



“Pro tempore” literally means “for the time being;” in other words, a temporary or a substitute judge. Retired judges pro tempore serving at BCMC assist in hearing cases when judges are unavailable, for example when dockets are full or for employee grievances or other employee-related cases.

Under the HB561, the rate for metropolitan court judges pro tempore would be \$60.44 an hour which is equal to 90% of the compensation provided to a district court judge pro tempore. A district court judge pro tempore currently receives \$67.15 an hour – a rate set by Supreme Court Order.

It should be noted that if the Supreme Court itself designates a retired *district* court judge to serve as a pro tempore at the metropolitan court, that judge receives the district court’s rate of compensation.

### **FISCAL IMPLICATIONS**

Currently, metropolitan court judges pro tempore are compensated at a rate of \$75 *per day* plus *gross receipts tax*. Given that this bill changes the rate of compensation to \$60.44 *per hour*, the average amount per day for pro tempore services would increase to **\$484** (\$60.44 x 8 hours).

Since funding is available in Bernalillo County Metropolitan Court’s general fund budget to pay compensation increases for judges pro tempore, additional funding is not being requested.

### **RELATIONSHIP**

In contrast, SB46 seeks to authorize payment to magistrate judges pro tempore at the same hourly rate as magistrate judges, together with mileage (at \$.25 per mile) and per diem (at \$65 per day when required). The current hourly rate for a magistrate judge is \$26.47.

The Supreme Court believes that the difference in pay is justified because the retired metropolitan judges are licensed attorneys compared to most magistrate judges. In addition, the metropolitan court has had a difficult time finding former judges to serve as judges pro tempore. Increased compensation will provide incentive.

CMH/njw:lrs:ar