Judiciary Committee

SB 6511

Title: An act relating to judges pro tempore.

Brief Description: Authorizing any sitting elected judge to be a judge pro tempore.

Sponsors: Senators Johnson, Kline, Costa and Winsley; by request of Administrator for the Courts.

Brief Summary of Bill

· Allows the appointment of a judge pro tempore in superior court without the consent of the parties and pursuant to supreme court rule if the judge pro tempore is a sitting elected judge.

Hearing Date: 2/28/02

Staff: Trudes Hutcheson (786-7384).

Background:

Under the Washington statutes, court rules and constitution, judges pro tempore may be appointed to temporarily serve in the courts for various reasons. The judge pro tempore's actions in the case have the same effect as if he or she were a judge of the court.

In November 2001, the voters of this state approved an amendment to the state constitution (ESJR 8208) governing the use of judges pro tempore in superior court. The amendment provides that, in addition to those persons currently authorized to be a judge pro tempore in superior court, any sitting elected judge may serve as a judge pro tempore in superior court without the approval of the litigants, as provided by supreme court rule. The court rule must take into consideration assignments of judges pro tempore based on the experience of such judges and provide for the right, exercisable once during the case, to a change of a judge pro tempore.

In December 2001, the supreme court adopted Superior Court Administrative Rule 6 relating to the use of elected judges pro tempore.

Summary of Bill:

The statute addressing judges pro tempore in superior court is amended. A case in superior court may be tried by a judge pro tempore without the consent of the parties, if the judge pro tempore is a sitting elected judge. The appointment of a judge pro tempore must be made pursuant to supreme court rules.

Appropriation: None.

Fiscal Note: Not Requested.

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