

# SENATE BILL REPORT

## HB 1262

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As Reported By Senate Committee On:  
Judiciary, March 30, 2005

**Title:** An act relating to judicial compensation.

**Brief Description:** Limiting compensation for part-time judges.

**Sponsors:** Representatives Takko, Walsh, Blake and Wallace; by request of Board For Judicial Administration.

**Brief History:** Passed House: 2/25/05, 95-0.

**Committee Activity:** Judiciary: 3/23/05, 3/30/05 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Lilah Amos (786-7429)

**Background:** Under provisions of the Washington State Constitution and statutes, superior courts are authorized to employ judges pro tempore. Judges pro tempore must be: (1) an attorney agreed upon by the parties and approved by the court; (2) a sitting elected judge from another court acting pursuant to supreme court rule; or (3) a superior court judge who has retired and who continues to preside over a pending case.

Superior court judges pro tempore are paid as follows:

- an attorney who is not a retired or active judge receives 1/250th of a superior court judge's annual salary for each day of work as a pro tempore judge;
- an active judge receives no compensation as judge pro tempore other than his or her regular salary; and
- a retired judge receives sixty percent of 1/250th of a superior court judge's salary per day.

Elected judges of courts of limited jurisdiction who serve as part-time judges are authorized to serve as judges pro tempore of the superior court. There is no statutory provision regarding their payment.

**Summary of Bill:** The prohibition against active judges receiving compensation as judges pro tempore is limited to active *full-time* judges. Active *part-time* judges are allowed compensation for time spent as a judge pro tempore, but only if they are not already being compensated for that time by their part-time salary.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** In smaller counties there is sometimes a need to substitute a pro tem judge for a superior court judge who is unavailable. Often there is not a full-time judge from a limited jurisdiction court available, so a part-time judge must leave his law practice to serve as a pro tem judge. These judges often serve without compensation, which is not a fair situation.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Takko, prime sponsor; Joel Penoyar, Superior Court Judge, Pacific and Wahkiakum County Superior Courts.