Chapter 2.08 RCW
SUPERIOR COURTS

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Court filing fees: RCW 36.18.020.

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Judiciary and judicial power: State Constitution Art. 4.

RCW 2.08.010 Original jurisdiction. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce and for annulment of marriage, and for such special cases and proceedings as are not otherwise provided for; and shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court, and shall have the power of naturalization and to issue papers therefor. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued on legal holidays and nonjudicial days. [1955 c 38 s 3; 1890 p 342 s 5; RRS s 15.]

Jurisdiction of superior courts: State Constitution Art. 4 s 6 (Amendment 28).

RCW 2.08.020 Appellate jurisdiction. The superior courts shall have such appellate jurisdiction in cases arising in courts of limited jurisdiction in their respective counties as may be prescribed by law. [1987 c 202 s 102; 1890 p 343 s 6; RRS s 17.]

Rules of court: *See Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).*

Intent—1987 c 202: See note following RCW 2.04.190.

Appeals from
district courts: Criminal, chapter 10.10 RCW; civil, chapter 12.36 RCW.
municipal courts: Chapter 35.20 RCW.

Jurisdiction of superior courts: State Constitution Art. 4 s 6 (Amendment 28).

RCW 2.08.030 Courts of record—Sessions. The superior courts are courts of record, and shall be always open, except on nonjudicial days. They shall hold their sessions at the county seats of the several counties, respectively, and at such other places within the county as are designated by the judge or judges thereof with the approval of the chief justice of the supreme court of this state and

of the governing body of the county. They shall hold regular and special sessions in the several counties of this state at such times as may be prescribed by the judge or judges thereof. [1971 ex.s. c 60 s 1; 1890 p 343 s 7; RRS s 18.]

Rules of court: *Cf. CR 77(d), (f).*

Courts of record: State Constitution Art. 4 s 11.

Open when: State Constitution Art. 4 s 6 (Amendment 28).

RCW 2.08.040 Effect of adjournments. Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time. [1890 p 343 s 8; RRS s 26.]

Rules of court: *Cf. CR 77(g).*

RCW 2.08.050 Seal of courts. The seals of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words "Seal of the Superior Court of . . . . . County, State of Washington," surrounding the vignette. [1890 p 345 s 17; RRS s 38.]

RCW 2.08.060 Judges—Election. There shall be in each of the counties a superior court. Judges of the superior court shall be elected at the general election in November, 1952, and every four years thereafter. [1951 c 125 s 2; 1949 c 237 ss 1-5, part; 1945 c 20 s 1, part; 1933 ex.s. c 63 ss 1-3, part; 1927 c 135 s 1, part; Rem. Supp. 1949 ss 11045-1f-1i, part; Rem. Supp. 1945 ss 11045-1d & 1e, part; RRS ss 11045-1, 1a, 1b, 1c, part. Prior: 1925 ex.s. c 66 ss 1-3, part; 1925 ex.s. c 132 ss 1-4, part; 1917 c 97 ss 1-5, part; 1913 c 17 ss 1-4, part; 1911 c 40 ss 1-3, part; 1911 c 62 ss 1-3, part; 1911 c 76 ss 1-3, part; 1911 c 129 ss 1-3, part; 1911 c 131 ss 1-2, part; 1909 c 10 ss 1-3, part; 1909 c 12 ss 1-3, part; 1909 c 52 ss 1-3, part; 1909 c 94 ss 1-3, part; 1907 c 79 ss 1-3, part; 1907 c 106 s 1, part; 1907 c 178 ss 1-2, part; 1905 c 9 ss 1-3, part; 1905 c 36 ss 1-4, part; 1903 c 50 s 1, part; 1895 c 89 s 1, part; 1891 c 68 ss 1-3, part; 1890 p 341 s 1, part.]

Election, terms, etc., superior judges: State Constitution Art. 4 s 5.

Eligibility of judges: State Constitution Art. 4 s 17.

Impeachment: State Constitution Art. 5.

Judges ineligible to other office: State Constitution Art. 4 s 15.

Judges may not practice law: State Constitution Art. 4 s 19.

Removal from office: State Constitution Art. 4 s 9.

RCW 2.08.061 Judges—King, Spokane, and Pierce counties. There shall be in the county of King no more than fifty-eight judges of the superior court; in the county of Spokane thirteen judges of the superior court; and in the county of Pierce twenty-four judges of the superior court. [1997 c 347 s 3; 1996 c 208 s 3; 1992 c 189 s 1; 1989 c 328 s 2; 1987 c 323 s 1; 1985 c 357 s 1; 1980 c 183 s 1; 1979 ex.s. c 202 s 1; 1977 ex.s. c 311 s 1; 1973 1st ex.s. c 27 s 1; 1971 ex.s. c 83 s 5; 1969 ex.s. c 213 s 1; 1967 ex.s. c 84 s 1; 1963 c 48 s 1; 1961 c 67 s 1; 1955 c 176 s 1; 1951 c 125 s 3. Prior: 1949 c 237 ss 1, 3; 1933 ex.s. c 63 s 1; 1927 c 135 s 1, part; 1925 ex.s. c 66 s 1; 1911 c 76 s 1; 1909 c 52 s 1; 1909 c 12 s 1; 1909 c 10 s 1; 1907 c 106 s 1; 1907 c 79 s 1, part; 1905 c 9 s 1; 1895 c 89 s 1, part; 1891 c 68 s 2; 1890 p 341 s 1, part; Rem. Supp. 1949 ss 11045-1f, 11045-1h; RRS ss 11045-1, 11045-1a, part.]

