

Judiciary Committee

HB 1300

Title: *An act relating to judges pro tempore.*

Brief Description: *Revising provisions concerning the use of judges pro tempore.*

Sponsors: *Representatives Lantz (co-prime sponsor), Carrell (co-prime sponsor) and Rockefeller; by request of Administrator for the Courts.*

Brief Summary of Bill

- *Allows the appointment of a judge pro tem to hear a case in the superior court, without agreement by the parties, if the judge pro tem is a previously elected active or retired judge.*

Hearing Date: *2/9/01*

Staff: *Trudes Hutcheson (786-7384).*

Background:

The state constitution and statutes authorize the appointment of judges pro tem to temporarily serve in the courts for various reasons, such as in the absence of a regular judge or to deal with excessive caseloads.

Article IV, Section 7 of the state constitution allows the appointment of a judge pro tem to hear a case in superior court if: (1) the person appointed is a member of the bar; (2) the appointment is agreed upon by the parties or their attorneys; (3) the appointment is approved by the court; and (4) the appointee takes the oath provided by statute.

Consent from the parties is not necessary if a previously elected judge of the superior court retires while there is a pending case in which that judge made rulings and the judge hears that pending case as a judge pro tem. According to case law, previously elected retired judges includes judges who have lost re-election.

The judge pro tem's actions in the case have the same effect as if he or she were a judge

of the court.

Summary of Bill:

Pursuant to supreme court rule, a case in superior court may be tried by a judge pro tem, without the parties' consent, if the judge pro tem is a previously elected judge, active or retired.

The act takes effect January 1, 2002, if the proposed amendment to Article IV, Section 7 of the state constitution, relating to qualifications for judges pro tempore, is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, the act is void in its entirety.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *The bill takes effect on January 1, 2002, if the proposed constitutional amendment is ratified at the next general election.*