

HOUSE BILL REPORT

HB 2774

As Reported By House Committee On:
Judiciary

Title: An act relating to appointment of judges pro tempore.

Brief Description: Revising provisions for appointment of judges pro tempore.

Sponsors: Representatives Carrell, Constantine, Esser, Fortunato, Dickerson, Mulliken and Edwards.

Brief History:

Committee Activity:

Judiciary: 2/3/00 [DP].

Brief Summary of Bill
<ul style="list-style-type: none">Amends provisions governing the standards of appointment of judges pro tempore in municipal courts.

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HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Minority Report: Do not pass. Signed by 1 member: Representative Kastama.

Staff: Edie Adams (786-7180).

Background:

Municipal courts are courts of limited jurisdiction that hear cases involving violations of city ordinances. Municipal courts in cities with a population of more than 400,000 are organized under a different chapter than municipal courts in cities with a population of 400,000 or less.

The mayor of a city is authorized to appoint pro tempore judges to the municipal courts when necessary. Pro tempore judges are usually attorneys and must be qualified to hold the position of judge of the municipal court. Compensation for municipal court judges pro tempore are determined by the local legislative authority. Aside from these similarities, there are differences between the statutory provisions regarding appointment of pro tempore judges in the two municipal court chapters.

In municipal courts in cities of 400,000 or less, judges pro tempore may be appointed in the absence or disability of a regular judge or subsequent to the filing of an affidavit of prejudice. Judges pro tempore are appointed for a specified term and in no case longer than the term of the appointing mayor.

In municipal courts in cities of more than 400,000, judges pro tempore may be appointed in the absence of a regular judge or in addition to the regular judges when necessary for the administration of justice or the accomplishment of the work of the court. A judge pro tempore must take the oath of office of a regular judge and has all the powers of a regular judge. The judges of the municipal court must adopt standards for the use of judges pro tempore, and the appointment of attorneys must be made from a list of attorneys provided by the judges.

Summary of Bill:

Statutes governing the appointment of judges pro tempore of the municipal courts in cities greater than 400,000 and in cities of 400,000 or less are amended to provide consistent standards.

The statute governing appointment of judges pro tempore in municipal courts in cities of 400,000 or less is amended to specify that the presiding judge, rather than the mayor, makes the appointment and that a pro tempore judge may be appointed when necessary for the administration of justice and accomplishment of the work of the court. Pro tempore judges need not be residents of the city or county where the municipal court is located, and must take the same oath of office and have all the powers of an elected or duly appointed judge. The requirement is removed that the term of appointment of a judge pro tempore be specified in writing but in no case exceed the term of the appointing mayor.

The statute governing appointment of judges pro tempore in municipal courts in cities over 400,000 is amended to specify that the presiding judge, rather than the mayor, makes the appointment, and that the term of appointment be specified in writing. The requirement is removed that the municipal court judges adopt standards for the use of judges pro tempore and that the appointment of attorneys be made from a list provided by the judges.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill represents an issue of judicial independence. It is contrary to reason to have to seek approval of the executive branch for the administration of the judicial branch. Pro tem judges have the duties of a regular judge and only have the powers of a regular judge while sitting as a judge.

Testimony Against: None.

Testified: Judge Peter Lukevich, District and Municipal Court Judges Association.