

TITLE 4
JUSTICE COURT

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CHAPTER 4-01: GENERAL PROVISIONS

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4-01-010. Intent.

It is the intent of the City Council that this Title comply with and be interpreted in accordance with the applicable provisions of the *Utah Code*, particularly Title 78A, Chapter 7, Part 1, Justice Court, regarding the jurisdiction, procedure and conduct of Justice Courts and Justice Court Judges, as well as the relevant portions of Title 77, as amended, regarding general criminal procedure for all courts.

4-01-020. Conflict.

If there is any conflict between the provisions of this Title and applicable provisions of the *Utah Code*, as amended, the provisions of the *Utah Code* shall control.

CHAPTER 4-02: JUSTICE COURT

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4-02-010. Creation of Justice Court.

There is hereby established a court within the City known as the Centerville City Justice Court which court shall not be a court of record, hereinafter referred to as the "Justice Court." Based on the number of citations and cases filed monthly with the Justice Court, the Centerville Justice Court is designated as a Class II justice court.

4-02-020. Compliance with Minimum Requirements.

The City shall comply with and meet the minimum requirements set forth by the Judicial Council for the creation and certification of the Justice Court in accordance with *Utah Code Ann. § 78A-7-103*, as amended.

4-02-030. Territorial Jurisdiction.

The territorial jurisdiction of the Justice Court extends to the corporate limits of the City. An offense is deemed committed within the territorial jurisdiction of the Justice Court as specified in *Utah Code Ann. § 78A-7-106*, as amended.

4-02-040. Jurisdiction.

(a) The Justice Court has jurisdiction over Class B and C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction by a person 18 years of age or older.

(b) Except for those offenses over which the juvenile court has exclusive jurisdiction, the Justice Court has jurisdiction over certain Class B and C misdemeanors, violation of ordinances, and

infractions committed within its territorial jurisdiction by a person 16 years of age or older, pursuant and subject to the provisions set forth in *Utah Code Ann.* § 78A-7-106, as amended. The Justice Court Judge may transfer a criminal matter in which the defendant is a child to the juvenile court for further proceedings if the Justice Court Judge determines and the juvenile court concurs that the best interests of the minor would be served by the continuing jurisdiction of the juvenile court.

(c) The Justice Court has jurisdiction of small claims cases under Title 78A, Chapter 8, Small Claims Courts, of the *Utah Code*, if the defendant resides in or the debt arose within the territorial jurisdiction of the Justice Court.

(d) The Justice Court has jurisdiction over class C misdemeanor violations of Title 53, Chapter 3, Part 2, Driver Licensing Act, of the *Utah Code*.

4-02-050. Trial Facilities.

(a) The City shall provide adequate courtroom and auxiliary space for the Justice Court. The facility need not be specifically constructed for or allocated solely for the Justice Court if existing facilities adequately serve the purposes of the Justice Court.

(b) The Justice Court Judge shall hold Court in the City at the location designated by the City pursuant to Subsection (a) and shall conduct all official Court business in such location or office located in a public facility within the City which is conducive and appropriate to the administration of justice or any facility or location authorized by rule of the Judicial Council.

(c) The Justice Court shall record its proceedings with a digital audio recording device and maintain such audio recordings for a minimum of one year in accordance with the provisions of *Utah Code Ann.* § 78A-7-103, as amended.

(d) The Justice Court shall use a common case management system and disposition reporting system as specified by the Judicial Council.

4-02-060. Reference Materials.

The City shall provide and keep current for the Justice Court Judge a current copy of the *Utah Code*, the *Utah Court Rules Annotated*, the *Justice Court Manual* published by the State Court Administrator, City ordinances, and other legal reference materials as determined to be necessary by the Justice Court Judge.

4-02-070. Court Days.

(a) The Justice Court is open and judicial business may be transacted on any day, except as otherwise provided in Subsection (b) or by law.

(b) The Justice Court is closed on Sunday, on any day on which a general election is held, and on any legal holiday of the City; provided judicial business may be transacted on such days for the following limited purposes:

- (1) To give, upon their request, instructions to a jury when deliberating on their verdict;
- (2) To receive a verdict or discharge a jury;
- (3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; or

(4) Judicial business not involving a trial or hearing unless the Judge finds it necessary for the fair administration of justice.

4-02-080. Hours of Business.

The Justice Court shall be open and judicial business shall be transacted from 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of holidays as set forth in Section 4-02-070 or as otherwise permitted by law. The Justice Court may be open for additional evening hours as determined necessary by the court. The hours the Justice Court is open shall be posted conspicuously at the Court and in local public buildings. The Justice Court Judge and clerk shall attend the Court at regularly scheduled times.