Starting dates of additional judicial positions in Spokane county—Effective, starting dates of additional judicial positions in Pierce county—1997 c 347: "(1) The additional judicial positions created by section 3 of this act for the county of Spokane take effect upon July 27, 1997, but the actual starting dates for these positions may be established by the Spokane county commissioners upon the request of the superior court.

(2) The additional positions created by section 3 of this act for the county of Pierce, take effect as follows: One additional judicial position is effective January 1, 1998; two positions are effective January 1, 1999; and two positions are effective January 1, 2000. The actual starting dates for these positions may be established by the Pierce county council upon request of the superior court and by recommendation of the Pierce county executive." [1997 c 347 s 4.]

Additional judicial position in Spokane county subject to approval and agreement—1996 c 208: "The additional judicial position created by section 3 of this act shall be effective only if Spokane county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute." [1996 c 208 s 4.]

Effective dates—1992 c 189: "(1) Sections 1, 3, and 5 of this act shall take effect July 1, 1992.

(2) The remainder of this act shall take effect July 1, 1993." [1992 c 189 s 7.]

Additional judicial positions subject to approval and agreement—1992 c 189: "The additional judicial positions created by sections 1, 2, 3, 4, and 5 of this act shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute." [1992 c 189 s 8.]

Intent—1989 c 328: "The legislature recognizes the dramatic increase in cases filed in superior court over the last six years in

King, Pierce, and Snohomish counties. This increase has created a need for more superior court judges in those counties.

The increased caseload at the superior court level has also caused a similar increase in the case and petition filings in the court of appeals. Currently, the additional caseload is being handled by pro tempore judges and excessive caseloads for permanent judges. The addition of a permanent full-time judge will allow the court to more efficiently process the growing caseload.

By the creation of these additional positions, it is the intent of the legislature to promote the careful judicial review of cases by an elected judiciary." [1989 c 328 s 1.]

Additional judicial positions subject to approval and agreement—1989 c 328: "The additional judicial positions created by sections 2 and 3 of this act in Pierce and Snohomish counties shall be effective only if the county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities." [1989 c 328 s 5.]

Effective dates for additional judicial positions—1989 c 328 ss 2 and 3: "(1) Three additional judicial positions created by section 2 of this 1989 act shall be effective January 1, 1990.

(2) One additional judicial position created by section 3 of this act shall be effective July 1, 1990; the second position shall be effective not later than June 30, 1991." [1989 c 328 s 7.]

Effective dates—Additional judicial positions in King, Chelan, and Douglas counties subject to approval and agreement—1989 c 328; 1987 c 323: "Sections 1 and 2 of this act shall take effect January 1, 1988. The additional judicial positions created by sections 1 and 2 of this act in King county and Chelan and Douglas counties shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative authorities of Chelan and Douglas counties may in their discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1990. The legislative authority of King county may in its discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1991." [1989 c 328 s 6; 1987 c 323 s 5.]

Effective dates—Additional judicial positions in Pierce, Clark, and Snohomish counties subject to approval and agreement—1985 c 357: "(1) Sections 1 and 2 of this act shall take effect January 1, 1987. The additional judicial positions created by sections 1 and 2 of this act in Pierce and Clark counties shall be effective only if, prior to January 1, 1987, each county through its duly constituted legislative authority documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as

provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

(2) Section 3 of this act shall take effect January 1, 1986. The additional judicial position created by section 3 of this act in Snohomish county shall be effective only if, prior to January 1, 1986, the county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities." [1985 c 357 s 4.]

Effective date—1977 ex.s. c 311: "This 1977 amendatory act shall take effect November 1, 1977." [1977 ex.s. c 311 s 6.]

RCW 2.08.062 Judges—Chelan, Douglas, Clark, Grays Harbor, Kitsap, Kittitas, and Lewis counties. There shall be in the county of Chelan four judges of the superior court; in the county of Douglas one judge of the superior court; in the county of Clark 12 judges of the superior court; in the county of Grays Harbor three judges of the superior court; in the county of Kitsap eight judges of the superior court; in the county of Kittitas two judges of the superior court; in the county of Lewis three judges of the superior court. [2024 c 125 s 1; 2020 c 53 s 1; 2003 c 96 s 1; 1998 c 270 s 1; 1996 c 208 s 1; 1995 c 117 s 1; 1992 c 189 s 2; 1990 c 186 s 1; 1987 c 323 s 2; 1985 c 357 s 2; 1979 ex.s. c 202 s 2; 1977 ex.s. c 311 s 2; 1975-'76 2nd ex.s. c 79 s 1; 1971 ex.s. c 83 s 4; 1967 ex.s. c 84 s 2; 1963 c 48 s 2; 1951 c 125 s 4. Prior: 1945 c 20 s 1, part; 1927 c 135 s 1, part; 1911 c 131 s 1; 1907 c 79 s 1, part; 1907 c 178 s 1, part; 1905 c 36 s 1, part; 1895 c 89 s 1, part; 1891 c 68 s 3, part; 1890 p 341 s 1, part; Rem. Supp. 1945 s 11045-1d, part; RRS s 11045-1, part.]

