1   **ESJR 8208** - H COMM AMD **NOT ADOPTED 4/9/01**
2   By Committee on Judiciary
3   Beginning on page 1, line 3, strike all material to the end and
4   insert:
5   "THAT, At the next general election to be held in this state the
6   secretary of state shall submit to the qualified voters of the state
7   for their approval and ratification, or rejection, an amendment to
8   Article IV, section 7 of the Constitution of the state of Washington to
9   read as follows:

10   Article IV, section 7. The judge of any superior court may hold
11   a superior court in any county at the request of the judge of the
12   superior court thereof, and upon the request of the governor it shall
13   be his or her duty to do so. A case in the superior court may be tried
14   by a judge((,)) pro tempore((, who must be)) with the written agreement
15   of the parties or their attorneys of record if the judge pro tempore is
16   a member of the bar, approved by the court, and sworn to try the case,
17   or without the agreement of the parties if the judge pro tempore is a
18   sitting elected judge and is acting as a judge pro tempore pursuant to
19   supreme court rule. The supreme court rule must require assignments of
20   judges pro tempore based on the judge's experience and must provide for
21   the right, exercisable once during a case, to a change of judge pro
22   tempore ((agreed upon in writing by the parties litigant, or their
23   attorneys of record, approved by the court and sworn to try the case)).
24   However, if a previously elected judge of the superior court retires
25   leaving a pending case in which the judge has made discretionary
26   rulings, the judge is entitled to hear the pending case as a judge pro
27   tempore without any written agreement.

28   BE IT FURTHER RESOLVED, That the secretary of state shall cause
29   notice of this constitutional amendment to be published at least four
30   times during the four weeks next preceding the election in every legal
31   newspaper in the state."

EFFECT: Amends the constitution to require that the supreme court rule governing judges pro tempore require assignments based on the judge's experience; Reorganizes the language.