

HOUSE BILL REPORT

HB 1102

As Passed House:
January 25, 2023

Title: An act relating to judge pro tempore compensation.

Brief Description: Concerning judge pro tempore compensation.

Sponsors: Representatives Taylor and Timmons; by request of Administrative Office of the Courts.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/11/23, 1/13/23 [DP].

Floor Activity:

Passed House: 1/25/23, 96-0.

Brief Summary of Bill

- Increases the daily compensation for work as a judge pro tempore for retired judges of a court of the State of Washington to be consistent with compensation paid to practicing attorneys in that role.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney, Entenman, Peterson, Rude, Thai and Walen.

Staff: Matt Sterling (786-7289).

Background:

Superior court judges and court commissioners hear felony and other criminal matters, civil

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matters, domestic relations matters, guardianship and probate matters, juvenile matters, and child dependency cases. Additionally, superior court judges hear appeals from lower courts and appeals from state administrative agencies.

The Washington Constitution provides that a case in the superior court may be tried by a judge pro tempore who is a sitting elected judge and is acting as a judge pro tempore pursuant to Supreme Court rule without the agreement of the parties. Otherwise, a judge pro tempore who is a member of the bar may try the case with the written agreement of the parties if the judge is approved by the court and sworn to try the case. The assignments of judges pro tempore are based on the judges' experience and provide for the right to a change of judge pro tempore once during the case.

The annual salary of the judges of the superior court is established by the Washington Citizens' Commission on Salaries for Elected Officials (Commission). The cost of the salaries for superior court judges are split by the state and by the county in which the court is located. According to the Commission's website, the Commission has set the current salary for a superior court judge at \$203,169 with a proposed increase to \$217,391 on July 1, 2023.

Pay for superior court judges pro tempore varies depending on the pro tempore's status:

- An attorney who is not a retired or active judge receives 1/250 of a superior court judge's yearly salary for each day of work as a judge pro tempore.
- A retired judge receives 60 percent of 1/250 of a superior court judge's salary for each day of work as a judge pro tempore.
- An active judge of another court receives no compensation for work as a judge pro tempore.

Summary of Bill:

The daily compensation for a retired judge of a court of the State of Washington serving as a judge pro tempore in superior court is increased to be consistent with the compensation paid to practicing attorneys in that work. For both practicing attorneys and retired judges, the compensation for each day of work as a judge pro tempore of the superior court will be 1/250 of a superior court judge's yearly salary.

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) The bill provides parity for retired judges working as judges pro tempore in the superior court. The current pay disparity for judges pro tempore in the superior court between attorneys and retired judges does not apply to other court levels. This pay disparity has made it difficult to recruit retired judges, particularly in rural areas. Retired judges have the necessary experience and would be helpful in clearing the backlog of cases in the superior court. Last year 11 counties used retired judges to help clear backlog and that could increase with this bill.

(Opposed) None.

Persons Testifying: Representative Jamila Taylor, prime sponsor; Brittany Gregory, Administrative Office of the Courts; and Sean O'Donnell, Superior Court Judges' Association.

Persons Signed In To Testify But Not Testifying: None.