

Judicial Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor:

LONG TITLE**General Description:**

This bill modifies provisions relating to the Supreme Court and the Court of Appeals.

Highlighted Provisions:

This bill:

- modifies provisions governing the requirements and procedures of the Supreme Court and the Court of Appeals;
- provides that the governor shall appoint a chief justice of the Supreme Court (chief justice) when a vacancy in the office occurs;
- modifies provisions related to an interim chief justice and appointment procedures;
- requires that a governor's selection for chief justice is subject to the advice and consent of the Senate;
- provides that the governor shall appoint a presiding judge of the Court of Appeals (presiding judge) when a vacancy in the office occurs;
- modifies provisions related to an interim presiding judge and appointment procedures;
- requires that a governor's selection for presiding judge is subject to the advice and consent of the Senate; and
- modifies the organizational structure of statutory provisions to improve consistency.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-3-101, as last amended by Laws of Utah 2022, Chapter 276

78A-4-102, as last amended by Laws of Utah 2022, Chapter 276

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-3-101** is amended to read:

78A-3-101 . Number of justices -- Terms -- Appointment by governor with advice and consent of Senate -- Chief justice and associate chief justice -- Selection and functions.

(1) The Supreme Court consists of five justices.

(2)(a) A justice of the Supreme Court shall be 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.

~~[(c) A justice whose term expires may serve upon request of the Judicial Council until a successor is appointed and qualified.]~~

(3)(a) ~~[The justices of the Supreme Court shall elect a chief justice from among the members of the court by a majority vote of all justices.]~~ 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) The term of the office of chief justice is four years.

(c) The chief justice may serve successive terms, subject to reappointment by the governor with the advice and consent of the Senate as required by this section.

(d) The chief justice may resign from the office of chief justice without resigning from the Supreme Court.

(e) The chief justice may be removed from the office of chief justice by a majority vote of all justices of the Supreme Court.

(f) 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 [the justices are unable to elect a chief justice]~~ 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 ~~[elected]~~ appointed and confirmed under this section.

(b) If the associate chief justice is unable or unwilling to act as interim chief justice under Subsection (4)(a), the most senior justice shall act as interim chief justice until a chief justice is ~~[elected]~~ 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 term of office of the associate chief justice is two years.
- (c) The associate chief justice shall be:
- (i) elected by a majority vote of the members of the Supreme Court; and
- (ii) allocated duties as the chief justice determines.
- (d) If the chief justice is absent or otherwise unable to serve, the associate chief justice shall serve as chief justice.
- (e) The chief justice may delegate responsibilities to the associate chief justice as consistent with law.
- (f) The associate chief justice shall receive the sum of \$1,000 per annum for the period served as associate chief justice.

Section 2. Section **78A-4-102** is amended to read:

78A-4-102 . Number of judges -- Terms -- Appointment by governor with advice and consent of Senate -- Presiding judge -- Associate presiding judge -- Filing fees.

- (1)[(a)] The Court of Appeals consists of seven judges.
- [(b)] (2)(a) The term of appointment to office as a judge of the Court of Appeals is until the first general election held more than three years after the effective date of the appointment.
- [(c)] (b) After the first term of appointment under Subsection (1)(b), the term of office of a judge of the Court of Appeals is six years and commences on the first Monday in January, next following the date of election.
- [(d) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.]
- [(2)] (3)(a) The Court of Appeals shall sit and render judgment in panels of three judges.
- (b) Assignment to panels shall be by random rotation of all judges of the Court of Appeals.
- (c) The Court of Appeals by rule shall provide for the selection of a chair for each panel.
- (d) The Court of Appeals may not sit en banc.
- [(3)] (4)(a) [The judges of the Court of Appeals shall elect a presiding judge from among the members of the court by majority vote of all judges.] Upon any vacancy in the office of presiding judge of the Court of Appeals, including expiration of a term of the office of presiding judge, or upon a presiding judge's death, removal, or

99 resignation, the governor shall appoint a presiding judge from among the members of
100 the Court of Appeals, with the advice and consent of the Senate.

101 (b) The term of office of the presiding judge is two years[and until a successor is elected]
102 , subject to reappointment by the governor with the advice and consent of the Senate
103 as required by this section.

104 (c) A presiding judge of the Court of Appeals may serve in that office no more than two
105 successive terms.

106 (d) The presiding judge may be removed from the office of presiding judge by majority
107 vote of all judges of the Court of Appeals.

108 (e) The presiding judge may resign from the office of presiding judge without resigning
109 from the Court of Appeals.

110 [(d)] The Court of Appeals may by rule provide for an acting presiding judge to serve in
111 the absence or incapacity of the presiding judge.]

112 [(e)] (f) The presiding judge of the Court of Appeals shall receive \$2,000 per annum of
113 additional compensation for the period served as presiding judge.

114 [(4)] (5)(a) [The presiding judge may be removed from the office of presiding judge by
115 majority vote of all judges of the Court of Appeals.] If a presiding judge has not been
116 appointed by the governor and confirmed by the Senate within 30 days of a vacancy
117 in that office, the associate presiding judge shall act as interim presiding judge until a
118 presiding judge is appointed and confirmed under this section.

119 (b) If the associate presiding judge is unable or unwilling to act as interim presiding
120 judge under Subsection (5)(a), the most senior judge shall act as interim presiding
121 judge until a presiding judge is appointed and confirmed under this section.

122 [(b)] (6) In addition to the duties of a judge of the Court of Appeals, the presiding judge
123 shall:

124 [(i)] (a) administer the rotation and scheduling of panels;

125 [(ii)] (b) act as liaison with the Supreme Court;

126 [(iii)] (c) call and preside over the meetings of the Court of Appeals; and

127 [(iv)] (d) carry out duties prescribed by the Supreme Court and the Judicial Council.

128 [(5)] (7)(a) The judges of the Court of Appeals shall elect an associate presiding judge
129 from among the members of the court by majority vote of all judges.

130 (b) The associate presiding judge of the Court of Appeals shall receive \$1,000 per
131 annum as additional compensation for the period served as associate presiding judge.

132 [(6)] (8) Filing fees for the Court of Appeals are the same as for the Supreme Court.

133 Section 3. **Effective Date.**

134 This bill takes effect on May 7, 2025.