Additional judicial position in Clark county subject to approval and agreement—2020 c 53 s 1: "(1) The additional judicial position created by section 1, chapter 53, Laws of 2020 is effective only if Clark county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution.

(2) The judicial position created by section 1, chapter 53, Laws of 2020 is effective no earlier than June 11, 2020. The actual starting date for the position may be established by the Clark county legislative authority upon request of the superior court and by recommendation of the Clark county executive authority, if any." [2020 c 53 s 2.]

Effective dates for additional judicial positions—2003 c 96: "(1) The additional judicial positions created by sections 1 and 2 of this act in Clark county, Kitsap county, Kittitas county, and Benton and Franklin counties shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute.

(2)(a) The additional judicial positions created by section 1 of this act for the county of Clark take effect as follows: One additional judicial position shall be effective no earlier than the second Monday in January 2004, and one additional position shall be effective no earlier than the second Monday in January 2005. The actual starting dates for the positions may be established by the Clark county legislative authority upon request of the superior court and by recommendation of the Clark county executive authority, if any.

(b) The additional judicial position created by section 1 of this act for the county of Kitsap shall be effective no earlier than the second Monday in January 2005. The actual starting date for the position may be established by the Kitsap county legislative authority upon request of the superior court and by recommendation of the Kitsap county executive authority, if any.

(c) The additional judicial position created by section 1 of this act for the county of Kittitas shall be effective no earlier than the second Monday in January 2004. The actual starting date for the position may be established by the Kittitas county legislative authority upon request of the superior court and by recommendation of the Kittitas county executive authority, if any.

(d) The additional judicial position created by section 2 of this act jointly for the counties of Benton and Franklin shall be effective no earlier than July 1, 2003. The actual starting date for the position may be established by the Benton and Franklin county legislative authorities upon request of the superior court and by recommendation of the Benton and Franklin county executive authorities, if any." [2003 c 96 s 3.]

Effective date—1998 c 270: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 1998]." [1998 c 270 s 5.]

Additional judicial positions in Clark, Lewis, and Yakima counties—Start dates—Establishment by county commissioners upon superior court request—1998 c 270: "(1) The additional judicial position created by section 1 of this act for the county of Clark takes effect on April 1, 1998, but the actual starting date for this position may be established by the Clark county commissioners upon the request of the superior court.

(2) The additional judicial position created by section 1 of this act for the county of Lewis takes effect on April 1, 1998, but the actual starting date for this position may be established by the Lewis county commissioners upon the request of the superior court.

(3) The additional judicial positions created by section 2 of this act for the county of Yakima take effect on April 1, 1998, but the actual starting dates for these positions may be established by the Yakima county commissioners upon the request of the superior court." [1998 c 270 s 4.]

Additional judicial positions in Chelan and Douglas counties subject to approval and agreement—1996 c 208: "(1) The three judicial positions serving Chelan and Douglas counties jointly are allocated to Chelan county, effective upon appointment of a judge to the Douglas county superior court. The additional judicial positions created by section 1, chapter 208, Laws of 1996, are allocated one to Chelan

county and one to Douglas county and each position becomes effective only if each county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution.

(2) The judicial positions created by section 1, chapter 208, Laws of 1996, shall be effective January 1, 1997." [1998 c 270 s 3; 1996 c 208 s 2.]

Effect—Additional judicial position in Clark county subject to approval and agreement—1995 c 117: "The additional judicial position created by section 1 of this act is effective only if Clark county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution." [1995 c 117 s 2.]

Effective dates—Additional judicial positions subject to approval and agreement—1992 c 189: See notes following RCW 2.08.061.

Effective dates—Additional judicial positions in Kitsap and Thurston counties subject to approval and agreement—1990 c 186: "(1)(a) One additional judicial position created by section 1 of this act and the additional judicial position created by section 2 of this act shall be effective July 1, 1990.

(b) The second additional judicial position created by section 1 of this act shall be effective not later than, and at the discretion of the legislative authority may be phased in at any time before, January 1, 1994.

(2) The additional judicial positions created by sections 1 and 2 of this act in Kitsap and Thurston counties shall be effective only if the county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities." [1990 c 186 s 4.]

Effective dates—Additional judicial positions in King, Chelan, and Douglas counties subject to approval and agreement—1987 c 323: See note following RCW 2.08.061.

Effective dates—Additional judicial positions in Pierce, Clark, and Snohomish counties subject to approval and agreement—1985 c 357: See note following RCW 2.08.061.

