

FINAL BILL REPORT

ESJR 8208

As Passed Legislature

Brief Description: Amending the Constitution regarding the use of judges pro tempore.

Sponsors: Senators Kline and Constantine; by request of Administrator for the Courts.

Senate Committee on Judiciary

House Committee on Judiciary

Background: Under the provisions of the Washington State Constitution and statutes, there are specific limitations on the use of judges pro tempore in superior courts. A case in superior court may only be heard by a judge pro tempore if the person is a member of the State Bar and is agreed to in writing by the litigants and approved by the court.

Given the court congestion that many superior courts are experiencing throughout the state, the Board for Judicial Administration is recommending that the current restrictions on the use of pro tempore judges be made more flexible. The board is of the opinion that greater use of pro tempore judges will reduce court congestion and help to alleviate the need for authorizing additional full-time elected judges in the superior courts.

Summary: The Washington State Constitution is amended to provide 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 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 a case, to a change of a judge pro tempore.

Votes on Final Passage:

Senate	42	6	
House	91	5	(House amended)
Senate	39	8	(Senate concurred)

Effective: January 1, 2002 (upon approval by the voters)