

1 5394 AMS KLIN S2171.2

2 **SB 5394** - S AMD 132

3 By Senators Kline and Johnson

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 2.08.180 and 1987 c 73 s 1 are each amended to read
8 as follows:

9 A case in the superior court of any county may be tried by a judge
10 pro tempore, who must be either: (1) A member of the bar, agreed upon
11 in writing by the parties litigant, or their attorneys of record,
12 approved by the court, and sworn to try the case; ((and his)) or (2)
13 pursuant to supreme court rule, any sitting elected judge. Any action
14 in the trial of such cause shall have the same effect as if ((he were))
15 it was made by a judge of such court. However, if a previously elected
16 judge of the superior court retires leaving a pending case in which the
17 judge has made discretionary rulings, the judge is entitled to hear the
18 pending case as a judge pro tempore without any written agreement.

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

21 "I do solemnly swear (or affirm, as the case may be,) that I will
22 support the Constitution of the United States and the Constitution of
23 the State of Washington, and that I will faithfully discharge the
24 duties of the office of judge pro tempore in the cause wherein
25 is plaintiff and defendant, according to the
26 best of my ability."

27 A judge pro tempore who is a practicing attorney and who is not a
28 retired justice of the supreme court or judge of a superior court of
29 the state of Washington, or who is not an active judge of an inferior
30 court of the state of Washington, shall receive a compensation of one-
31 two hundred and fiftieth of the annual salary of a superior court judge
32 for each day engaged in ((said)) a trial, to be paid in the same manner
33 as the salary of the superior court judge. A judge who is an active
34 judge of an inferior court of the state of Washington shall receive no
35 compensation as judge pro tempore. A justice or judge who has retired
36 from the supreme court, court of appeals, or superior court of the

1 the amount of sixty percent of the amount payable to a judge pro
2 tempore under this section.

3 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2002, if
4 the proposed amendment to Article IV, section 7 of the state
5 Constitution, relating to qualifications for judges pro tempore, is
6 validly submitted to and is approved and ratified by the voters at the
7 next general election. If the proposed amendment is not approved and
8 ratified, this act is void in its entirety."

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12 On page 1, line 1 of the title, after "tempore;" strike the
13 remainder of the title and insert "amending RCW 2.08.180; and providing
14 a contingent effective date."

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