Adjustment in judicial services: See note following RCW 2.08.065.

Effective date—1977 ex.s. c 311: See note following RCW 2.08.061.

RCW 2.08.063 Judges—Lincoln, Skagit, Walla Walla, Whitman, Yakima, Adams, and Whatcom counties. There shall be in the county of

Lincoln one judge of the superior court; in the county of Skagit, five judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima, nine judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, five judges of the superior court. [2026 c 226 s 1; 2024 c 112 s 1; 2013 c 210 s 1; 2005 c 95 s 1; 1998 c 270 s 2; 1992 c 189 s 3; 1988 c 66 s 1; 1975 1st ex.s. c 49 s 1; 1973 1st ex.s. c 27 s 2; 1971 ex.s. c 83 s 1; 1963 c 48 s 3; 1955 c 19 s 1; 1951 c 125 s 5. Prior: 1949 c 237 ss 2, 4; 1945 c 20 s 1, part; 1927 c 135 s 1, part; 1917 c 97 s 5, part; 1911 c 62 s 1; 1911 c 129 s 2, part; 1907 c 79 s 1, part; 1895 c 89 s 1, part; 1891 c 68 s 3, part; 1890 p 341 s 1, part; Rem. Supp. 1949 ss 11045-1j, 11045-1i; Rem. Supp. 1945 s 11045-1d, part; RRS s 11045-1, part.]

Additional judicial position in Whatcom county subject to approval and agreement—2013 c 210: "The additional judicial position created by section 1 of this act in Whatcom county becomes effective only if the county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute." [2013 c 210 s 2.]

Contingency of additional judicial position—2005 c 95: "The additional judicial position created by section 1 of this act in Skagit county shall be effective only if the county through its legislative authority documents its approval by January 1, 2007, of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities." [2005 c 95 s 2.]

Effective date—Additional judicial positions in Clark, Lewis, and Yakima counties—Start dates—Establishment by county commissioners upon superior court request—1998 c 270: See notes following RCW 2.08.062.

Effective dates—Additional judicial positions subject to approval and agreement—1992 c 189: See notes following RCW 2.08.061.

Effect—Additional judicial position in Yakima county subject to approval and agreement—1988 c 66: "The additional judicial position created by section 1 of this act in Yakima county shall be effective only if the county through its legislative authority documents its approval by January 1, 1990, of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities." [1988 c 66 s 2.]

RCW 2.08.064 Judges—Benton, Franklin, Clallam, Jefferson, Snohomish, Asotin, Columbia, Garfield, Cowlitz, Klickitat, and Skamania counties. There shall be in the counties of Benton and

Franklin jointly, seven judges of the superior court; in the county of Clallam, three judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, 17 judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, five judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court. [2022 c 46 s 1; 2013 c 142 s 1; 2006 c 20 s 1; 2003 c 96 s 2; 1997 c 347 s 1; 1993 sp.s. c 14 s 1; 1992 c 189 s 4; 1989 c 328 s 3; 1985 c 357 s 3; 1982 c 139 s 2; 1981 c 65 s 1; 1979 ex.s. c 202 s 3; 1977 ex.s. c 311 s 3; 1974 ex.s. c 192 s 1; 1971 ex.s. c 83 s 3; 1969 ex.s. c 213 s 2; 1967 ex.s. c 84 s 3; 1963 c 35 s 1; 1961 c 67 s 2; 1955 c 19 s 2; 1951 c 125 s 6. Prior: 1945 c 20 s 1, part; 1927 c 135 s 1, part; 1925 ex.s. c 132 s 1; 1917 c 97 ss 1-3; 1911 c 40 s 1; 1911 c 129 ss 1, 2, part; 1907 c 79 s 1, part; 1905 c 36 s 1, part; 1895 c 89 s 1, part; 1891 c 68 ss 1, 3, part; 1890 p 341 s 1, part; Rem. Supp. 1945 s 11045-1d, part; RRS s 11045-1, part.]

Additional judicial positions in Snohomish county subject to approval and agreement—Effective date—2022 c 46: "(1) The additional judicial positions created in section 1 of this act are effective only if Snohomish county, through its duly constituted legislative authority, documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial positions as provided by state law and the state Constitution.

(2) The judicial positions created in section 1 of this act are effective July 1, 2022." [2022 c 46 s 2.]

Additional judicial position in Benton and Franklin counties subject to approval and agreement—2013 c 142: "The additional judicial position created by section 1 of this act in Benton and Franklin counties jointly becomes effective only if the counties, through their duly constituted legislative authority, document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute." [2013 c 142 s 2.]

Additional judicial positions in Clallam and Cowlitz counties subject to approval and agreement—2006 c 20: "The additional judicial positions created by section 1 of this act in Clallam and Cowlitz counties are effective only if each county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the existing and additional judicial positions as provided by statute and the state Constitution." [2006 c 20 s 2.]

Effective dates for additional judicial positions—2003 c 96: See note following RCW 2.08.062.

