

SENATE BILL REPORT

SB 6116

As Reported By Senate Committee On:
Judiciary, February 4, 2000

Title: An act relating to judges pro tempore.

Brief Description: Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee.

Sponsors: Senators Heavey, McCaslin, Winsley and Kline; by request of Board for Judicial Administration.

Brief History:

Committee Activity: Judiciary: 1/28/2000, 2/4/2000 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Staff: Dick Armstrong (786-7460)

Background: The Supreme Court, Court of Appeals, superior courts, district courts and municipal courts are authorized to appoint pro tempore judges. Pro tempore judges are usually attorneys or retired judges who are appointed to serve temporarily on the bench in the absence of the elected judge, if there is an excess caseload, or if it is necessary for the administration of justice. For the Supreme Court, Court of Appeals, and superior courts the formula for compensation is set forth in statute; for district and municipal courts, the salary is determined by the local legislative authority.

Currently, only district court judges are authorized to have appointed, without reduction in salary, pro tempore judges during the absence of the elected judge while the elected judge is serving on a judicial board or a commission established by the Legislature or the Chief Justice of the Supreme Court. Each district court judge is authorized up to 15 days for service on such boards and commissions without reduction in salary.

The Board for Judicial Administration (BJA) is the policy body for the judiciary. In the past years, it has been comprised of 11 judges from the various court levels. Recently, the number of judges has been increased by five judges, for a total of 16 judges. To encourage participation in the BJA, and to allow for service on other boards and commissions, the judiciary is requesting that all courts levels be allowed to appoint pro tempore judges for service on boards and commissions established by the Legislature or the Chief Justice of the Supreme Court.

Summary of Bill: Judges of the Court of Appeals, superior courts and municipal courts are allowed to have appointed, without reduction in compensation, a pro tempore judge when the judges of such courts are absent from court for the purpose of serving on a committee or board established by the Legislature or the Chief Justice of the Supreme Court.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: A judge from a small county cannot really serve on a board or commission because there is no requirement for the appointment of a pro tem judge. Litigators have the ability to object to their case being heard by such judge pro tem.

Testimony Against: None.

Testified: PRO: Chuck Foster, Office of Administrator for the Courts.