4-02-090. Powers of the Justice Court.

The Justice Court has the authority necessary to exercise its jurisdiction including, but not limited to, the authority to:

- (a) Preserve and enforce order in its immediate presence;
- (b) Enforce order in the proceedings before it, or before a person authorized to conduct a judicial investigation under its authority;
- (c) Provide for the orderly conduct of proceedings before it or its officers;
- (d) Compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in a pending action or proceeding;
- (e) Control in furtherance of justice the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it in every matter;
- (f) Compel the attendance of persons to testify in a pending action or proceeding, as provided by law;
- (g) Administer oaths in a pending action or proceeding, and in all other cases where necessary in the exercise of its authority and duties;
- (h) Amend and control its process and orders to conform to law and justice;
- (i) Devise and make new process and forms of proceedings, consistent with law, necessary to carry into effect its authority and jurisdiction;
- (j) Establish and adopt procedural process, in conformance with the apparent intent of statutes or rules of procedure, for actions in which such procedure is not yet established; and
- (k) Enforce rules of the Utah Supreme Court and Judicial Council.

4-02-100. Public Proceedings.

The sittings of the Justice Court are public, except as provided in *Utah Code Ann.* § 78A-2-208, as amended.

4-02-110. English Language.

Judicial proceedings in the Justice Court shall be conducted in the English language.

4-02-120. Change of Place of Trial Because of Calamity.

The Justice Court Judge may order court proceedings to be held at another location within the City if the Judge determines it is necessary because of war, insurrection, pestilence, public calamity or natural disaster, or destruction of or danger to the building in which court is held. Any order to move court proceedings shall be reduced to writing and filed with the clerk of the court for publication.

4-02-130. Seal.

- (a) The Justice Court shall have a seal which seal approved by the Judicial Council.
- (b) The Seal of the Justice Court need not be affixed to any document of the Court except to:
 - (1) A writ;
 - (2) The authentication of a copy of a record or document on file with the Justice Court;
 - (3) The authentication of the signature of an officer of the Justice Court; and
 - (4) Any other document as permitted by law.

4-02-140. Process, Subpoenas and Warrants.

- (a) Process from the Justice Court may be issued to any place in the State.
- (b) Subpoenas in any action or proceeding of the Justice Court may be issued to any place in the State.
- (c) All warrants issued by the Justice Court for violation of any State law or local ordinance within the Court's jurisdiction shall be directed to the sheriff, any constable of the county, or to the City police.

4-02-150. Monthly Reports.

- (a) The Justice Court shall file monthly with the State Court Administrator a report of the judicial business of the Judge on forms supplied by the State Court Administrator.
- (b) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.
- (c) A copy of the report shall be furnished by the Justice Court to the City Council or to such other person as the City Council may designate.

4-02-160. Validity of Papers Issued.

Every paper made or issued by the Justice Court Judge except a subpoena is valid only if issued without any blank space to be filled or completed by another person.

4-02-170. Decisions to be Rendered.

- (a) The Justice Court Judge shall decide all matters submitted for final determination within two (2) months of submission, unless circumstances causing the delay are beyond the Judge's personal control.
- (b) The Justice Court Judge shall follow reporting procedures established by the Judicial Council for all matters not decided within two (2) months of final submission.

4-02-180. Judgment Not a Lien Unless So Docketed.

(a) Except as provided in Subsection (c), a judgment rendered in the Justice Court does not create a lien upon any real property of the judgment debtor unless the judgment or abstract of the judgment is recorded in the office of the county recorder of the county in which the real property of the judgment debtor is located, and contains the information identifying the judgment debtor in the judgment or abstract of judgment or as a separate information statement of the judgment creditor as required in *Utah Code Ann. § 78B-5-201*, as amended.

(b) When recorded, the judgment is a lien upon the real property of the judgment debtor which runs for eight (8) years from the date the judgment was entered in the district court under *Utah Code Ann. § 78A-5-202*, unless the judgment is earlier satisfied.

4-02-190. Fees.

Except as otherwise provided, all fees in connection with the Justice Court shall be assessed in accordance with the Fee Schedule adopted by resolution of the City Council. Except as otherwise provided by law, all fees shall be paid in advance.

4-02-200. Collection and Deposit of Fines, Fees and Forfeitures.

(a) The Justice Court shall deposit public funds in accordance with *Utah Code Ann. § 78A-7-121* and *Utah Code Ann. § 51-4-2*, as amended.

(b) The City Treasurer shall report the sums collected and deposited and apportion and remit the collected proceeds as provided by law.

