RULE 26
SPECIAL PANEL OF JUDGES PRO TEMPORE

(a) Purpose. As a result of the high number of appeals filed with the court in recent years which have created an excessive case backlog, special panels of the Court of Appeals will be created as provided for in these emergency rules for the purpose of reducing case backlogs to acceptable levels.

(b) Generally. When it is determined by a majority of the judges in any division that the assistance of pro tempore judges is necessary to relieve excessive case backlog, the Chief Judge of any division may by written order appoint as judges pro tempore active or retired justices of the Supreme Court or judges of the Court of Appeals or active or retired judges of the superior court or any attorney at law in this state meeting the qualifications hereinafter stated.

(c) Attorney Qualification and Compensation. To be qualified for appointment, attorneys at law must be members of the Washington State Bar Association in good standing and have at least 6 years experience in the active practice of law with substantial litigation experience. Attorneys at law will not be compensated for their services as judges pro tempore, but travel expenses will be reimbursed at rates approved by the Administrator for the Courts.

(d) Conditions of Appointment. Attorneys at law will not be used as judges pro tempore when active or retired judges are available in sufficient numbers to support a 3-judge panel sitting 1 day each week. Attorneys at law will be used as judges pro tempore only upon stipulation by all parties in the case, and no more than one attorney shall sit as a judge pro tempore on a panel. All parties shall receive written notice of the intent to use an attorney as a judge pro tempore and shall have at least 10 days from the receipt of said notice for filing written objection to the use of said attorney as a judge pro tempore. Failure to file a written objection to the attorney pro tempore within the 10-day period will be deemed a stipulation approving the use of said attorney as a judge pro tempore in said case.

In the event an objection to an attorney pro tempore is made, the case shall be removed from the special calendar and returned to its place on the regular hearing calendar.

(e) Termination. Authority extended under this rule will automatically terminate 12 months from date of adoption or on July 1, 1987, whichever is later, except for cases under consideration on the termination date.