Starting dates of additional judicial positions in Snohomish county—1997 c 347: "The additional judicial positions created for the county of Snohomish under section 1 of this act are effective January 1, 1998, but the actual starting dates for these positions may be

established by the Snohomish county council upon request of the superior court and by the recommendation of the Snohomish county executive." [1997 c 347 s 2.]

Additional judicial position in Cowlitz county subject to approval and agreement—1993 sp.s. c 14: "The additional judicial position created by section 1 of this act shall be effective only if Cowlitz county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute." [1993 sp.s. c 14 s 2.]

Effective dates—Additional judicial positions subject to approval and agreement—1992 c 189: See notes following RCW 2.08.061.

Intent—Additional judicial positions subject to approval and agreement—Effective dates for additional judicial positions—1989 c 328: See notes following RCW 2.08.061.

Effective dates—Additional judicial positions in Pierce, Clark, and Snohomish counties subject to approval and agreement—1989 c 328; 1985 c 357: See note following RCW 2.08.061.

Additional judicial positions in Clallam and Jefferson counties subject to approval and agreement—1982 c 139: "The additional judicial positions created by section 2 of this 1982 act in Clallam and Jefferson counties shall be effective only if, prior to April 1, 1982, each county through its duly constituted legislative authority documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute." [1982 c 139 s 3.]

Additional judicial positions in Ferry, Stevens, and Pend Oreille district subject to approval and agreement—1982 c 139; 1981 c 65: "The additional judicial position created by this 1981 act in the joint Ferry, Stevens, and Pend Oreille judicial district shall be effective only if each county in the judicial district through its duly constituted legislative authority documents its approval of the additional position and its agreement that it and the other counties comprising the judicial district will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute. As among the counties, the amount of the judge's salary to be paid by each county shall be in accordance with RCW 2.08.110 unless otherwise agreed upon by the counties involved." [1982 c 139 s 1; 1981 c 65 s 3.]

Effective date—1977 ex.s. c 311: See note following RCW 2.08.061.

RCW 2.08.065 Judges—Grant, Ferry, Okanogan, Mason, Thurston, Pacific, Wahkiakum, Pend Oreille, Stevens, San Juan, and Island counties. There shall be in the county of Grant, three judges of the superior court; in the county of Okanogan, two judges of the superior

court; in the county of Mason, three judges of the superior court; in the county of Thurston, nine judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, three judges of the superior court; in the county of San Juan, one judge of the superior court; and in the county of Island, two judges of the superior court. [2021 c 63 s 1; 2020 c 53 s 3; 2014 c 169 s 1; 2007 c 95 s 1; 1999 c 245 s 1; 1996 c 208 s 5; 1992 c 189 s 5; 1990 c 186 s 2; 1986 c 76 s 1; 1981 c 65 s 2; 1979 ex.s. c 202 s 4; 1977 ex.s. c 311 s 4; 1973 1st ex.s. c 27 s 3; 1971 ex.s. c 83 s 2; 1969 ex.s. c 213 s 3; 1955 c 159 s 1; 1951 c 125 s 7. Prior: 1927 c 135 s 1, part; 1917 c 97 ss 4, 5, part; 1913 c 17 s 1; 1911 c 131 s 2; 1907 c 79 s 1, part; 1907 c 178 s 1, part; 1903 c 50 s 1, part; 1895 c 89 s 1, part; 1891 c 68 ss 1, 3, part; 1890 p 341 s 1, part; RRS s 11045-1, part.]

Additional judicial position in Thurston county subject to approval and agreement—2021 c 63 s 1: "(1) The additional judicial position created by section 1 of this act is effective only if Thurston county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law and the state Constitution.

(2) The judicial position created by section 1 of this act is effective November 1, 2021." [2021 c 63 s 2.]

Additional judicial position subject to approval and agreement—2020 c 53 s 3: "(1) The additional judicial position created by section 3, chapter 53, Laws of 2020 is effective only if Ferry, Pend Oreille, and Stevens counties, jointly through their duly constituted legislative authorities, document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law and the state Constitution.

(2) The judicial position created by section 3, chapter 53, Laws of 2020 is effective no later than July 1, 2020. An earlier starting date for the position may be established by joint action of the duly constituted legislative authorities of Ferry, Pend Oreille, and Stevens counties, upon request of the superior court and by recommendation of the executive authorities of each of Ferry, Pend Oreille, and Stevens counties, if any." [2020 c 53 s 4.]

Additional judicial position subject to approval and agreement—2014 c 169: "The additional judicial position created by section 1 of this act in Mason county becomes effective only if the county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute." [2014 c 169 s 2.]

Additional judicial positions subject to approval and agreement—2007 c 95: "The two judicial positions serving San Juan and Island counties jointly are allocated to Island county effective the date upon which the judge for San Juan county superior court assumes

office. The additional judicial position created by section 1 of this act is allocated to San Juan county and becomes effective only if:

(1) San Juan county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution; and

(2) Island county, through its duly constituted legislative authority, documents its approval and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the two judicial positions currently serving San Juan and Island counties jointly as provided by state law or the state Constitution." [2007 c 95 s 2.]

