HOUSE BILL REPORT

HB 2282

As Reported By House Committee On:
Judiciary

Title: An act relating to district court judges pro tempore.

Brief Description: Providing that a district court judge's salary is not reduced when a pro tempore judge serves due to an affidavit of prejudice.

Sponsors: Representatives Holm and Appelwick.

Brief History:
Reported by House Committee on:
Judiciary, February 1, 1994, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Bill Perry (786-7123).

Background: District Court judges are authorized to use pro tempore judges under certain circumstances. Pro tempore judges may be used during the "absence, disqualification or incapacity" of a judge. However, a judge may use pro tempore judges for a maximum of 30 days per year at county expense. With two exceptions, a judge who uses a pro tempore judge for more than 30 days in a year will incur a pro rata reduction in the judge's salary. The exceptions are for use of a pro tempore judge while the judge is on authorized sick leave or for up to 15 days while the judge is serving on judicial commissions. If a District Court judge exceeds the 30-day limit for any reason other than these two exceptions, the judge's salary is reduced for each day a pro tempore judge is used.

There are at least two ways that a county can provide additional help to a District Court judge other than by the employment of a judge pro tempore. First, one or more court commissioners may be employed. However, commissioners would be permanent rather than temporary employees. Second, counties are authorized to borrow judges from other counties

on a temporary basis. The process for borrowing judges is fairly complex and depends on the availability of a judge in another county.

Particularly in districts with only one judge, the filing of an affidavit of prejudice against the judge may lead to the use of a pro tempore judge.

Summary of Bill: An additional exception is added to the 30-day limit on a District Court judge's use of judges pro tempore. A judge's salary will not be reduced if the reason a judge uses a pro tempore judge is that the judge is disqualified by an affidavit of prejudice.

Fiscal Note: Not requested.

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

Testimony For: Especially in one-judge districts, the filing of affidavits of prejudice can cause serious problems. It is unfair for a judge to have to forfeit his or her salary because of the action of other parties.

Testimony Against: None.

Witnesses: Judge Kip Stilz, District and Municipal Court Judges Association (pro); Laura Porter, Mason County Commissioners (pro); Larry King, Mason County District Court (pro); and Kurt Sharar, Washington State Association of Counties.