Superior Court Administrative Rule 6
ELECTED JUDGES PRO TEMPORE

(a) Generally. Wa. const. art. IV, § 7 and RCW 2.08.180 authorize the appointment of judges pro tempore. RCW 2.08.180(2) provides for the appointment of any elected sitting judge as an elected judge pro tempore.

(b) Assignment and Qualifications. The presiding judge of any superior court may, in the interest of justice, assign an elected sitting judge from the Supreme Court, Court of Appeals, District or Municipal Court to serve as an elected judge pro tempore. The presiding judge will obtain the consent of an elected judge pro tempore before making the assignment. Consent of the parties or attorneys is not required. The presiding judge will make these assignments based on the experience and demonstrated ability of the elected judge pro tempore with the subject matter and the level of complexity of the case.

(c) Number and Publication of Judges Pro Tempore. Each superior court shall file with the Administrative Office of the Courts (AOC) by February 1st the list of elected judges pro tempore to which it shall be assigning cases during the year commencing on April 1st. Each court may appoint a minimum of three (3) elected judges pro tempore or one (1) elected judge pro tempore for every five (5) sitting judges but in no event may the list contain more than fifteen (15) elected judges pro tempore. The list shall identify the court on which the elected judge pro tempore serves and the number of years of judicial service. The list shall be disseminated in the same manner as required for local court rules by GR 7 and also be published on the AOC website.

(d) Date of Filing of Action Controls Assignment of Elected Judges Pro Tempore. The list of elected judges pro tempore which is on file on the date of the filing of an action is the list from which an elected judge pro tempore shall be appointed by the presiding judge to hear matters for the duration of that case.

(e) Substitute Judge Pro Tempore. In the event an elected judge pro tempore appointed in accordance with section (c) becomes unable to serve as an elected judge pro tempore, a new elected judge pro tempore may be substituted on the list for the elected judge pro tempore who is unavailable. The appointment of a substitute elected judge pro tempore is not required to comply with the time periods set forth in section (c) but shall comply with identification and dissemination requirements set forth in that section. The provisions of section (b) and (d) shall apply to the appointment o a substitute elected judge pro tempore. For courts having three (3) elected judges pro tempore, one elected pro tempore judge may be substituted annually and in all other courts no more than

two (2) elected judges pro tempore may be substituted annually.

(f) Notice of Change of Elected Judge Pro Tempore. In addition to RCW 4.12.050, any party to or any attorney appearing in any case which is assigned to an elected judge pro tempore shall be entitled to one (1) notice of change of judge when that judge has been assigned a matter over which to preside. Counsel shall file any "Notice of Change of Judge" before the noticed judge has made any discretionary ruling in the case, either on the motion of the party filing the notice of change of judge or on the motion of any other party to the action. The notice of change of judge shall be filed with the clerk of the court and copies served on all parties, the presiding judge, the court administrator and the noticed judge. Upon the filing of a notice of change of judge, the case shall be transferred to the presiding judge for reassignment and the noticed judge shall thereafter be ineligible to preside over any matters in that case.

[Adopted effective December 26, 2001; amended effective January 3, 2006.]

Comment

For attorney judges pro tempore, see RCW 2.08.180(1).
For visiting judges, see RCW 2.08.140 and 150.