

HOUSE BILL REPORT

SB 5931

As Passed House:

March 2, 2022

Title: An act relating to appointment of judges pro tempore in the court of appeals.

Brief Description: Concerning appointment of judges pro tempore in the court of appeals.

Sponsors: Senators Wagoner and Dhingra; by request of Court Of Appeals.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/22/22, 2/23/22 [DP].

Floor Activity:

Passed House: 3/2/22, 95-1.

Brief Summary of Bill

- Authorizes the chief judge of each division of the Court of Appeals to appoint any regularly elected and qualified judge of a court of general jurisdiction, any retired judge of the Court of Appeals, or any active or retired justice of the Supreme Court as a judge pro tempore on the Court of Appeals.
- Authorizes the chief judge of each division of the Court of Appeals to appoint a judge from that division with an expired term to serve as a judge pro tempore on the Court of Appeals to complete their cases or other judicial business.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Abbarno, Davis, Entenman, Goodman, Kirby, Orwall, Peterson, Thai, Valdez and Walen.

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.

Minority Report: Without recommendation. Signed by 4 members: Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Klippert and Ybarra.

Staff: John Burzynski (786-7133).

Background:

The Washington Court of Appeals.

The Washington Court of Appeals hears appeals from the state's trial courts. Washington law governs the Court of Appeals' structure, jurisdiction, qualifications of judges, the appointment of judges, filling of vacancies, and other aspects of the Court's operations.

Appointment of Judges Pro Tempore Generally.

A judge pro tempore serves during the absence or disability of a duly elected or appointed judge of a court. Whenever necessary for the prompt and orderly administration of justice, the Chief Justice of the Washington Supreme Court may appoint any regularly elected and qualified judge of the Superior Court or any retired judge of a court of record in this state to serve as a judge pro tempore of the Court of Appeals. However, no judge pro tempore appointed to serve on the Court of Appeals may serve more than 90 days per year.

Appointment of Judges Pro Tempore When a Judge's Term Expires.

If the term of a judge of the Court of Appeals expires with cases or other judicial business pending, the Chief Justice of the Washington Supreme Court, upon the recommendation of the Chief Presiding Judge of the Court of Appeals, may appoint the judge to serve as judge pro tempore of the Court of Appeals, whenever necessary for the prompt and orderly administration of justice. However, no judge may be appointed for this purpose more than one time and no appointment may exceed 60 days.

Summary of Bill:

Appointment of Judges Pro Tempore Generally.

The chief judge of any division of the Court of Appeals may appoint any regularly elected and qualified judge of a court of general jurisdiction, any retired judge of the Court of Appeals, or any active or retired justice of the Supreme Court, to serve as a judge pro tempore on that division of the Court of Appeals. No judge pro tempore appointed pursuant to this power may serve more than 90 days per year.

Appointment of Judges Pro Tempore When a Judge's Term Expires.

The chief judge of any division of the Court of Appeals may appoint any judge in that division with an expired term to serve as judge pro tempore within that division to complete their cases or other judicial business. The limitations on the terms and reappointment of judges pro tempore appointed pursuant to this power are removed.

Appropriation: None.

Fiscal Note: Not requested.

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 simplify and expedite appointing a judge pro tempore to the Court of Appeals, align the statute with current court rules, and provide flexibility in wrapping up work when a judge retires. There is no expected impact on pro tempore costs.

(Opposed) None.

Persons Testifying: Bill Bowman, Washington State Court of Appeals.

Persons Signed In To Testify But Not Testifying: None.