
HOUSE BILL 1954

State of Washington 58th Legislature 2003 Regular Session

By Representatives Moeller and McMahan

Read first time 02/18/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to compensation of a retired justice or judge
2 acting as a judge pro tempore; and amending RCW 2.08.180.

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

4 **Sec. 1.** RCW 2.08.180 and 2002 c 137 s 1 are each amended to read
5 as follows:

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

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

18 "I do solemnly swear (or affirm, as the case may be,) that I will
19 support the Constitution of the United States and the Constitution of

1 the State of Washington, and that I will faithfully discharge the
2 duties of the office of judge pro tempore in the cause wherein
3 is plaintiff and defendant, according to the
4 best of my ability."

5 A judge pro tempore who is a practicing attorney and who is not a
6 retired justice of the supreme court or judge of a superior court of
7 the state of Washington, or who is not an active judge of a court of
8 the state of Washington, shall receive a compensation of one-two
9 hundred fiftieth of the annual salary of a superior court judge for
10 each day engaged in said trial, to be paid in the same manner as the
11 salary of the superior judge. A judge who is an active judge of a
12 court of the state of Washington shall receive no compensation as judge
13 pro tempore. A justice or judge who has retired from the supreme
14 court, court of appeals, or superior court of the state of Washington
15 shall receive compensation as judge pro tempore in the amount of sixty
16 percent of the amount payable to a judge pro tempore under this
17 section, provided that a retired justice or judge may decline to accept
18 compensation.

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