Additional judicial positions subject to approval and agreement—1999 c 245: "(1) The additional judicial position for Grant county created by section 1 of this act is effective only if Grant county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution.

(2) The additional judicial position for Okanogan county created by section 1 of this act is effective only if Okanogan county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the existing and additional judicial positions as provided by state law or the state Constitution." [1999 c 245 s 2.]

Additional judicial positions in Thurston county subject to approval and agreement—1996 c 208: "The additional judicial positions created by section 5 of this act are effective only if Thurston county through its duly constituted legislative authority documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial positions as provided by state law or the state Constitution." [1996 c 208 s 6.]

Effective dates of additional judicial positions in Thurston county—1996 c 208: "One judicial position created by section 5 of this act shall be effective July 1, 1996; the second position shall be effective July 1, 2000." [1996 c 208 s 7.]

Effective dates—Additional judicial positions subject to approval and agreement—1992 c 189: See notes following RCW 2.08.061.

Effective dates—Additional judicial positions in Kitsap and Thurston counties subject to approval and agreement—1990 c 186: See note following RCW 2.08.062.

Effective date—Appointment of additional judicial position—1986 c 76: "(1) Pursuant to RCW 2.08.069, the governor shall appoint a person to fill the judicial position created by section 1 of this act in Mason county. The five judges of the superior court serving in the

Thurston/Mason judicial district on January 1, 1987, shall be assigned to the new Thurston county judicial district.

(2) This act shall take effect January 1, 1987. The additional judicial position created by section 1 of this act in Mason county shall be effective only if, before January 1, 1987, Thurston and Mason counties, through their duly constituted legislative authorities, document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses resulting from section 1 of this act." [1986 c 76 s 2.]

Additional judicial positions subject to approval and agreement: See note following RCW 2.08.064.

Adjustment in judicial services provided for Douglas, Grant, and Chelan counties: "The superior court judge serving in position two, as designated by the county auditors of Grant and Douglas counties for the 1976 general election, in the counties of Grant and Douglas prior to the effective date of this 1979 act, shall thereafter serve jointly in the counties of Douglas and Chelan, along with the judge previously serving only in Chelan county. The additional superior court judge position created by this 1979 act shall be for Grant county alone, which shall retain the judge in position one previously serving jointly in the counties of Grant and Douglas." [1979 ex.s. c 202 s 5.]

Effective date—1977 ex.s. c 311: See note following RCW 2.08.061.

RCW 2.08.069 Judges—Filling vacancies resulting from creation of additional judgeships. Unless otherwise provided, upon the taking effect of any act providing for additional judges of the superior court and thereby creating a vacancy, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term. [1955 c 38 s 4; 1951 c 125 s 8.]

Vacancy, how filled: RCW 2.08.120.

RCW 2.08.070 Terms of office. The judges of the superior court elected under the provisions of RCW 2.08.060 through 2.08.065 shall hold their offices for the term of four years from and after the second Monday in January next succeeding their election, and until their successors are elected and qualified. [1927 c 135 s 2; RRS s 11045-2.]

Election, terms, etc., superior judges: State Constitution Art. 4 s 5.

Forfeiture of office for absence: State Constitution Art. 4 s 8.

Removal of judges: State Constitution Art. 4 s 9.

RCW 2.08.080 Oath of office. Every judge of a superior court shall, before entering upon the duties of his or her office, take and subscribe an oath that he or she will support the Constitution of the United States and the Constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his or her ability, which oath shall be filed in the office of the secretary of state. Such oath or affirmation to be in form substantially the same as prescribed for justices of the supreme court. [2011 c 336 s 13; 1971 c 81 s 5; 1890 p 344 s 15; RRS s 11051.]

Oath of judges: State Constitution Art. 4 s 28.

RCW 2.08.092 Salary of judges. The annual salary of the judges of the superior court shall be established by the Washington citizens' commission on salaries for elected officials. [1986 c 155 s 6; 1984 c 258 s 403.]

Contingent effective date—Severability—1986 c 155: See notes following RCW 43.03.300.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Salaries of judicial officers: State Constitution Art. 4 s 13, 14; Art. 28 s 1; Art. 30 s 1.

Washington citizens' commission on salaries for elected officials: RCW 43.03.305.

RCW 2.08.100 Payment of county's portion. The county auditor of each county shall pay superior court judges in the same means and manner provided for all other elected officials. [1997 c 204 s 1; 1939 c 189 s 1; 1893 c 30 s 1; 1890 p 329 s 2; RRS s 10967.]

Distribution of work of courts by chief justice—Unavailability of presiding judge in single judge court: RCW 2.56.040.

RCW 2.08.110 Apportionment between counties in joint judicial district. Where there is only one judge of the superior court for two or more counties, the auditors thereof, acting together, shall apportion among or between such counties, according to the assessed valuation of their taxable property, the amount of such judge's salary that each county shall pay. [1890 p 329 s 3; RRS s 10968.]

