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HOUSE BILL 1783

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representative Appelwick.

Read first time February 11, 1991. Referred to Committee on Judiciary.

1            AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and  
2 providing a contingent effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 2.08.180 and 1987 c 73 s 1 are each amended to read as  
5 follows:

6            A case in the superior court of any county may be tried by a judge  
7 pro tempore, who must be a member of the bar(~~(, agreed upon in writing~~  
8 ~~by the parties litigant, or their attorneys of record, approved by the~~  
9 ~~court,~~) and sworn to try the case; and ((his)) the judge's action in  
10 the trial of such cause shall have the same effect as if ((he)) the  
11 judge were a judge of such court. The court may appoint as a judge pro  
12 tempore a person agreed upon in writing by the parties to the case and  
13 approved by the court. Absent such agreement and approval, a judge pro  
14 tempore, may be appointed by the court from a list of qualified  
15 attorneys selected in accordance with supreme court rule providing for

1 judges pro tempore, under exigent circumstances. However, if a  
2 previously elected judge of the superior court retires leaving a  
3 pending case in which the judge has made discretionary rulings, the  
4 judge is entitled to hear the pending case as a judge pro tempore  
5 without any written agreement or other selection process.

6 A judge pro tempore shall, before entering upon his duties in any  
7 cause, take and subscribe the following oath or affirmation:

8 "I do solemnly swear (or affirm, as the case may be,) that I will  
9 support the Constitution of the United States and the Constitution of  
10 the State of Washington, and that I will faithfully discharge the  
11 duties of the office of judge pro tempore in the cause wherein  
12 ..... is plaintiff and ..... defendant, according to the best  
13 of my ability."

14 A judge pro tempore who is a practicing attorney and who is not a  
15 retired justice of the supreme court or judge of a superior court of  
16 the state of Washington, or who is not an active judge of an inferior  
17 court of the state of Washington, shall receive a compensation of one-  
18 two hundred and fiftieth of the annual salary of a superior court judge  
19 for each day engaged in said trial, to be paid in the same manner as  
20 the salary of the superior judge. A judge who is an active judge of an  
21 inferior court of the state of Washington shall receive no compensation  
22 as judge pro tempore. A justice or judge who has retired from the  
23 supreme court, court of appeals, or superior court of the state of  
24 Washington shall receive compensation as judge pro tempore in the  
25 amount of sixty percent of the amount payable to a judge pro tempore  
26 under this section.

27 NEW SECTION. **Sec. 2.** This act shall take effect if the  
28 proposed amendment to Article IV, section 7 of the state Constitution,  
29 affecting the appointment of judges pro tempore, is validly submitted

1 to and is approved and ratified by the voters at the next general  
2 election held. If the proposed amendment is not so approved and  
3 ratified, this act is void in its entirety.