected by the judges of the district courts;
  - (e) two members elected by the judges of the juvenile courts;
  - (f) three members elected by the justice court judges; and
  - (g) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is an active member of the 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 council and chief administrative officer for the courts. The chief justice shall vote only in the case of a tie.
  - (b) All members of the council shall serve for three-year terms.
    - (i) If a 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.
    - (ii) In courts having more than one member, the members shall be elected to staggered terms.
    - (iii) The person elected by the Board of Commissioners may complete a three-year term of office on the Judicial Council even though the person ceases to be a member or ex officio member of the Board of Commissioners. The person shall be an active member of the Bar in good standing for the entire term of the Judicial Council.
  - (c) Elections shall be held under rules made by the Judicial Council.
- (4) The council is responsible for the development of uniform administrative policy for the courts throughout the state. The presiding officer of the Judicial Council is responsible for the implementation of the policies developed by the council and for the general management of the courts, with the aid of the administrator. The council has authority and responsibility to:
  - (a) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and
  - (b) 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.
- (5) The council shall establish standards for the operation of the courts of the state including, but not limited to, facilities, court security, support services, and staff levels for judicial and support personnel.
- (6) The council shall by rule establish the time and manner for destroying court records, including computer records, and shall establish retention periods for these records.
- (7)
  - (a) Consistent with the requirements of judicial office and security policies, the 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.
- (8)

- (a) The council shall advise judicial officers and employees concerning ethical issues and shall establish procedures for issuing informal and formal advisory opinions on these 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.
- (9)
- (a) The council shall establish written procedures authorizing the presiding officer of the 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. The appointment shall be for a specific period and shall be reported to the council.
  - (b) These procedures shall be developed in accordance with Subsection 78A-2-107(10) regarding temporary appointment of judges.
- (10) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record. There shall be at least one court clerk's office open during regular court hours in each county. Any trial court of record may hold court in any municipality designated as a location of a court of record.
- (11) The Judicial Council shall by rule determine whether the administration of a court shall be 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.
- (12) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.
- (13)
- (a) The Judicial Council shall:
    - (i) establish the Office of Guardian Ad Litem, in accordance with Title 78A, Chapter 6, Part 9, Guardian Ad Litem; and
    - (ii) establish and supervise a Guardian Ad Litem Oversight Committee.
  - (b) The Guardian Ad Litem Oversight Committee described in Subsection (13)(a)(ii) shall oversee the Office of Guardian Ad Litem, established under Subsection (13)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.
- (14) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery Services within the Department of 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 32, 2009 General Session