

**Testimony of the Office of the Public Defender, State of Hawaii,  
to the House Committee on Judiciary**

March 8, 2012

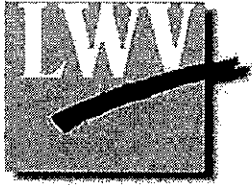
**S.B. No. 2206:            PROPOSING AN AMENDMENT TO ARTICLE VI,  
SECTION 3, OF THE HAWAII STATE CONSTITUTION  
TO INCREASE THE MANDATORY RETIREMENT AGE  
FOR STATE JUSTICES AND JUDGES**

Chair Keith-Agaran 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.



## THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 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

House Committee on Judiciary  
Rep. Gilbert S. C. Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair  
Thursday, March 8, 2012  
2:00 p.m. Conference Room 325

Testimony from Jean Aoki, LWV Legislative Committee member

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary,

The League of Women Voters of Hawaii strongly supports increasing the mandatory retirement age for justices and judges from 70 to 80 years of age. With the average life span of human beings increasing, the mandatory retirement age of 70 years has deprived our state of the continued services of many leaders who were really at their peak, capable of many more years in their respective positions.

We realize that judgeships demand mental alertness, and know that the Judiciary is very much aware of this and has processes in place to deal with it. If the mandatory retirement age is increased, we would expect that the Judiciary would tighten their monitoring processes.

When we were doing a study in preparation for taking a position on the ConCon question in 1996, the late Professor Jon Van Dyke was among those who raised some interesting questions and suggestions in regard to Article VI, the article on the Judiciary. Some of these were: Should we retain the mandatory retirement age of 70 for judges? Are ten-year terms too short? Do shorter terms for judges make for less independent judges? Should the judgeship be a life-time job? Too many young judges who have not had enough experience are appointed as judges. If there were a one 10-year term for judges, the appointment might be viewed as the culmination of a career. (The 10-year term could be 12, 15, or some other number.)

With an increase in the mandatory retirement age to 80, making the judgeship the culmination of one's career could be a consideration for many of our successful attorneys.

We urge the adoption of SB 2206.

Testimony, not in support for SB2206 (SSCR2016).

## **Testimony, not in support for SB2206 (SSCR2016)**

Daneford Wright [danefordwright@yahoo.com]

**Sent:** Tuesday, March 06, 2012 7:14 PM

**To:** JUDtestimony

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**To:** The Judiciary Committee

**From:** Daneford M. Wright

**Date:** 03/06/12

**Reason:** I Do Not Support SB2206 (SSCR2016)

Aloha Chair Agaran and Honorable Representatives, I do not support the increase of mandatory retirement of judges, from 70 to 80 years old. The reasons are, we need judges who can keep up with the laws and to be fair in the decisions they make. Judges now in office have been set in their ways and are not able to see the truth and will only apply a Statute to go around the truth and violate the constitutional rights of the citizen to due process of law and fair protection under the law. We need judges who will look at all the evidence and weigh the case on that evidence and not on hearsay or on assumption or being bias. It is important to look at giving an opportunity to others who qualify to be judges. If you allow 10 more years, we will lose good qualified judges who will need to wait 10 more years to be a judge. They will seek employment elsewhere so they may become judges. Will you as legislatures be held accountable for the judges decisions pass 70 years old? I will watch every judge that this bill will allow a judge to make a decision for his next 10 years and I will see that the legislature be held responsible for all of the Judges actions that will be bias, unfair, inconsistent, violates the Constitution of Hawaii or The United States and if the judge becomes mentally unfit and causes a citizen to suffer due to his or her wrong ruling because of his or her mental capacity. We all know that we all lose some or all of our mental capacity as we get older and judges are not immune to this. I can say 70 is already stretching it, so if you as legislatures are willing to open the State of Hawaii for law suits because of the judges over 70 making wrongful decisions and remember you as law makers are responsible for the safety and protection of the citizens. I want all of you to step back and ask yourselves, why the Senate wants this bill to pass. It is a favor to the judges now reaching their age and to allow the judges who they have close relations with and the banks and corporations who want them to stay in to continue to serve their interest and not the interest of citizens. I hope you all see the truth and stop these types of bills that are for only the interest of the Banks, Big Corporations and lobbyist to continue their holds on the courts. It is time for investigations of the types of bills, statutes and resolutions passed by this body of legislatures to see if these items are what the people want or is it just the legislatures by passing the people and doing their own thing. There is going to be a time real soon where the people will form together to remove the type of legislators who are not working for the people and are shown to be putting in and passing bills, statutes and resolutions for lobbyist, corporations, Banks and special interest groups. We the people hold each legislator responsible for their actions against or not taking actions to help the citizens of Hawaii, as it is your oath to protect and serve the citizens of Hawaii. I will be working to develop a coalition to investigate the legislators who are not serving the people and to show the citizens of Hawaii who they are and who they are passing these bills, resolutions and statutes for. I am a citizen who is tired of this type of corruption, deceit and blatant disregard for Hawaii's citizens. It is about time that the people are heard and listen to and the new breed of legislatures who will work for the citizens are elected and those who are in now who are not working for the citizens is removed by the people. You have a fiduciary duty to put forth bills, statutes and resolutions that is for the

Testimony, not in support for SB2206 (SSCR2016)

good of all the people and it is a conflict of your oath and office to do otherwise. The next time you will hear from me will be with petitions to remove those from office that do not have the will of the people first. I will Say this, I will ask this committee to not pass this bill and I will look at the ones who pass this bill and those who oppose, as it will be my responsibility to show the public on public television which legislators are protecting the Banks, Big business, Wall Street and special interest groups. You have time to make things PONO, but you need to start today. DO NOT PASS THIS BILL!!! Thank you.