

## WSR 22-23-126

## ATTORNEY GENERAL'S OFFICE

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NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
WASHINGTON ATTORNEY GENERAL

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

You may provide your comments to the attorney general's office by email to [OpinionComments@atg.wa.gov](mailto:OpinionComments@atg.wa.gov) or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. We will consider any comments we receive before we complete our opinion. Although there is no deadline for submitting comments, comments are the most helpful if received within 30 days of this notice. Comments focused solely on what the law should be are less helpful than comments that interpret current law. You may also request a copy of the opinion request in which you are interested and information about the attorney general's opinion process.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%9090opinions> for more information on how to join our AGO Opinions List.

The attorney general's office seeks public input on the following opinion request(s):

**Opinion Docket No. 22-11-02****Request by Randall Gaylord, San Juan County Prosecuting Attorney****QUESTIONS:**

1. Where a hearing is held in person before a visiting judge, must the hearing be held in the courthouse where the case was filed, or may the hearing be held at the courthouse of the visiting judge without consent of the parties? Are there certain types of in person hearings which must be held in one location or another?

2. Where a hearing in a civil or criminal case is held, may a visiting judge assigned pursuant to RCW 2.08.150 hold the hearing in the county where the case is tried and appear from a location outside the county? Does the answer differ if the remote, video-only hearing involves a dispositive matter, such as change of venue, motions to dismiss, or motions for summary judgment, change of plea or sentencing?

3. May a remote hearing occur in the visiting judge's courtroom without consent of the parties or must it be held in the county where the case is filed?

4. Does RCW 2.08.190 apply in San Juan County, a county in which the Superior Court Judge is not part of a district?

5. If a court hearing is held in a visiting judge's home county, is the clerk of the court for the county where the case is filed or the clerk of the court for the judge's home county responsible for keeping the minutes and the record of proceedings held?

6. Where a visiting judge is assigned pursuant to RCW 2.08.150, may the visiting judge delegate authority to a court commissioner or referee to conduct hearings as authorized by Chapter 2.24 RCW? If delegation to a court commissioner or referee is permitted, must the court commissioner or referee be a person appointed by the visiting judge or must it be a person appointed by the presiding judge the county where the case is filed?