
HOUSE BILL 1073

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Appelwick and Johanson

Read first time 01/13/93. Referred to Committee on Judiciary.

1 AN ACT Relating to judges; and amending RCW 4.12.050.

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

3 **Sec. 1.** RCW 4.12.050 and 1941 c 148 s 1 are each amended to read
4 as follows:

5 ~~((Any))~~ A party ~~((to))~~ or ~~((any))~~ attorney appearing in ~~((any))~~ an
6 action or proceeding in a superior court, may establish ~~((such))~~ the
7 prejudice by motion, supported by affidavit that the judge before whom
8 the action is pending is prejudiced against ~~((such))~~ the party or the
9 party's attorney, so that ~~((such))~~ the party ~~((or attorney))~~ cannot, or
10 believes that he or she cannot, have a fair and impartial trial before
11 ~~((such))~~ the judge ~~((:—PROVIDED, That such))~~. The motion and affidavit
12 ~~((is))~~ must be filed and called to the attention of the judge before
13 ~~((he shall have made any ruling whatsoever in the case))~~ the judge
14 commences any hearing or trial at which he or she is requested to make
15 any order or ruling involving discretion, either on the motion of the
16 party making the affidavit, or on the motion of any other party to the
17 action, of the hearing of which the party making the affidavit has been
18 given notice, ~~((and before the judge presiding has made any order or~~
19 ~~ruling involving discretion, but))~~ except the arrangement of the

1 calendar, the setting of an action, motion, or proceeding down for
2 hearing or trial, the arraignment of the accused in a criminal action
3 or the fixing of bail, shall not be construed as a ruling or order
4 involving discretion within the meaning of this (~~proviso; and in any~~
5 ~~event,)~~ section. In counties where there is but one resident judge,
6 such motion and affidavit shall be filed not later than the day on
7 which the case is called to be set for trial(~~(: AND PROVIDED FURTHER,~~
8 ~~That notwithstanding the filing of such motion and affidavit, if the~~
9 ~~parties shall, by stipulation in writing agree, such judge may hear~~
10 ~~argument and rule upon any preliminary motions, demurrers, or other~~
11 ~~matter thereafter presented: AND PROVIDED FURTHER, That))~~). In
12 judicial districts where cases are assigned from a master calendar on
13 the date of trial, the motion must be filed with the judge, court
14 administer, or clerk assigning the case for hearing or trial to the
15 subject judge immediately upon such assignment. No party or attorney
16 shall be permitted to make more than one such application in any action
17 or proceeding under this section and RCW 4.12.040, and such application
18 may be filed at any time before the deadlines set out in this section.

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