

Part 2 Judges and Administration

78A-7-201 Justice court judge eligibility -- Mandatory retirement.

- (1) A justice court judge shall be:
 - (a) a citizen of the United States;
 - (b) 25 years of age or older;
 - (c) a resident of Utah for at least three years immediately preceding his appointment;
 - (d) a resident of the county in which the court is located or an adjacent county for at least six months immediately preceding appointment; and
 - (e) a qualified voter of the county in which the judge resides.
- (2) Effective May 10, 2016, a justice court judge is not required to be admitted to practice law in the state as a qualification to hold office but:
 - (a) in counties of the first and second class, a justice court judge shall have a degree from a law school that makes one eligible to apply for admission to a bar in any state; and
 - (b) in counties of the third, fourth, fifth, and sixth class, a justice court judge shall have at the minimum a diploma of graduation from high school or its equivalent.
- (3) A justice court judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.
- (4) A justice court judge shall retire upon attaining the age of 75 years.
- (5) In counties of the first and second class, if there are not at least three applicants for a justice court judge position who meet the requirements of Subsection (2)(a), the justice court nominating commission shall re-advertise the position, and may accept applications from persons who do not meet the requirements of Subsections (1)(d) and (2)(a).
- (6)
 - (a) In accordance with Subsection 78A-7-202(3), the Administrative Office of the Courts shall provide notice to all attorneys in the county and adjacent counties when a justice court judge position is vacant.
 - (b) If the justice court nominating commission waives the requirement of Subsection (1)(d) in accordance with Subsection (5), the Administrative Office of the Courts shall provide notice to all attorneys in the state.
- (7) A justice court judge holding office on May 10, 2016, who does not meet the qualification in Subsection (2)(a) may continue in the judge's position until the judge resigns, retires, is not retained in a retention election, or is removed from office.

Amended by Chapter 146, 2016 General Session

78A-7-202 Justice court judges to be appointed -- Procedure.

- (1) As used in this section:
 - (a) "Local government executive" means:
 - (i) for a county:
 - (A) the chair of the county commission in a county operating under the county commission or expanded county commission form of county government;
 - (B) the county executive in a county operating under the county executive-council form of county government; and
 - (C) the county manager in a county operating under the council-manager form of county government;

- (ii) for a city or town:
 - (A) the mayor of the city or town; or
 - (B) the city manager, in the council-manager form of government described in Subsection 10-3b-103(7); and
- (iii) for a metro township, the chair of the metro township council.
- (b) "Local legislative body" means:
 - (i) for a county, the county commission or county council; and
 - (ii) for a city or town, the council of the city or town.
- (2) There is created in each county a county justice court nominating commission to review applicants and make recommendations to the appointing authority for a justice court position. The commission shall be convened when a new justice court judge position is created or when a vacancy in an existing court occurs for a justice court located within the county.
 - (a) Membership of the justice court nominating commission shall be as follows:
 - (i) one member appointed by:
 - (A) the county commission if the county has a county commission form of government; or
 - (B) the county executive if the county has an executive-council form of government;
 - (ii) one member appointed by the municipalities in the counties as follows:
 - (A) if the county has only one municipality, appointment shall be made by the governing authority of that municipality; or
 - (B) if the county has more than one municipality, appointment shall be made by a municipal selection committee composed of the mayors of each municipality and the chairs of each metro township in the county;
 - (iii) one member appointed by the county bar association; and
 - (iv) two members appointed by the governing authority of the jurisdiction where the judicial office is located.
 - (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be appointed by the regional bar association. If no regional bar association exists, the state bar association shall make the appointment.
 - (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing authority or an elected official of a county or municipality.
 - (d) The nominating commission shall submit at least three names to the appointing authority of the jurisdiction expected to be served by the judge. The local government executive shall appoint a judge from the list submitted and the appointment ratified by the local legislative body.
 - (e) The state court administrator shall provide staff to the commission. The Judicial Council shall establish rules and procedures for the conduct of the commission.
- (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through the Utah State Bar, and other appropriate means.
- (4) Selection of candidates shall be based on compliance with the requirements for office and competence to serve as a judge.
- (5) Once selected, every prospective justice court judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon completion of the orientation program, the Judicial Council shall certify the justice court judge as qualified to hold office.
- (6) The selection of a person to fill the office of justice court judge is effective upon certification of the judge by the Judicial Council. A justice court judge may not perform judicial duties until certified by the Judicial Council.

