

## **CHAPTER 27-24 TEMPORARY JUDGES**

### **27-24-01. Appointment of eligible person to temporary judgeship.**

1. The supreme court may appoint any eligible person to serve as temporary judge in any court other than the supreme court, whenever the supreme court determines that the appointment is reasonably necessary and will promote the more efficient administration of justice. A person, except a retired justice of the supreme court or a retired judge of the district court, is eligible for appointment if the person is a resident of this state and has been engaged in the active practice of law in this state for a period of at least three years next preceding the appointment.
2. An appointment under this section must be made by order of the supreme court. The supreme court shall provide, to the extent it deems necessary or desirable, rules and regulations for appointments under this section. No appointment made pursuant to this chapter may be for a duration longer than thirty calendar days.
3. An appointment under this section does not become effective until the appointee subscribes and files in the office of the secretary of state an oath or affirmation substantially as follows:

I do solemnly swear (or affirm) that I will support the constitutions of the United States and the state of North Dakota, and that I will faithfully discharge the duties of the office of judge of the state of North Dakota to the best of my ability.

### **27-24-02. Transfer, challenge, disqualification, and supervision of person appointed.**

1. A temporary judge appointed as provided in this chapter to serve in any court, other than the supreme court, in any county or judicial district may, at any time while serving under the appointment, be transferred and assigned by the supreme court to serve as temporary judge in any one or more other counties or judicial districts during the term of the appointment.
2. Each temporary judge appointed and qualified as provided in section 27-24-01 has, in the city, county, or judicial district assigned, all the judicial powers, duties, jurisdiction, and authority, while serving under the appointment, of a regularly elected or appointed judge of the appropriate court.
3. The eligibility, appointment, or qualification of an appointee under section 27-24-01, or the appointee's right to hold the position of temporary judge in any particular city, county, or judicial district while serving under the appointment, is subject to challenge only in a direct proceeding instituted for that purpose as provided by law. The proceeding may be instituted in the supreme court if it consents to take original jurisdiction thereof.
4. A temporary judge appointed as provided in section 27-24-01 is subject to demand for change of judge as provided in section 29-15-21.
5. A temporary judge appointed as provided in section 27-24-01 or assigned as provided in subsection 1 to a district court with one or more regularly elected or appointed and qualified judges on active duty is subject to the directions of the regular presiding judge of the district court in respect to the assignment of cases and the general administration of the business of the court. A temporary judge assigned to any other court is under the supervision of the supreme court.

### **27-24-03. Extension and termination of appointment of temporary judge - Eligibility to appear as an attorney.**

1. It is the duty of a temporary judge appointed as provided in section 27-24-01 to hear, decide, and dispose of all cases and matters submitted to the judge as promptly as the nature of the questions involved will permit. The powers, jurisdiction, and judicial authority of the temporary judge in respect to any case or matter tried or heard while serving under the appointment shall continue beyond the expiration of the appointment so far as may be necessary to:

- a. Decide and dispose of any case or matter on trial or held under advisement.
  - b. Hear and decide any motion for a new trial or for a judgment notwithstanding the verdict, or objections to any cost bill, that may be filed in the case.
  - c. Settle a transcript for appeal and grant extensions of time therefor.
2. The supreme court at any time by order may terminate the term of appointment of a temporary judge as of a date specified in the order, but termination does not affect the validity of any judgment, decree, order, or other action of the temporary judge before the effective date of the termination.
  3. A temporary judge appointed as provided in section 27-24-01 is not eligible to appear as attorney in the court to which the judge was appointed in any case tried by a jury selected from the same jury panel which was in existence during the time which that individual served as temporary judge.

**27-24-04. Compensation and expenses of person appointed temporary judge.**

1. A temporary judge appointed as provided in section 27-24-01 must receive as compensation for each day of service in the performance of duties under the appointment an amount equal to five percent of the gross monthly salary of a regularly elected or appointed judge of the court in which the temporary judge is to serve, or one-half of that daily compensation for services of one-half day or less. The compensation must be paid upon the certificate of the temporary judge that the services were performed for the number of days shown in the certificate and must be paid in the same manner as the salaries of the regularly elected or appointed judges are paid.
2. A temporary judge appointed as provided in section 27-24-01 or assigned as provided in section 27-24-02 to serve outside the county in which the judge resides or maintains an office must receive, in addition to daily compensation, reimbursement for travel expenses necessarily incurred in the performance of duties as temporary judge. The expenses must be reimbursed upon the certification by the temporary judge that the expenses were actually incurred, in the same manner as like expenses of regularly elected or appointed judges are paid.