



**SENATE BILL 257:
Appropriations Act of 2017, Sec. 18B.11:
Modify Emergency Recall Judges**

2017-2018 General Assembly

Committee:		Date:	October 4, 2017
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	Sec. 18B.11 of S.L. 2017-57		

OVERVIEW: *Section 18B.11 of S.L. 2017-57 provides that:*

- *The Chief Justice of the Supreme Court shall designate all commissioned emergency judges as either active or inactive.*
- *Only active emergency judges shall be assigned to hold court.*
- *The active list of emergency superior and special superior court judges shall be limited to a combined total of 10, but an emergency judge who is assigned to hear and decide complex business cases shall not be counted in this combined total.*
- *The active list of emergency district court judges shall be limited to 25 emergency judges.*
- *Emergency judges may be assigned to hold court only in the event of a sitting judge's death, disability, retirement, removal, or recall to active military duty, or in the event of a court case-management emergency.*

This section became effective on June 28, 2017.

CURRENT LAW: Under certain circumstances, justices and judges of both the trial and appellate levels of the General Court of Justice who retire before reaching mandatory retirement age can apply to be commissioned by the Governor to serve as emergency judges who can be assigned to hold court by the Chief Justice of the Supreme Court.

Justices and judges of the appellate division who become emergency special superior court judges can be assigned to hold sessions of superior court. District and superior court judges who become emergency judges can be assigned to hold sessions of the court from which they retired.

An emergency judge's commission expires upon reaching mandatory retirement age. At that time, the judge may be recalled as an emergency judge to preside over sessions of the court the judge served when commissioned, if the judge is determined to be capable of efficiently and promptly discharging the duties of that office.

Before enactment of this section there was no limit on the number of emergency judges who could hold court and there was no limit on the circumstances under which an emergency judge could be assigned to hold court.

BILL ANALYSIS: Section 18B.11 requires that from the commissioned emergency district, superior, and special superior court judges, the Chief Justice shall create two lists of active emergency judges and two lists of inactive emergency judges. Only active emergency judges may be assigned to hold court.

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The number of active emergency superior and special superior court judges is limited to a combined total of 10 emergency judges, not including an emergency judge who is assigned to hear and decide complex business cases. The number of emergency district court judges is limited to 25 emergency judges. In the discretion of the Chief Justice, judges may be shifted between the active and inactive lists, as long as the numerical limit for the active list is observed.

In addition, this section provides that an emergency judge shall only be assigned to hold court in the event of a sitting judge's death, disability, retirement, removal, recall to active military duty, or in the event of a court case-management emergency.

EFFECTIVE DATE: This section became effective on June 28, 2017.