(c) With the approval of the City Council, a trust or revolving account may be established in the name of the Justice Court and the City Treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting. Disbursements from this account do not require the approval of the City Auditor, City Recorder, or City Council. The account shall be reconciled at least quarterly by the City Auditor.

(d) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations in accordance with *Utah Code Ann. § 78A-7-122*, as amended.

4-02-210. Remittal of Fines, Fees and Forfeitures.

All fines, fees, forfeitures, and surcharges collected by the Justice Court shall be remitted in accordance with the provisions of *Utah Code Ann. § 78A-7-120*, as amended, and the State Money Management Act, as set forth in *Utah Code Ann. §§ 51-7-1, et seq.*, as amended.

4-02-220. Disposition of Monies Received.

Money received or collected on any process or order issued from the Justice Court shall be paid within seven (7) days to the party or parties entitled or authorized to receive the money.

4-02-230. Proceedings Unaffected by Vacancy.

No proceeding in the Justice Court is affected by a vacancy in the office of the Judge or by the failure of a term of the Judge.

4-02-240. Repeated Application for Orders.

(a) If an application for an order to the Justice Court Judge is refused in whole or in part or is granted conditionally, a subsequent application for the same order may not be made to any other judge, except of a higher court.

(b) This Section does not apply to motions refused for any informality in the papers or proceedings necessary to obtain the order, or to motions refused with liberty to renew them.

(c) A notice of appeal for a trial de novo in the district court is not a subsequent application for the same order.

(d) A violation of this Section may be punished as a contempt, and an order made contrary thereto may be revoked by the issuing judge, or vacated by a judge of the court in which the action or proceeding is pending.

4-02-250. Electronic Writings.

Any writing required or permitted to be filed with or prepared by the Justice Court may be filed or prepared in an electronic medium and by electronic transmission subject to the terms and requirements of *Utah Code Ann.* § 78A-2-217, as amended, and the Uniform Electronic Transactions Act, as set forth in *Utah Code Ann.* § 46-4-101, et seq., as amended.

4-02-260. Appeals.

Any appeal of a judgment rendered in the Justice Court may be made to the district court by filing a notice of appeal in accordance with and subject to applicable statutes, including, but not limited to *Utah Code Ann.* § 78A-2-118, as amended. The appeal to the district court is a trial or hearing de novo as provided by law.

CHAPTER 4-03: JUSTICE COURT JUDGE AND STAFF

- 4-03-010. Justice Court Judge.**
- 4-03-020. Powers of Justice Court Judge.**
- 4-03-030. Administrative Responsibilities.**
- 4-03-040. Powers of Judge Contradistinguished from Court.**
- 4-03-050. Eligibility.**
- 4-03-060. Appointment.**
- 4-03-070. Certification and Annual Training.**
- 4-03-080. Residence Requirement.**
- 4-03-090. Term and Vacancy.**
- 4-03-100. Compensation.**
- 4-03-110. Limitation on Additional Activities.**
- 4-03-120. Reappointment.**
- 4-03-130. Retirement.**
- 4-03-140. Disqualification.**
- 4-03-150. Grounds for Removal.**
- 4-03-160. Temporary Justice Court Judge.**
- 4-03-170. Clerical Personnel.**
- 4-03-180. Prosecutors and Indigent Defense.**

4-03-010. Justice Court Judge.

The Justice Court shall be presided over by a municipal justice court judge known as the Centerville City Justice Court Judge, herein referred to as the "Justice Court Judge." The City Council may create as many judicial positions as are required for the efficient administration of the Justice Court.

4-03-020. Powers of Justice Court Judge.

The Justice Court Judge has the same authority regarding matters within his or her jurisdiction as judges of courts of record including, but not limited to, the power and authority to:

- (a) Issue search warrants and warrants of arrest upon a finding of probable cause;
- (b) Conduct proceedings to determine:
 - (1) Probable cause for any case within his or her jurisdiction; and
 - (2) An accused person's release on bail or his or her own recognizance;
- (c) Preserve and enforce order in his or her immediate presence, and in proceedings before him or her, when he or she is engaged in the performance of official duty;
- (d) Compel obedience to his or her lawful orders as provided by law;
- (e) Compel the attendance of persons to testify in a proceeding before him or her in the cases and manner provided by law;
- (f) Administer oaths to persons in a proceeding pending before him or her, and in all other cases where it may be necessary in the exercise of his or her powers and duties;
- (g) Exercise the powers of a magistrate to the extent permitted by law as enumerated in *Utah Code Ann. § 78A-2-220*, as amended;

(h) Punish for contempt in the cases provided by law for the effectual exercise of the powers conferred herein; and

(i) Issue all extraordinary writs and other writs as necessary to carry into effect its orders, judgments, and decrees.

