

King County District Court

Pro Tem Policy

Policy Number: OPR 2022-09
Issue Date: November 18, 2022
Revision Date:
Rescind Date:

The Court's Executive Committee adopted the following Pro Tem Policy at its November 18, 2022 meeting.

Other Policies Affected

Replaces: OPR 2021-01

1. Temporary Employee Status

Pro tem judges are appointed by the King County District Court (KCDC, District Court, or Court) for a specified term commencing from the date the Oath of Office is administered and ending on January 1 of the next year that elected judges' terms of office expire (i.e.: Jan. 1, 2019, 2023, 2027, etc.). The term of appointment will be subject to renewal at the discretion of the King County District Court. A Pro Tem may apply for additional terms of service by submitting a Renewal Application by September 30 of the year the Pro Tem's appointment expires (i.e.: September 30, 2018 for January 1, 2019), and, if approved, the new appointment would begin from the date the new Oath of Office is taken until the end of the next term as specified above. Any Pro Tem Judge who completed the required Pro Tem training with an appointment prior to the adoption of this policy will be required to submit a Renewal Application by a specified date and take a new Oath of Office consistent with this policy.

Pro Tem Judges serve at the pleasure of the Court. An appointment as a Pro Tem Judge is at-will and either the Pro Tem Judge or the District Court Executive Committee (EC) may terminate the appointment at any time with or without cause or prior notice. While section (2) below outlines minimum standards to provide guidance for the Court, these standards create no rights for potential or current Pro Tem Judges. There is no right of appeal regarding any Executive Committee decision related to the employment of a Pro Tem Judge. An appointment as a Pro Tem Judge will last only so long as the Court desires. District Court has full discretion to make specific assignments and to change those assignments.

2. Minimum Standards

- a** Pursuant to RCW 3.34.060 and 3.34.130, any person wishing to serve as a Pro Tem Judge must be registered to vote in the State of Washington. Pro Tem Judges may reside in any County in the State of Washington.
- b** Pursuant to GR 29(f)(12) and GR 29(g), the eligibility of any person wishing to serve as a Pro Tem Judge shall be determined by the District Court Executive Committee.
- c** Any person wishing to serve as a Pro Tem Judge must be either an attorney and active member in good standing with the Washington State Bar Association or an attorney who has judicial status with the Washington State Bar Association, must have a minimum of 5 years civil or criminal experience.
- d** Any person wishing to serve as a Pro Tem Judge shall be subject to a criminal, civil, and infraction history check.
- e** Any person wishing to serve as a Pro Tem Judge shall be deemed ineligible for service if that person has ever been suspended or removed from the bench by the Washington State

Commission on Judicial Conduct and/or the Washington State Supreme Court, or if that person has been convicted of any crime, whether a felony or a misdemeanor (a “conviction” is defined to also include entry into a deferred prosecution, a stipulated order of continuance, or the imposition of a deferred sentence), within 10 years of the date of application for service.

- f** Any person wishing to serve as a Pro Tem Judge may be deemed ineligible for service if that person is currently subject to or has ever been subject to any form of discipline by the Washington State Commission on Judicial Conduct; that person has ever been subject to any form of discipline by the Washington State Bar Association, or that person has any criminal conviction with an offense date more than 10 years before the date of application for service.
- g** Any person wishing to serve as a Pro Tem Judge may be deemed ineligible for service if that person has a significant infraction history.
- h** Any person wishing to serve as a Pro Tem Judge who has been subject to a court restraining order (including protection, anti-harassment, stalking or other no contact order, but not including an order only issued ex parte) less than 10 years before the date of application for service must disclose this information to the Chief Presiding Judge. Failure to notify the Chief Presiding Judge as set forth herein may render a Pro Tem Judge ineligible to serve.
- i** All Pro Tem Judges shall immediately notify the Chief Presiding Judge if they become subject to any kind of disciplinary proceedings before the Commission on Judicial Conduct or the Washington State Bar Association, if they are arrested for, charged with, or convicted of a crime, or if they are a respondent to and subject to the restrictions of any protection, restraining, anti-harassment or stalking order, or civil arrest warrant. Failure to notify the Chief Presiding Judge as set forth herein may render a Pro Tem Judge ineligible to serve.
- j** If any person who is otherwise eligible to serve as a pro tem judge, or a member of that person's law firm, currently has a case pending or appears as attorney of record in a particular King County District Courthouse, that person is disqualified from serving as a pro tem judge in that particular courthouse. Except that prosecutors, public defenders and private criminal defense attorneys may serve as pro tem judges on small claims, anti-harassment and civil calendars in that particular courthouse.
- k** Any individual judge shall retain the right to decline to permit any person, otherwise determined eligible to serve by the King County District Court Executive Committee, from serving as a Pro Tem Judge in his or her place.

3. Search Warrants, Motions to Seal Court Records, Judicial Reviews, and Weddings

Pro Tem Judges are ineligible to preside over Motions to Seal Court Records, to review and/or sign search warrants, or perform weddings as a judicial officer (unless otherwise sworn or retired as a Judge). Additionally, Pro Tem Judges shall not address Request for Action on Active Probation matters in the Judicial Work Queues in eCourt.

4. Pro Tem Training

Any eligible person wishing to serve as a Pro Tem Judge shall attend the KCDC pro tem training. Appointed or elected judges who are otherwise eligible and are currently serving or have previously served in other Washington State courts are required to attend only the Electronic Case Management System (CMS) portion of the training. Judges and/or Commissioners who have retired from KCDC are not required to attend any part of the training for the first three years after retirement. If four years have elapsed since the pro tem judge last served the District Court as a pro tem judge, Judge, or Commissioner, then a pro tem judge shall reapply and must attend the District Court pro tem training before serving again as a pro tem for the District Court.

5. Case Management System

Pro Tem Judges must be proficient in the use of the Court's case management system and must fill out and print all forms on the computer. The in-court clerks will not print forms for a Pro Tem Judge to sign.

6. Individual Considerations

Any person wishing to serve, or currently serving as a Pro Tem Judge may, at any time, be referred to the Personnel Committee to address concerns specific to that individual. The referral may come from any person or any source. After discussion and consideration, the Personnel Committee will make a recommendation to the Executive Committee regarding the individual's eligibility to serve as a Pro Tem Judge. The EC representatives will vote to determine whether the person is eligible to serve as a Pro Tem Judge.

7. Assignment of Pro Tem Judges

It is essential that the Court maintain a broad pool of diverse, experienced, and competent Pro Tem Judges available to serve and in whom the court has confidence to carry out the business of the court. The court will endeavor to provide all Pro Tem Judges opportunities to serve the court, enabling Pro Tem Judges to gain the training and experience necessary to uphold the integrity and competence of the court. The court will also endeavor to mentor and provide feedback to all Pro Tem Judges.