Amended by Chapter 99, 2015 General Session

Amended by Chapter 352, 2015 General Session

78A-7-203 Term of office for justice court judge -- Retention -- Reduction in force.

- (1) The term of a justice court judge is six years beginning the first Monday in January following the date of election.
- (2) Upon the expiration of a justice court judge's term of office, the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201:
 - (a) in the county or counties in which the court to which the judge is appointed is located if the judge is a county justice court judge or a municipal justice court judge in a town or city of the fourth or fifth class; or
 - (b) in the municipality in which the court to which the judge is appointed is located if the judge is a municipal justice court judge and Subsection (2)(a) does not apply.
- (3) Before each retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act.
- (4) Notwithstanding Subsection (3), each justice court judge who is subject to a retention election in 2012, 2014, and 2016, and who is not a full-time justice court judge on July 1, 2012, shall be evaluated by the Judicial Performance Evaluation Commission according to the following performance standards:
 - (a) the justice court judge shall have at least 30 annual hours of continuing legal education for each year of the justice court judge's current term;
 - (b) the justice court judge may not have more than one public reprimand issued by the Judicial Conduct Commission or the Supreme Court during the justice court judge's current term; and
 - (c) the justice court judge may not have had any cases under advisement for more than two months.
- (5) Political subdivisions in counties of the first and second class that have more than one justice court judge and the weighted caseload per judge is lower than 0.60 as determined by the Administrative Office of the Courts may, at the political subdivision's discretion and at the end of a judge's term of office, initiate a reduction in force and reduce, lay off, terminate, or eliminate a judge's position pursuant to the political subdivision's employment policies.
- (6) Political subdivisions in counties of the first and second class may only add new justice court judge positions if the Judicial Council, after considering the caseload of the court, approves creation of the position.

Amended by Chapter 146, 2016 General Session

78A-7-204 Offices of justice court judges.

- (1) Justice court judges holding office in:
 - (a) county precincts are county justice court judges; and
 - (b) cities or towns are municipal justice court judges.
- (2) The county legislative body may establish a single precinct or divide the county into multiple precincts to create county justice courts for public convenience.
- (3)
 - (a) The governing body may create as many judicial positions as are required for the efficient administration of a justice court.

- (b) If more than one judge is assigned to a court, all filings within that court shall be assigned to the judges at random unless the governing body has been authorized to create specialized judicial calendars to serve the interests of justice.

Amended by Chapter 205, 2012 General Session

78A-7-205 Required annual training -- Expenses -- Failure to attend.

- (1) All justice court judges shall meet the continuing education requirements of the Judicial Council each calendar year.
- (2) Successful completion of the continuing education requirement includes instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the court, rules of evidence, and rules of civil and criminal procedure as indicated by a certificate awarded by the Judicial Council.
- (3) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission against each justice court judge who does not comply with this section.

Amended by Chapter 205, 2012 General Session

78A-7-206 Determination of compensation and limits -- Salary survey -- Limits on secondary employment -- Prohibition on holding political or elected office -- Penalties.