RCW 2.08.115 Judge serving district comprising more than one county—Reimbursement for travel expenses. Whenever a judge of the superior court shall serve a district comprising more than one county, such judge shall be reimbursed for travel expenses in connection with business of the court in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for travel from his or her

residence to the other county or counties in his or her district and return. [2011 c 336 s 14; 1975-'76 2nd ex.s. c 34 s 1.]

Severability—1975-'76 2nd ex.s. c 34: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1976 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 34 s 182.]

Effective date—1975-'76 2nd ex.s. c 34: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1976." [1975-'76 2nd ex.s. c 34 s 183.]

RCW 2.08.120 Vacancy, how filled. (1) If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first. [2022 c 74 s 3; 1955 c 38 s 5. Prior: 1890 p 342 s 4; 1937 c 15 s 2; RRS s 11049.]

Superior court—Election of judges, terms of, etc.: State Constitution Art. 4 s 5.

Vacancies resulting from additional judgeships: RCW 2.08.069.

RCW 2.08.140 Visiting judge at direction of governor. Whenever a judge of the superior court of any county in this state, or a majority of such judges in any county in which there is more than one judge of said court, shall request the governor of the state to direct a judge of the superior court of any other county to hold a session of the superior court of any such county as is first herein above mentioned, the governor shall thereupon request and direct a judge of the superior court of some other county, making such selection as the governor shall deem to be most consistent with the state of judicial business in other counties, to hold a session of the superior court in the county the judge shall have requested the governor as aforesaid. Such request and direction by the governor shall be made in writing, and shall specify the county in which he or she directs the superior judge to whom the same is addressed to hold such session of the superior court, and the period during which he or she is to hold such session. Thereupon it shall be the duty of the superior judge so requested, and he or she is hereby empowered to hold a session of the

superior court of the county specified by the governor, at the seat of judicial business thereof, during the period specified by the governor, and in such quarters as the county commissioners of said county may provide for the holding of such session. [2011 c 336 s 15; 1893 c 43 s 1; RRS s 27. Prior: 1890 p 343 s 10.]

Duty to hold court in other county or district: RCW 2.56.040.

RCW 2.08.150 Visiting judge at request of judge or judges. Whenever a like request shall be addressed by the judge, or by a majority of the judges (if there be more than one) of the superior court of any county to the superior judge of any other county, he or she is hereby empowered, if he or she deem it consistent with the state of judicial business in the county or counties whereof he or she is a superior judge (and in such case it shall be his or her duty to comply with such request), to hold a session of the superior court of the county the judge or judges whereof shall have made such request, at the seat of judicial business of such county, in such quarters as shall be provided for such session by the board of county commissioners, and during such period as shall have been specified in the request, or such shorter period as he or she may deem necessary by the state of judicial business in the county or counties whereof he or she is a superior judge. [2011 c 336 s 16; 1893 c 43 s 2; RRS s 28. Prior: 1890 p 343 s 10.]

RCW 2.08.160 Sessions where more than one judge sits—Effect of decrees, orders, etc. In any county where there shall be more than one superior judge, or in which a superior judge of another county may be holding a session of the superior court, as provided in RCW 2.08.140 through 2.08.170, there may be as many sessions of the superior court at the same time as there are judges thereof, or assigned to duty therein by the governor, or responding to a request made as provided in RCW 2.08.150. In such cases the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of the court as shall best promote and secure the convenient and expeditious transaction thereof. Judgments, decrees, orders and proceedings of any session of the superior court held by one or more of the judges of said court, or by any judge of the superior court of another county pursuant to the provisions of RCW 2.08.140 through 2.08.170, shall be equally effectual as if all the judges of such court presided at such session. [1893 c 43 s 3; RRS s 29. Prior: 1890 p 341 s 2.]

RCW 2.08.170 Expenses of visiting judge. Any judge of the superior court of any county in this state who shall hold a session of the superior court of any other county, in pursuance of the provisions of RCW 2.08.140 through 2.08.170 shall be entitled to receive from the county in which he or she shall hold such sessions reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended. The county clerk of such county shall, upon the presentation to him or her by such judge of a statement of such expenses, verified by his or her affidavit, issue to such judge a

certificate that he or she is entitled to the amount thereof; and upon presentation of such certificate to the auditor of such county he or she shall draw a warrant on the current expense fund of such county for the amount in favor of such judge. [2011 c 336 s 17; 1981 c 186 s 3; 1893 c 43 s 4; RRS s 30. Prior: 1890 p 329 s 4.]

Holding court in another county or district—Reimbursement for expenses: RCW 2.56.070.

RCW 2.08.180 Judge pro tempore—Appointment—Oath—Compensation. A case in the superior court of any county may be tried by a judge pro tempore, who must be either: (1) A member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; or (2) pursuant to supreme court rule, any sitting elected judge. Any action in the trial of such cause shall have the same effect as if it was made by a judge of such court. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

A judge pro tempore shall, before entering upon his or her duties in any cause, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge pro tempore in the cause wherein . . . . . is plaintiff and . . . . . defendant, according to the best of my ability."

