

**Testimony of the Office of the Public Defender, State of Hawaii,
to the Senate Committee on Judiciary and Labor**

January 27, 2012

**S.B. No. 2206: PROPOSING AN AMENDMENT TO ARTICLE VI,
SECTION 3, OF THE HAWAII STATE CONSTITUTION
TO INCREASE THE MANDATORY RETIREMENT AGE
FOR STATE JUSTICES AND JUDGES**

Chair Hee and Members of the Committee:

S.B. No. 2206 seeks to raise the mandatory retirement age for state judges and justices from 70 years of age to 80. While we are in agreement that many judges are able to serve at the highest level well past the age of 70, there are some for whom certain infirmities, mostly health-related, begin to set in. Unfortunately, many persons in their seventies begin to deal with such issues as high-blood pressure, heart disease, diabetes, hearing problems, eyesight difficulties and Alzheimer's diseases. These infirmities can affect the ability to efficiently hear individual cases and a full day's calendar or even the ability to remember or think analytically.

If the retirement age is raised to the age of 80, we believe it would be wise to require judges after the age of 70 to undergo reviews every two or three years until retirement to assure that they are able to continue to serve. The Judicial Selection Commission should be given the power to remove a judge after such a review if the judge is deemed to be unable to serve. Judges of that age should also be required to disclose to the Judicial Selection Commission the substance of any medical condition or infirmity which could affect his/her ability to serve.

Thank for the opportunity to **comment** on this measure.

hee6 - Dinna

From: John.M.Tonaki@hawaii.gov
Sent: Wednesday, January 25, 2012 1:51 PM
To: JDLTestimony
Subject: Public Defender testimony for JDL hearing on Jan. 27, 2012 at 9:30 am
Attachments: SB2206 [PD testimony].pdf

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From: mailinglist@capitol.hawaii.gov
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Testimony for JDL 1/27/2012 9:30:00 AM SB2206

Conference room: 016
Testifier position: **Comments Only**
Testifier will be present: No
Submitted by: **Debra Bringman**
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Submitted on: 1/24/2012

Comments:

I'm concerned how well a judge will be able to perform their duties - if we increase the age. Don't we have a large number of attorneys to choose from? Is this really necessary to amend this law?