
HOUSE BILL 1784

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 by
8 the parties litigant, or their attorneys of record, approved by the
9 court, and sworn to try the case; and his or her action in the trial of
10 such cause shall have the same effect as if he or she were a judge of
11 such court. However, if a previously elected judge of the superior
12 court (~~((retires leaving a pending case in which the judge has made~~
13 ~~discretionary rulings, the judge is entitled to hear the pending case))~~
14 has retired voluntarily, and has not left office as the result of
15 losing a judicial election, action by the commission on judicial

1 conduct, or removal by the legislature, then such a previously elected
2 judge may be approved by the court and sworn to try any case as a judge
3 pro tempore without any written agreement.

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

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

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

25 NEW SECTION. **Sec. 2.** This act shall take effect if the
26 proposed amendment to Article IV, section 7 of the state Constitution,
27 allowing retired judges to act as judges pro tempore, is validly
28 submitted to and is approved and ratified by the voters in the next
29 general election. If the proposed amendment is not so approved and

1 ratified, this act shall be null and void in its entirety.