

WSR 22-08-080
RULES OF COURT
STATE SUPREME COURT
[March 31, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1420
29—PRESIDING JUDGE IN)
SUPERIOR COURT DISTRICT AND)
LIMITED JURISDICTION COURT)
DISTRICT)

The Board for Judicial Administration, having recommended the suggested amendments to GR 29—Presiding Judge in Superior Court District and Limited Jurisdiction Court District, and the Court having approved the suggested amendments for publication on an expedited basis;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published expeditiously for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than June 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 31st day of March, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULE 29

- 1. Proponent Organization
Board for Judicial Administration Legislative Committee and the Administrative Office of the Courts
2. Spokesperson & Contact Info
Brittany Gregory, Associate Director of Judicial and Legislative Relations
Email: Brittany.Gregory@courts.wa.gov
Phone: 360-522-2911
3. Purpose of Proposed Rule Amendment
Washington has 29 courts that would qualify as a single judge court, meaning their court or judicial district has only one judge. If that judge becomes unavailable due to illness, incapacity, resignation, death, or other unavailability, there is no formal process in place for how a pro tem is chosen. The proposed rule amendment will

work in connection with BJA request-legislation to have judges in single judge courts designate someone as their pro tem, and give the Chief Justice the ability to fill a vacancy in a single judge court if no one is designated, or if the designee is unable to assume the position.

4. Is Expedited Consideration Requested?

Yes, because the amendment works in coordination with BJA request-legislation that creates a process for filling vacancies in single judge courts. If the bill passes in the 2022 legislative session, the latest the bill could be signed into law is March 31, 2022.

5. Is a Public Hearing Recommended?

No, I don't believe a public hearing is needed. This amendment has been thoroughly discussed by the BJA, and a hearing is not required by statute.

General Rule 29

PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND LIMITED JURISDICTION COURT DISTRICT

(a) [Unchanged.]

(b) Selection, and Term, and Designation of Presiding Judge Pro Tempore—Single Judge Courts. In court districts or municipalities having only one judge, that judge shall serve as the Presiding Judge for the judge's term of office, and shall predesignate and prepare a Presiding Judge Pro Tempore to fulfill presiding judge duties in the case of illness, incapacity, resignation, death, or unavailability of the judge.

Commentary

In training and preparing the designated Presiding Judge Pro Tempore to fulfill presiding judge duties, a Presiding Judge from a single judge court should address the significant and nondelegable administrative, budgetary and personnel responsibilities of a presiding judge under this court rule, any obligations under collective bargaining agreement(s) or law(s) applicable to court personnel, interjurisdictional relations, and executive and legislative branch collaborations.

If it becomes necessary for the Chief Justice to appoint a Presiding Judge Pro Tempore for a single judge court pursuant to RCW 2.56.040(2) or other authority, then the State Court Administrator or the Chief Justice may consider consulting with the local executive or legislative authorities prior to the appointment.

(c) Notification of Chief Justice. The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge, and in cases of single judge courts, the predesignated Presiding Judge Pro Tempore, to the Chief Justice of the Supreme Court within 30 days of election or any new or changed Presiding Judge or Presiding Judge Pro Tempore designations.

(d)-(e) [Unchanged.]

(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those

duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1)-(11) [Unchanged.]

(12) Determine the qualifications of and establish a training program for Presiding Judges Pro Tempore predesignated under (c), pro tem judges and pro tem court commissioners; and

(13) [Unchanged.]

(g) - (k) [Unchanged.]