

1 **Appellate Court Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Chris H. Wilson**

House Sponsor:

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2 **LONG TITLE**

3 **General Description:**

4 This bill increases the number of appellate court judges.

5 **Highlighted Provisions:**

6 This bill:

- 7 ▶ increases the number of Utah Supreme Court justices to seven; and
- 8 ▶ increases the number of Utah Court of Appeals judges to nine.

9 **Money Appropriated in this Bill:**

10 None

11 **Other Special Clauses:**

12 This bill provides a special effective date.

13 **Utah Code Sections Affected:**

14 AMENDS:

15 **78A-3-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 10

16 **78A-4-102**, as last amended by Laws of Utah 2022, Chapter 276

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

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

19 **78A-3-101 . Number of justices -- Terms -- Chief justice and associate chief**  
 20 **justice -- Selection and functions.**

21 (1) The Supreme Court consists of [~~five~~] seven justices.

22 (2)(a) A justice of the Supreme Court is appointed initially to serve until the first general  
 23 election held more than three years after the effective date of the appointment.

24 (b) After the first term of appointment under Subsection (2)(a), the term of office of a  
 25 justice of the Supreme Court is 10 years and commences on the first Monday in  
 26 January following the date of election.

27 (3)(a) Upon any vacancy in the office of chief justice, including expiration of a term of  
 28 the office of chief justice, or upon a chief justice's death, removal, or resignation, the  
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- 31 governor shall appoint a chief justice from among the members of the Supreme  
32 Court, with the advice and consent of the Senate.
- 33 (b) Except as provided in Subsection (3)(c), the term of the office of chief justice is eight  
34 years.
- 35 (c)(i) For a chief justice whose term of office began on April 1, 2024, the term of the  
36 office of the chief justice is four years.
- 37 (ii) The term of the office of chief justice expires on April 1, 2028, for any chief  
38 justice who is elected to serve by the justices of the Supreme Court before October  
39 14, 2025.
- 40 (d) On and after October 14, 2025, a member of the Supreme Court may not serve as  
41 chief justice for more than one term.
- 42 (e) The chief justice may resign from the office of chief justice without resigning from  
43 the Supreme Court.
- 44 (f) The chief justice may be removed from the office of chief justice by a majority vote  
45 of all justices of the Supreme Court.
- 46 (g) The chief justice shall receive the sum of \$2,000 per annum as additional  
47 compensation for the period served as chief justice.
- 48 (4)(a) If a chief justice has not been appointed by the governor and confirmed by the  
49 Senate within 30 days of a vacancy in that office, the associate chief justice shall act  
50 as interim chief justice until a chief justice is appointed and confirmed under this  
51 section.
- 52 (b) If the associate chief justice is unable or unwilling to act as interim chief justice as  
53 described in Subsection (4)(a), the most senior justice shall act as interim chief  
54 justice until a chief justice is appointed and confirmed under this section.
- 55 (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief  
56 justice has duties as provided by law.
- 57 (6)(a) There is created the office of associate chief justice.
- 58 (b) The associate chief justice is elected by a majority vote of the members of the  
59 Supreme Court.
- 60 (c) The term of office of the associate chief justice is two years.
- 61 (d) The chief justice may:
- 62 (i) determine the allocated duties of the associate chief justice; and  
63 (ii) delegate responsibilities to the associate chief justice as consistent with law.
- 64 (e) If the chief justice is absent or otherwise unable to serve, the associate chief justice

65 shall perform the duties of the office of the chief justice until the chief justice is no  
66 longer absent or unable to serve.

67 (f) The associate chief justice shall receive the sum of \$1,000 per annum for the period  
68 served as associate chief justice.

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

70 **78A-4-102 . Number of judges -- Terms -- Presiding judge -- Associate presiding**  
71 **judge -- Filing fees.**

72 (1)(a) The Court of Appeals consists of [~~seven~~] nine judges.

73 (b) The term of appointment to office as a judge of the Court of Appeals is until the first  
74 general election held more than three years after the effective date of the appointment.

75 (c) After the first term of appointment under Subsection (1)(b), the term of office of a  
76 judge of the Court of Appeals is six years and commences on the first Monday in  
77 January, next following the date of election.

78 (d) A judge whose term expires may serve, upon request of the Judicial Council, until a  
79 successor is appointed and qualified.

80 (2)(a) The Court of Appeals shall sit and render judgment in panels of three judges.

81 (b) Assignment to panels shall be by random rotation of all judges of the Court of  
82 Appeals.

83 (c) The Court of Appeals by rule shall provide for the selection of a chair for each panel.

84 (d) The Court of Appeals may not sit en banc.

85 (3)(a) The judges of the Court of Appeals shall elect a presiding judge from among the  
86 members of the court by majority vote of all judges.

87 (b) The term of office of the presiding judge is two years and until a successor is elected.

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

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

92 (e) The presiding judge of the Court of Appeals shall receive \$2,000 per annum of  
93 additional compensation for the period served as presiding judge.

94 (4)(a) The presiding judge may be removed from the office of presiding judge by  
95 majority vote of all judges of the Court of Appeals.

96 (b) In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:

97 (i) administer the rotation and scheduling of panels;

98 (ii) act as liaison with the Supreme Court;

- 99 (iii) call and preside over the meetings of the Court of Appeals; and  
100 (iv) carry out duties prescribed by the Supreme Court and the Judicial Council.  
101 (5)(a) The judges of the Court of Appeals shall elect an associate presiding judge from  
102 among the members of the court by majority vote of all judges.  
103 (b) The associate presiding judge of the Court of Appeals shall receive \$1,000 per  
104 annum as additional compensation for the period served as associate presiding judge.  
105 (6) Filing fees for the Court of Appeals are the same as for the Supreme Court.

106 Section 3. **Effective Date.**

107 This bill takes effect:

- 108 (1) except as provided in Subsection (2), May 6, 2026; or  
109 (2) if approved by two-thirds of all members elected to each house:  
110 (a) upon approval by the governor;  
111 (b) without the governor's signature, the day following the constitutional time limit of  
112 Utah Constitution, Article VII, Section 8; or  
113 (c) in the case of a veto, the date of veto override.