

Chapter 3 Supreme Court

78A-3-101 Number of justices -- Terms -- Chief justice and associate chief justice -- Selection and functions.

- (1) The Supreme Court consists of seven justices.
- (2)
 - (a) A justice of the Supreme Court is appointed initially to serve until the first general election held more than three years after the effective date of the appointment.
 - (b) After the first term of appointment under Subsection (2)(a), the term of office of a justice of the Supreme Court is 10 years and commences on the first Monday in January following the date of election.
- (3)
 - (a) Upon any vacancy in the office of chief justice, including expiration of a term of the office of chief justice, or upon a chief justice's death, removal, or resignation, the governor shall appoint a chief justice from among the members of the Supreme Court, with the advice and consent of the Senate.
 - (b) Except as provided in Subsection (3)(c), the term of the office of chief justice is eight years.
 - (c)
 - (i) For a chief justice whose term of office began on April 1, 2024, the term of the office of the chief justice is four years.
 - (ii) The term of the office of chief justice expires on April 1, 2028, for any chief justice who is elected to serve by the justices of the Supreme Court before October 14, 2025.
 - (d) On and after October 14, 2025, a member of the Supreme Court may not serve as chief justice for more than one term.
 - (e) The chief justice may resign from the office of chief justice without resigning from the Supreme Court.
 - (f) The chief justice may be removed from the office of chief justice by a majority vote of all justices of the Supreme Court.
 - (g) The chief justice shall receive the sum of \$2,000 per annum as additional compensation for the period served as chief justice.
- (4)
 - (a) If a chief justice has not been appointed by the governor and confirmed by the Senate within 30 days of a vacancy in that office, the associate chief justice shall act as interim chief justice until a chief justice is appointed and confirmed under this section.
 - (b) If the associate chief justice is unable or unwilling to act as interim chief justice as described in Subsection (4)(a), the most senior justice shall act as interim chief justice until a chief justice is appointed and confirmed under this section.
- (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief justice has duties as provided by law.
- (6)
 - (a) There is created the office of associate chief justice.
 - (b) The associate chief justice is elected by a majority vote of the members of the Supreme Court.
 - (c) The term of office of the associate chief justice is two years.
 - (d) The chief justice may:
 - (i) determine the allocated duties of the associate chief justice; and

- (ii) delegate responsibilities to the associate chief justice as consistent with law.
- (e) If the chief justice is absent or otherwise unable to serve, the associate chief justice shall perform the duties of the office of the chief justice until the chief justice is no longer absent or unable to serve.
- (f) The associate chief justice shall receive the sum of \$1,000 per annum for the period served as associate chief justice.

Amended by Chapter 10, 2026 General Session

78A-3-102 Jurisdiction of Supreme Court.

- (1) The Supreme Court has original jurisdiction to answer questions of state law certified by a court of the United States.
- (2) The Supreme Court has original jurisdiction to issue all extraordinary writs and authority to issue all writs and process necessary to carry into effect the Supreme Court's orders, judgments, and decrees or in aid of the jurisdiction of the Supreme Court.
- (3)
 - (a) The Supreme Court has exclusive and original appellate jurisdiction, including exclusive and original appellate jurisdiction of an interlocutory appeal, over:
 - (i) a judgment of the Court of Appeals;
 - (ii) a case certified to the Supreme Court by the Court of Appeals before final judgment by the Court of Appeals;
 - (iii) the discipline of a lawyer;
 - (iv) a final order of the Judicial Conduct Commission;
 - (v) except as provided in Subsection (5), an appeal from the district court involving a conviction or charge of a capital felony;
 - (vi) an appeal from the district court of an order, judgment, or decree ruling on a legislative subpoena;
 - (vii) an appeal of an injunctive order as described in Section 78B-5-1002;
 - (viii) a judgment, or an interlocutory appeal of an order, of a district court involving:
 - (A) an election or voting contest; or
 - (B) the establishment of boundaries of political districts for purposes of an election;
 - (ix) the retention or removal of a public officer; and
 - (x) 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.
 - (d) The Supreme Court has exclusive and original appellate jurisdiction to conduct an automatic review of a conviction or sentence for a capital felony where the sentence is death in accordance with Subsection 76-3-207(11).
- (4)
 - (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.
- (5)
- (a) The Supreme Court may not exercise subject matter jurisdiction over a claim for ineffective assistance of counsel in an appeal from, or upon an automatic review of, a conviction or sentence for a capital felony where the sentence is death.
 - (b) Notwithstanding Subsection (5)(a), the Supreme Court has subject matter jurisdiction over a claim for ineffective assistance of counsel in an appeal involving a petition for postconviction relief from a conviction or sentence for a capital felony where the sentence is death.
- (6)
- (a) The Supreme Court has sole discretion in granting or denying a petition for writ of certiorari for the review of a Court of Appeals adjudication.
 - (b) Notwithstanding Subsection (6)(a), the Supreme Court shall review a case certified to the Supreme Court by the Court of Appeals under Subsection (3)(a)(ii).
- (7) The Supreme Court shall comply with the requirements of Title 63G, Chapter 4, Administrative Procedures Act, in the Supreme Court's review of an agency adjudicative proceeding.

Amended by Chapter 345, 2026 General Session

78A-3-103 Supreme Court -- Rulemaking, judges pro tempore, and practice of law.

- (1) The Supreme Court shall adopt rules of procedure and evidence for use in the courts of the state and shall by rule manage the appellate process. The Legislature may amend the rules of procedure and evidence adopted by the Supreme Court upon a vote of two-thirds of all members of both houses of the Legislature.
- (2) Except as otherwise provided by the Utah Constitution, the Supreme Court by rule may authorize retired justices and judges and judges pro tempore to perform any judicial duties. Judges pro tempore shall be citizens of the United States, Utah residents, and admitted to practice law in Utah.
- (3) The Supreme Court shall by rule govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to the practice of law.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-3-104 Appellate court administrator.

The appellate court administrator shall appoint clerks and support staff as necessary for the operation of the Supreme Court and the Court of Appeals. The duties of the clerks and support staff shall be established by the appellate court administrator, and powers established by rule of the Supreme Court.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-3-105 Service of sheriff to court.

The court may at any time require the attendance and services of any sheriff in the state.

Renumbered and Amended by Chapter 3, 2008 General Session