

SENATE BILL REPORT

HB 1102

As Reported by Senate Committee On:
Law & Justice, March 9, 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: Passed House: 1/25/23, 96-0.

Committee Activity: Law & Justice: 2/16/23, 3/09/23 [DP].

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.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Torres, Valdez, Wagoner and Wilson, L..

Staff: Tim Ford (786-7423)

Background: Superior court judges and court commissioners hear felony and other criminal matters, civil matters, domestic relations matters, guardianship and probate matters, juvenile matters, and child dependency cases. Superior court judges also 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

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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 current salary for a superior court judge is \$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 as follows:

- an attorney who is not a retired or an active judge receives one-two-hundred-fiftieth 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 one-two-hundred-fiftieth of a superior court judge's salary for each day of work as a judge pro tempore; and
- 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 one-two-hundred-fiftieth of a superior court judge's yearly salary.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This will allow pay parity for retired judges to help with backlog. Courts are facing a backlog because of COVID and the sheer number of cases that are out there. The pay disparity was established in 1967. There was concern that judges would retire and immediately be rehired as pro tems who make more money. That is no longer the case as there are far more lucrative post-employment opportunities for retired judges. Retired judges are in the best position to help advance cases. They are experienced in knowledge of the law and procedures of the court and require less training,

which could save costs. This will not impact amount of funding for pro tem judges. It will increase the eligibility pool for judges and allows for more flexibility.

Persons Testifying: PRO: Representative Jamila Taylor, Prime Sponsor; Brittany Gregory, Administrative Office of the Courts; Judge Sean O'Donnell, Superior Court Judges' Association.

Persons Signed In To Testify But Not Testifying: No one.