

---

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

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

4 "I do solemnly swear (or affirm, as the case may be,) that I  
5 will support the Constitution of the United States and the  
6 Constitution of the State of Washington, and that I will  
7 faithfully discharge the duties of the office of judge pro tempore  
8 in the cause wherein . . . . . is plaintiff and . . . . . defendant,  
9 according to the best of my ability."

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

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

--- END ---

