
HOUSE BILL 1102

State of Washington

68th Legislature

2023 Regular Session

By Representatives Taylor and Timmons; by request of Administrative Office of the Courts

Prefiled 01/03/23. Read first time 01/09/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to judge pro tempore compensation; and amending
2 RCW 2.08.180.

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

4 **Sec. 1.** RCW 2.08.180 and 2005 c 142 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
7 judge pro tempore, who must be either: (1) A member of the bar,
8 agreed upon in writing by the parties litigant, or their attorneys of
9 record, approved by the court, and sworn to try the case; or (2)
10 pursuant to supreme court rule, any sitting elected judge. Any action
11 in the trial of such cause shall have the same effect as if it was
12 made by a judge of such court. However, if a previously elected judge
13 of the superior court retires leaving a pending case in which the
14 judge has made discretionary rulings, the judge is entitled to hear
15 the pending case as a judge pro tempore without any written
16 agreement.

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

19 "I do solemnly swear (or affirm, as the case may be,) that I will
20 support the Constitution of the United States and the Constitution of
21 the State of Washington, and that I will faithfully discharge the

1 duties of the office of judge pro tempore in the cause
2 wherein is plaintiff and defendant, according
3 to the best of my ability."

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

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