- (1) Every justice court judge shall be paid a fixed compensation determined by the governing body of the respective municipality or county.
 - (a) The governing body of the municipality or county may not set a full-time justice court judge's salary at less than 50% nor more than 90% of a district court judge's salary.
 - (b) The governing body of the municipality or county shall set a part-time justice court judge's salary as follows:
 - (i) The governing body shall first determine the full-time salary range outlined in Subsection (1)(a).
 - (ii) The caseload of a part-time judge shall be determined by the office of the state court administrator and expressed as a percentage of the caseload of a full-time judge.
 - (iii) The judge's salary shall then be determined by applying the percentage determined in Subsection (1)(b)(ii) against the salary range determined in Subsection (1)(a).
 - (c) A justice court judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all county or municipal employees for the jurisdiction served by the judge.
 - (d) Notwithstanding Subsection (1)(c), a justice court judge may not receive a salary greater than 90% of the salary of a district court judge.
 - (e) A justice court judge employed by more than one entity as a justice court judge, may not receive a total salary for service as a justice court judge greater than the salary of a district court judge.
- (2) A justice court judge may not appear as an attorney in any:
 - (a) justice court;
 - (b) criminal matter in any federal, state, or local court; or
 - (c) juvenile court case involving conduct which would be criminal if committed by an adult.
- (3) A justice court judge may not hold any office or employment including contracting for services in any justice agency of state government or any political subdivision of the state including law enforcement, prosecution, criminal defense, corrections, or court employment.

- (4) A justice court judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in state government or any political subdivision of the state.
- (5) A justice court judge may not own or be employed by any business entity which regularly litigates in small claims court.
- (6) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission for each violation of this section.

Amended by Chapter 205, 2012 General Session

78A-7-207 Compensation -- Annual review and adjustment.

- (1) The governing body of each municipality or county shall annually review and may adjust the compensation paid.
- (2) The salary fixed for a justice court judge may not be diminished during the term for which the judge has been appointed or elected.
- (3) A copy of the resolution, ordinance, or other document fixing the salary of the justice court judge and any adjustments to the document shall be furnished to the state court administrator by the governing body of the municipality or county.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-7-208 Temporary justice court judge.

When necessary, the governing body may appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as a temporary justice court judge.

Amended by Chapter 205, 2012 General Session

78A-7-210 Justice court judge administrative responsibilities.

- (1) Justice court judges shall comply with and ensure that court personnel comply with applicable county or municipal rules and regulations related to personnel, budgets, and other administrative functions.
- (2) Failure by the judge to comply with applicable administrative county or municipal rules and regulations may be referred, by the county executive or municipal legislative body, to the state Justice Court Administrator.
- (3) Repeated or willful noncompliance may be referred, by the county executive or municipal legislative body, to the Judicial Conduct Commission.

Amended by Chapter 205, 2012 General Session

78A-7-212 Place of holding court.

- (1)
 - (a) County justice court judges may hold court in any municipality within the precinct but may exercise only the jurisdiction provided by law for county justice courts.
 - (b) County justice court judges may also, at the direction of the county legislative body, hold court anywhere in the county as needed but may only hear cases arising within the precinct.
- (2) A municipal justice court judge shall hold court in the municipality where the court is located and, as directed by the municipal governing body, at the county jail or municipal prison.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-7-213 Trial facilities -- Hours of business.

- (1) A justice court judge shall conduct all official court business in a courtroom or office located in a public facility which is conducive and appropriate to the administration of justice.
- (2)
 - (a) A county justice court may, at the direction of the county legislative body, hold justice court anywhere in the county as needed but may only hear cases arising within its precinct.
 - (b) A municipal justice court judge shall hold court in the municipality where the court is located.
 - (c) Justice courts may also hold court or conduct hearings or court business in any facility or location authorized by rule of the Judicial Council.
- (3) Justice courts shall be open and judicial business shall be transacted:
 - (a) five days per week; or
 - (b) no less than four days per week for at least 11 hours per day.
- (4) The legislative body of the county, city, or town shall establish operating hours for the justice courts within the requirements of Subsection (3) and the code of judicial administration.
- (5) The hours the courts are open shall be posted conspicuously at the courts and in local public buildings.
- (6) The clerk of the court and judges of justice courts shall attend the court at regularly scheduled times.
- (7) By July 1, 2011, all justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council.

Amended by Chapter 205, 2012 General Session

78A-7-215 Monthly reports to court administrator and governing body.

- (1) Every justice court shall file monthly with the state court administrator a report of the judicial business of the judge. The report shall be on forms supplied by the state court administrator.
- (2) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.
- (3) A copy of the report shall be furnished by the justice court to the person or office in the county, city, or town designated by the governing body to receive the report.

Amended by Chapter 205, 2012 General Session