4-03-030. Administrative Responsibilities.

The Justice Court Judge shall comply with and ensure that court personnel comply with applicable City rules and regulations related to personnel, budgets, procurement, and other administrative functions.

4-03-040. Powers of Judge Contradistinguished from Court.

The Justice Court Judge may exercise out of court all the powers expressly conferred upon a judge as contradistinguished from the Court.

4-03-050. Eligibility.

(a) The Justice Court Judge shall be:

- (1) A citizen of the United States;
- (2) Twenty-five (25) years of age or older;
- (3) A resident of Utah for at least three (3) years immediately preceding appointment;
- (4) A resident of Davis County or an adjacent county for at least six (6) months immediately preceding appointment; and
- (5) A qualified voter of the county in which the Judge resides.

(b) The Justice Court Judge is not required to be admitted to practice law in the State as a qualification to hold office but shall have at the minimum a diploma of graduation from high school or its equivalent. 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.

4-03-060. Appointment.

The Justice Court Judge shall be appointed by the Mayor and the appointment ratified by the City Council pursuant to recommendations made by the Justice Court Nominating Commission in accordance with the procedures and requirements set forth in *Utah Code Ann. § 78A-7-202*, as amended.

4-03-070. Certification and Annual Training.

(a) Certification. Prior to assuming office, the Justice Court Judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon successful completion of the orientation program, the Judicial Council shall certify the Justice Court Judge as qualified to hold office. No Justice Court Judge may perform judicial duties until certified by the Judicial Council.

(b) Annual Training. The Justice Court Judge shall meet the continuing education requirements of the Judicial Council each calendar year which education shall include 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. Completion of such continuing education is evidenced by a certificate awarded by the Judicial Council.

(c) Costs. The City shall provide sufficient funds to cover the cost of travel and training expenses for the Justice Court Judge to attend training sessions mandated by the Judicial Council.

4-03-080. Residence Requirement.

The Justice Court Judge shall reside in Davis County, or in a county adjacent to Davis County.

4-03-090. Term and Vacancy.

(a) The term of office of the Justice Court Judge is six (6) years, beginning the first Monday in January following the date of election in accordance with the provisions of *Utah Code Ann. § 78A-7-203*, as amended.

(b) If a vacancy occurs in the office of the Justice Court Judge before the completion of his or her term of office, the vacancy shall be filled in accordance with procedures set forth in *Utah Code Ann. § 78A-7-202*, as amended.

4-03-100. Compensation.

(a) Amount. The Justice Court Judge shall be paid a fixed compensation determined by the City Council in accordance with the caseload and salary range requirements set forth *Utah Code Ann. § 78A-7-206*, as amended.

(b) Review. The City Council shall annually review the compensation paid to the Justice Court Judge and may adjust such compensation as deemed appropriate; provided, the salary fixed for a Justice Court Judge may not be diminished during the term for which the Justice Court Judge has been appointed or elected, and the Justice Court Judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all municipal employees.

(c) Notice. 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 City Council.

4-03-110. Limitation on Additional Activities.

(a) The Justice Court Judge may not appear as an attorney in any justice court, criminal matter in any federal, state, or local court, or any juvenile court case involving conduct which would be criminal if committed by an adult.

(b) The 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, unless otherwise permitted by law.

(c) The 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.

(d) The Justice Court Judge may not own or be employed by any business entity which regularly litigates in small claims court.

4-03-120. Retention Election.

Pursuant to *Utah Code Ann. § 78A-7-203*, as amended, upon the expiration of a Justice Court Judge's term of office, the Justice Court Judge shall be subject to an unopposed retention election in

accordance with the procedures set forth in *Utah Code Ann.* § 20A-12-201, as amended. Before each retention election, the Justice Court Judge shall be evaluated in accordance with the performance evaluation program established in Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act of the *Utah Code*.

4-03-130. Retirement.

Pursuant to the provisions of *Utah Code Ann.* § 78A-7-201, as amended, the Justice Court Judge shall retire upon attaining the age of seventy-five (75) years.

4-03-140. Disqualification.

(a) Except by consent of all parties, a Justice Court Judge may not sit or act in any action or proceeding:

- (1) To which he or she is a party, or in which he or she is interested;
- (2) When he or she is related to either party by consanguinity or affinity within the third degree, computed according to the rules of common law; or
- (3) When he or she has been attorney or counsel for either party in the action or proceeding.

(b) The provisions of this Section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power or transferring the action or proceeding to some other court.

4-03-150. Removal.

