

IN THE JUSTICE COURT IN AND FOR LEHI CITY STATE OF UTAH, COUNTY OF UTAH	
Lehi City, Plaintiff, vs. _____, Defendant.	WAIVER OF JUDICIAL DISQUALIFICATION Case No. _____. Judge: Morgan L. Cummings

Rule 2.11 of the Utah Code of Judicial Conduct provides, in part, that a judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to situations where the judge served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association. *See*, UTAH CODE OF JUDICIAL CONDUCT, § 2.11.

Because of his previous role as the Lehi City prosecutor (which included supervisory responsibility over other attorneys within that office), Hon. Morgan L. Cummings is disqualified from presiding in any case handled by the prosecutor’s office in 2013, 2014, 2015, and 2016 (including this case). However, Rule 2.11 of the Utah Code of Judicial Conduct also allows the parties to any such controversy to waive a judge’s disqualification, such as the one that exists in this case. *See*, UTAH CODE OF JUDICIAL CONDUCT, § 2.11(C).

The parties (and their attorneys, if applicable) hereby acknowledge that: (a) they are not obligated to waive any applicable disqualification; (b) they have the right to have this case reassigned to another judge; and (c) Judge Cummings has disclosed on the record the basis of his disqualification in this case. Notwithstanding, the parties (and their attorneys, if applicable) have considered waiving said disqualification – and have had the opportunity to do so outside the presence of, and without participation by Judge Cummings and court personnel – and have determined that Judge Cummings should not be disqualified and may preside in this case.

Based upon the foregoing, the parties hereby waive Judge Cummings’ disqualification in this case.

Dated this _____ day of _____, 20____.

See Standing Order No. 2017-1
LEHI CITY PROSEUCTOR

DEFENDANT

DEFENDANT’S ATTORNEY
(if applicable)