

HOUSE BILL REPORT

HB 1825

As Amended by the Senate

Title: An act relating to continuity of judicial operations in single judge courts.

Brief Description: Concerning continuity of judicial operations in single judge courts.

Sponsors: Representatives Dye, Orwall and Graham; by request of Administrative Office of the Courts.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/18/22, 1/21/22 [DP].

Floor Activity:

Passed House: 2/8/22, 95-1.

Senate Amended.

Passed Senate: 3/2/22, 48-0.

Brief Summary of Bill

- Establishes standards governing the designation, appointment, and authority of presiding judges pro tempore in single judge courts.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 17 members: Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno, Davis, Entenman, Goodman, Kirby, Klippert, Orwall, Peterson, Thai, Valdez, Walen and Ybarra.

Staff: John Burzynski (786-7133).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Washington's court structure and authorities are generally governed by Titles 2 and 3 of the Revised Code of Washington.

The Administrator for the Courts is the executive officer of the Administrative Office of the Courts. Among other powers and duties, the Administrator examines the dockets of the courts to determine the need for assistance by any court and make recommendations to the Chief Justice relating to the assignment of judges.

If a vacancy occurs in the office of a judge of a superior court, the Governor must appoint a person to hold the office until the election and qualification of a judge to fill the vacancy. If a vacancy occurs in the office of a judge of a district court, the county legislative authority must appoint a replacement until the election and qualification of a judge to fill the vacancy.

The presiding judge of any superior court may assign an elected sitting judge from the Supreme Court, Court of Appeals, or District or Municipal Court to serve as an elected judge pro tempore. Additionally, each district court is required to designate one or more persons as judge pro tempore to serve during a temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases.

Summary of Bill:

A single judge court is defined as a court or judicial district that has only one judge.

A presiding judge pro tempore may be predesignated to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court.

If the presiding judge in a single judge court is unable to fulfill the duties of their office due to illness, incapacity, resignation, death, or unavailability, and no person has been previously designated by the presiding judge to serve as the presiding judge pro tempore, the Chief Justice may, upon recommendation of the Administrator for the Courts, appoint another judicial officer or other qualifying person to serve as presiding judge pro tempore.

The Chief Justice may appoint a new presiding judge pro tempore to a single judge court to replace the predesignated or previously appointed presiding judge pro tempore whenever the Chief Justice determines the administration of justice would be better served by doing so.

Within 30 days of making an initial or subsequent appointment of a presiding judge pro tempore to a single judge court, the Chief Justice must consult with the local legislative authority regarding the continued appointment during the remaining period of illness, incapacity, or unavailability, or until a vacancy in the position is filled as provided by law.

If a vacancy arises and a presiding judge pro tempore has been predesignated or appointed to a single judge court, the presiding judge pro tempore may fulfill all presiding judge duties and their authority endures until the Chief Justice appoints someone else to the position, or until a vacancy is filled as provided by law.

A presiding judge pro tempore for a single judge court may appoint one or more court commissioners for their county or district.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment establishes an additional circumstance when the Chief Justice may appoint a presiding judge pro tempore: when a presiding judge in a single judge court is unable to fulfill the duties of the office and the previously designated presiding judge pro tempore resigns, is removed from office, or is no longer able to serve. The Senate amendment removes the requirement the Chief Justice make presiding judge pro tempore appointments on the recommendation of the Administrator for the Courts. The Senate amendment additionally requires the Chief Justice to consult with local legislative and executive authorities before removing or appointing a presiding judge pro tempore to a single judge court.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will resolve a gap in the law that arises when a single judge court is affected by a vacancy, create an efficient process to temporarily fill such vacancies, and have a major impact on district and municipal courts. There are more than 112 single judge courts in Washington. When a vacancy arises under current law, the process for appointing a successor can take weeks or months, create an interim period where no one is empowered to act, and can cause a backlog of unheard cases to develop. This bill will work in coordination with court rules requiring single judge courts to predesignate a presiding judge pro tempore and authorizes the Chief Justice to make an appointment if necessary. Municipal and district courts are created by the Legislature, not the Constitution, and thus need authorizing legislation to act.

(Opposed) None.

Persons Testifying: Representative Mary Dye, prime sponsor; Brittany Gregory,

Administrative Office of the Courts; and Mara Rozzano, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.