The Justice Court Judge may be removed from office, reprimanded, suspended, censured, or involuntarily retired, in accordance with applicable procedures and provisions as provided by law, including, but not limited to, *Utah Code Ann.* § 78A-11-105, as amended.

4-03-160. Temporary Justice Court Judge.

When necessary, the City Council 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.

4-03-170. Clerical Personnel.

(a) The City shall provide and compensate clerical personnel to conduct the business of the Justice Court.

(b) The selection, employment, supervision, and discipline of Court clerical personnel shall be in accordance with personnel policies and procedures as adopted by the City and Title 52, Chapter 3 of the *Utah Code*, as amended, regarding employment of relatives.

(c) The City shall provide sufficient funds to cover the cost of travel and training expenses of clerical personnel at training sessions mandated by the Judicial Council.

4-03-180. Prosecutors and Indigent Defense.

The City shall provide:

(a) Sufficient staff and public prosecutors to attend the Justice Court and perform the duties of prosecution before the Justice Court;

(b) Adequate funding to defend persons charged with a public offense who are determined by the Justice Court to be indigent under Title 77, Chapter 32, Indigent Defense Act, of the *Utah Code*, as amended; and

(c) Sufficient local law enforcement officers to provide security for the Justice Court and to attend to the Justice Court when required.

CHAPTER 4-04: SMALL CLAIMS

- 4-04-010. Small Claims.**
- 4-04-020. Jurisdiction.**
- 4-04-030. Counterclaims.**
- 4-04-040. Procedure.**
- 4-04-050. Deferral of Multiple Claims.**
- 4-04-060. Claims Involving Property Damage to Motor Vehicle.**
- 4-04-070. Judges Pro Tempore.**
- 4-04-080. Assignee May Not File Claim.**
- 4-04-090. Proceedings.**
- 4-04-100. Judgment and Execution.**
- 4-04-110. Appeals.**
- 4-04-120. Fees.**
- 4-04-130. Costs.**

4-04-010. Small Claims.

Small claims actions may be brought before the Justice Court as provided herein and in accordance with applicable provisions of Title 78A, Chapter 8 of the *Utah Code* regarding Small Claims Courts.

4-04-020. Jurisdiction.

A small claims action is a civil action:

(a) For the recovery of money where the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest and where the defendant resides or the action of indebtedness was incurred within the jurisdiction of the Justice Court; or

(b) Involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest.

4-04-030. Counterclaims.

Counterclaims may be maintained in small claims actions if the counterclaim arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A counterclaim may not be raised for the first time in the trial de novo of the small claims action.

4-04-040. Procedure.

Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Utah Supreme Court.

4-04-050. Deferral of Multiple Claims.

If a person or corporation other than a municipality or political subdivision of the State files multiple small claims in the Justice Court, the Justice Court Judge or clerk may remove all but the initial claim from the Court's calendar in order to dispose of all other small claims matters. Claims so removed shall be rescheduled as permitted by the Court's calendar.

4-04-060. Claims Involving Property Damage to Motor Vehicle.

Pursuant to *Utah Code Ann.* § 78A-8-102, as amended, claims involving property damage to a motor vehicle may be maintained in small claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action.

4-04-070. Judges Pro Tempore.

Pursuant to *Utah Code Ann.* § 78A-8-108, as amended, the Justice Court may request that the Utah Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims actions at times, including evening hours, to be set by the Justice Court. Such judges pro tempore, after being duly sworn, shall serve voluntarily and without compensation at the request of the Justice Court, shall be extended the same immunities, and shall have the same powers with respect to matters within the jurisdiction of the small claims court as may be exercised by a regular judge.

4-04-080. Assignee May Not File Claim.

No claim shall be filed or prosecuted in a small claims action by any assignee of such claim.

4-04-090. Proceedings.

The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rules of the Judicial Council.

4-04-100. Judgment and Execution.

(a) The judgment in a small claims action may not exceed \$10,000 including attorney fees but exclusive of court costs and interest.

(b) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

4-04-110. Appeals.

(a) Either party may appeal the judgment in a small claims action to the District Court of Davis County by filing a notice of appeal with the Justice Court within thirty (30) days of entry of the judgment.

(b) The appeal to the District Court is a trial de novo and shall be tried in accordance with the procedures of the small claims action. A record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed in accordance with the provisions of this Chapter. The decision of the trial de novo may not be appealed unless the Court rules on the constitutionality of a statute or ordinance.

4-04-120. Fees.

The filing fees for small claims actions shall be assessed in accordance with the filing fees required by law as set forth in *Utah Code Ann.* § 78A-2-301, as amended, and shall be collected and remitted as provided in *Utah Code Ann.* § 78A-8-105, as amended.

4-04-130. Costs.

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.