

FINAL BILL REPORT

HB 2282

C 18 L 94
Synopsis as Enacted

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.

By Representatives Holm and Appelwick.

House Committee on Judiciary
Senate Committee on Law & Justice

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 are 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.

A party to a lawsuit may file an "affidavit of prejudice" against the judge in the case. This affidavit may be filed as a matter of right at any time before the judge has made a discretionary ruling in the case, and it prevents the judge from hearing the case.

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: 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.

Votes on Final Passage:

House	90	0
Senate	44	0

Effective: June 9, 1994