

***Judiciary Committee***

***ESJR 8208***

***Brief Description:*** Amending the Constitution regarding the use of judges pro tempore.

***Sponsors:*** By Senators Kline and Constantine; by request of Administrator for the Courts.

***Brief Summary of Engrossed Bill***

- *Amends the state constitution to allow, pursuant to supreme court rule, the appointment of a judge pro tem to hear a case in superior court without agreement by the parties if the judge pro tem is a sitting elected judge.*
- *Requires that the supreme court rule provide for a right, exercisable once during a case, to a change of a judge pro tem.*

***Hearing Date:***

***Staff:*** Trudes Hutcheson (786-7384).

***Background:***

*The state constitution and statutes authorize the appointment of judges pro tem to temporarily serve in the courts for various reasons, such as in the absence of a regular judge or to deal with excessive caseloads.*

*Article IV, Section 7, of the state constitution allows the appointment of a judge pro tem to hear a case in superior court if: (1) the person appointed is a member of the bar; (2) the appointment is agreed upon by the parties or their attorneys; (3) the appointment is approved by the court; and (4) the appointee takes the oath provided by statute.*

*Consent from the parties is not necessary if a previously elected judge of the superior court retires while there is a pending case in which that judge made rulings and the judge hears that pending case as a judge pro tem.*

*An amendment to the Washington Constitution requires passage by the Legislature by two-*

*thirds vote of each house and approval by a majority of the voters of the state at the next general election.*

***Summary of Bill:***

*Article IV, Section 7, of the state constitution is amended to authorize, pursuant to supreme court rule, a judge pro tem to hear a case in superior court without the parties' consent if the judge pro tem is a sitting elected judge. The supreme court rule must provide for the right, exercisable once during a case, to a change of a judge pro tem.*

*The provisions of this act are to be submitted to the voters at the next general election for approval and ratification, or for rejection.*

***Appropriation: None.***

***Fiscal Note: Not Requested.***