

FINAL BILL REPORT

HB 1825

C 74 L 22
Synopsis as Enacted

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.

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

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. 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.

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. Each district court must 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.

Summary:

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 or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court. A presiding judge pro tempore for a single judge court may appoint one or more court commissioners for their county or district. The authority of the presiding judge pro tempore endures until the Chief Justice appoints someone else to fulfill

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the presiding judge duties; or the period of illness, incapacity, or unavailability ends; or the position is filled as provided by law.

If the presiding judge in a single judge court is unable to fulfill the duties of their office due to illness, incapacity, resignation, death, or unavailability, and either: (1) no person has been previously designated by the presiding judge to serve as the presiding judge pro tempore; or (2) the previously designated presiding judge pro tempore resigns, is removed from office, or is no longer able to serve; then the Chief Justice may 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.

The Chief Justice must consult with the local legislative and executive authorities before removing or appointing a presiding judge pro tempore to a single judge court.

Votes on Final Passage:

House	95	1	
Senate	48	0	(Senate amended)
House	97	1	(House concurred)

Effective: June 9, 2022