

# SENATE BILL REPORT

## HB 1825

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As of February 17, 2022

**Title:** An act relating to continuity of judicial operations in single judge courts.

**Brief Description:** Concerning continuity of judicial operations in single judge courts.

**Sponsors:** Representatives Dye, Orwall and Graham; by request of Administrative Office of the Courts.

**Brief History:** Passed House: 2/8/22, 95-1.

**Committee Activity:** Law & Justice: 2/17/22.

### Brief Summary of Bill

- Provides a process for the appointment of judges pro tempore in single judge courts where a vacancy occurs.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** If a vacancy occurs in the office of a judge of a superior court, the Governor must appoint a person to hold the office until the election and qualification of a judge to fill the vacancy. If a vacancy occurs in the office of a judge of a district court, the county legislative authority must appoint a replacement until the election and qualification of a judge to fill the vacancy. The presiding judge of any superior court may assign an elected sitting judge from the Supreme Court, Court of Appeals, or District or Municipal Court to serve as an elected judge pro tempore. Additionally, each district court is required to designate one or more persons as judge pro tempore to serve during a temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases. The Chief Justice must consider all recommendations from the Administrator of the Courts for the assignment of judges to serve in any county or district where need exists so that courts function efficiently.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** A single judge court is defined as a court or judicial district that has only one judge. A presiding judge pro tempore may be predesignated to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court.

If a vacancy occurs in a single judge court, and no person has been previously designated to serve as the presiding judge pro tempore, the Chief Justice may, upon recommendation of the Administrator for the Courts, appoint another judicial officer or other qualifying person to serve as presiding judge pro tempore. The Chief Justice may appoint a new presiding judge pro tempore to a single judge court to replace the predesignated or previously appointed presiding judge pro tempore whenever the Chief Justice determines the administration of justice would be better served by doing so. Within 30 days of making an initial or subsequent appointment of a presiding judge pro tempore to a single judge court, the Chief Justice must consult with the local legislative authority regarding the continued appointment during the remaining period of illness, incapacity, or unavailability, or until a vacancy in the position is filled as provided by law.

If a vacancy arises and a presiding judge pro tempore has been predesignated or appointed to a single judge court, the presiding judge pro tempore may fulfill all presiding judge duties and their authority endures until the Chief Justice appoints someone else to the position, or until a vacancy is filled as provided by law. A presiding judge pro tempore for a single judge court may appoint one or more court commissioners for their county or district.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We had a vacancy in a single judge court, and the law is silent on what procedure is required to follow to fill the vacancy. We need a pro tempore judge appointed quickly to make our courts work efficiently. Justice delayed is justice denied. There are 112 single judge courts in our state. It is also important for local governments to weigh in on the appointment which would require an amendment to the bill.

**Persons Testifying:** PRO: Representative Mary Dye, Prime Sponsor; Brittany Gregory, Administrative Office of the Courts; Melissa Johnson, District & Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** No one.