A judge pro tempore who is a practicing attorney or who is a retired judge of a court of the state of Washington, shall receive a compensation of one-two hundred fiftieth of the annual salary of a superior court judge for each day engaged in said trial, to be paid in the same manner as the salary of the superior judge. A judge who is an active full-time judge of a court of the state of Washington shall receive no compensation as judge pro tempore. A judge who is an active part-time judge of a court of the state of Washington may receive compensation as a judge pro tempore only when sitting as a judge pro tempore during time for which he or she is not compensated as a part-time judge. A retired justice or judge may decline to accept compensation. [2023 c 24 s 1; 2005 c 142 s 1; 2003 c 247 s 1; 2002 c 137 s 1; 1987 c 73 s 1; 1971 c 81 s 6; 1967 c 149 s 1; 1890 p 343 s 11; RRS s 40.]

Contingent effective date—1987 c 73: "This act shall take effect January 1, 1988, if the proposed amendment to Article IV, section 7 of the state Constitution, allowing retiring judges to hear pending cases, is validly submitted to and is approved and ratified by the voters at a general election held in November, 1987. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety." [1987 c 73 s 2.] Amendment 80 of the state Constitution, amending Article IV, section 7, was approved by the voters November 3, 1987.

Judges pro tempore: State Constitution Art. 4 s 7.
appointments: RCW 2.56.170.

RCW 2.08.185 Attorney serving as guardian ad litem—Disqualification as judge pro tempore or commissioner pro tempore—Circumstances. An attorney may not serve as a superior court judge pro tempore or a superior court commissioner pro tempore in a judicial district while appointed to or serving on a case in that judicial district as a guardian ad litem for compensation under Title 11, 13, or 26 RCW, if that judicial district is contained within division one or two of the court of appeals and has a population of more than one hundred thousand. [1996 c 249 s 12.]

Intent—1996 c 249: See note following RCW 2.56.030.

RCW 2.08.190 Powers of judge in counties of his or her district. Any judge of the superior court of the state of Washington shall have power, in any county within his or her district: (1) To sign all necessary orders and papers in probate matters pending in any other county in his or her district; (2) to issue restraining orders, and to sign the necessary orders of continuance in actions or proceedings pending in any other county in his or her district; (3) to decide and rule upon all motions, demurrers, issues of fact, or other matters that may have been submitted to him or her in any other county. All such rulings and decisions shall be in writing and shall be filed immediately with the clerk of the proper county: PROVIDED, That nothing herein contained shall authorize the judge to hear any matter outside of the county wherein the cause or proceeding is pending, except by consent of the parties. [2011 c 336 s 18; 1901 c 57 s 1; RRS s 41.]

RCW 2.08.200 Decisions and rulings in matters heard outside judge's district. Any judge of the superior court of the state of Washington who shall have heard any cause, either upon motion, demurrer, issue of fact, or other matter in any county out of his or her district, may decide, rule upon, and determine the same in any county in this state, which decision, ruling, and determination shall be in writing and shall be filed immediately with the clerk of the county where such cause is pending. [2011 c 336 s 19; 1901 c 57 s 2; RRS s 42.]

Rules of court: *Statute modified or superseded by CR 7(c).*

RCW 2.08.210 Extent of court's process—Venue. The process of the superior courts shall extend to all parts of the state: PROVIDED, That all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions is situated. [1890 p 343 s 9; RRS s 32.]

Rules of court: *Cf. CR 4(f).*

Extent of process: State Constitution Art. 4 s 6 (Amendment 28).

Venue: Chapter 4.12 RCW.

RCW 2.08.220 Process, to whom directed. Unless otherwise provided by statute, all process issuing out of the court shall be directed to the sheriff of the county in which it is to be served, and be by him or her executed according to law. [2011 c 336 s 20; 1891 c 45 s 5; RRS s 35.]

RCW 2.08.230 Uniform rules to be established. The judges of the superior courts shall, from time to time, establish uniform rules for the government of the superior courts. [1890 p 344 s 13; RRS s 36.]

Rule-making power, supreme court: RCW 2.04.180 through 2.04.210.

Superior court rules: State Constitution Art. 4 s 24.

Supplementary superior court rules: RCW 2.04.210.

Uniform court rules: RCW 2.16.040.

RCW 2.08.240 Limit of time for decision. Every case submitted to a judge of a superior court for his or her decision shall be decided by him or her within ninety days from the submission thereof: PROVIDED, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he or she is to decide shall commence at the time the cause is submitted upon such rehearing, and upon willful failure of any such judge so to do, he or she shall be deemed to have forfeited his or her office. [2011 c 336 s 21; 1890 p 344 s 12; RRS s 39.]

Decisions, when to be made: State Constitution Art. 4 s 20.

Payment of county's portion: RCW 2.08.100.

RCW 2.08.250 Report to judges of supreme court. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the supreme court, such defects and omissions in the laws as their experience may suggest. [1890 p 344 s 14; RRS s 11050.]

Annual report to supreme court: State Constitution Art. 4 s 25.