
ENGROSSED SENATE BILL 5394

State of Washington

57th Legislature

2001 Regular Session

By Senators Kline, Long and Constantine; by request of Administrator
for the Courts

Read first time 01/22/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and
2 providing a contingent effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 2.08.180 and 1987 c 73 s 1 are each amended to read as
5 follows:

6 A case in the superior court of any county may be tried by a judge
7 pro tempore, who must be either: (1) A member of the bar, agreed upon
8 in writing by the parties litigant, or their attorneys of record,
9 approved by the court, and sworn to try the case; ((and his)) or (2)
10 pursuant to supreme court rule, any sitting elected judge. Any action
11 in the trial of such cause shall have the same effect as if ((he were))
12 it was made by a judge of such court. However, if a previously elected
13 judge of the superior court retires leaving a pending case in which the
14 judge has made discretionary rulings, the judge is entitled to hear the
15 pending case as a judge pro tempore without any written agreement.

16 A judge pro tempore shall, before entering upon his or her duties
17 in any cause, take and subscribe the following oath or affirmation:

18 "I do solemnly swear (or affirm, as the case may be,) that I will
19 support the Constitution of the United States and the Constitution of

1 the State of Washington, and that I will faithfully discharge the
2 duties of the office of judge pro tempore in the cause wherein
3 is plaintiff and defendant, according to the
4 best of my ability."

5 A judge pro tempore who is a practicing attorney and who is not a
6 retired justice of the supreme court or judge of a superior court of
7 the state of Washington, or who is not an active judge of an inferior
8 court of the state of Washington, shall receive a compensation of one-
9 two hundred and fiftieth of the annual salary of a superior court judge
10 for each day engaged in (~~said~~) a trial, to be paid in the same manner
11 as the salary of the superior court judge. A judge who is an active
12 judge of an inferior court of the state of Washington shall receive no
13 compensation as judge pro tempore. A justice or judge who has retired
14 from the supreme court, court of appeals, or superior court of the
15 state of Washington shall receive compensation as judge pro tempore in
16 the amount of sixty percent of the amount payable to a judge pro
17 tempore under this section.

18 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2002, if
19 the proposed amendment to Article IV, section 7 of the state
20 Constitution, relating to qualifications for judges pro tempore, is
21 validly submitted to and is approved and ratified by the voters at the
22 next general election. If the proposed amendment is not approved and
23 ratified, this act is void in its entirety.

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