

SB-2319

Submitted on: 1/29/2024 7:28:41 AM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kat Brady	Testifying for Community Alliance on Prisons	Support	Written Testimony Only

Comments:

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, January 30, 2024

9:45 am

STRONG SUPPORT FOR SB 2319

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Committee,

Community Alliance on Prisons is in strong support of SB 2319 to increase the retirement age of justices and judges from 70-75.

The institutional knowledge that justices and judges acquire throughout their tenure is invaluable to our system of justice. Please pass this measure.

Mahalo for this opportunity to testify.

Kat Brady, Coordinator

Community Alliance on Prisons

SB-2319

Submitted on: 1/27/2024 9:52:03 AM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Cruise	Individual	Support	Written Testimony Only

Comments:

Honorable Chairperson and Committee,

I have practiced in the civil courts in Hawaii for 25 years. I have litigated and tried cases in every circuit, which I continue to do to the present day.

I support SB2319. It is a sensible measure that should help mitigate a shortage of qualified judges that could become a crisis.

The "age out" at 70 years old is harming the court system because it is forcing excellent judges to retire prematurely. We have lost, and will soon be losing more of our best judges who appear physically and mentally fit to continue to serve. It appears that these seats are becoming harder to fill with qualified replacements, and particularly hard to fill with candidates who have experience in the civil courts. The judges caseloads are already too large. Without being alarmist, a crisis in the dockets is foreseeable. It is also avoidable, or at least can be mitigated substantially, by raising the forced-retirement age to 75. It is likely that 75 will be premature for certain jurists but it would be an important improvement over 70.

Thank you for the opportunity to comment.

Sincerely,

Michael Cruise

Partner/Attorney

Leavitt, Yamane & Soldner

SB-2319

Submitted on: 1/28/2024 9:56:20 AM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ben Robinson	Individual	Oppose	Written Testimony Only

Comments:

The current system is adequate. We need liquidity to prevent perceived perpetual concentration of power.

SB-2319

Submitted on: 1/29/2024 9:02:41 AM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support in consideration of the following:

1. According to the National Center for Health Statistics, life expectancy has increased to an average of 80.4 years for Hawai'i. Increasing the mandatory retirement age of judges to 75 would allow the court to retain experienced, knowledgeable judges.

2. Even though, we cannot overlook health threats to the elderly, especially as related to Alzheimer's disease. According to Healthline Media, "Most people diagnosed with Alzheimer's [are ages 65 and over](#). The risk of AD nearly doubles every 5 years after age 65. After age 85, the risk increases to almost one-third."

3. The latter presumably can be addressed during the Judicial Selection Commission's review of petitions by judges to be retained in office as provided by the Hawai'i State Constitution, Art VI, Section 3, Tenure, i.e., "...at least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of the justice or judge for the period provided by this section or by law. Further, the Hawai'i State Constitution , Art VI, Section 5 provides the Supreme Court the authority to retire or remove from office any judge for disability.

4. Career growth and infusion of new ideas – no doubt increasing the retirement age of judges to 75 will likely have an impact on career growth and infusion of new ideas in the Judiciary, yet, in balance, the more critical need in the Judiciary is experienced judges who bring years of knowledge and experience and therefore are able to better assess the situations in which he or she will likely rule and be able to logically analyze the legal issue. Too, professional organizations of lawyers can help to infuse new ideas into the Judiciary.

SB-2319

Submitted on: 1/29/2024 10:24:09 AM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
David Lawton	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2319. We have some of the finest judges in the nation and retaining them to age 75 benefits the Judiciary and the people of Hawaii. David Lawton

SB-2319

Submitted on: 1/29/2024 12:16:01 PM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew S. Kohm	Individual	Support	Written Testimony Only

Comments:

As an attorney in the Second Circuit (and formerly in the First Circuit), I have noticed the retirement of many judges that could have continued to work, and some of them would have liked to do so (per my understanding). Part of my practice is as an appellate attorney and I have perfected (completed) some 125+ appeals before our state ICA and Supreme Court. It has been my observation that some of the retirement due to age, was with judges that could continue to work and provide all of those years of experience involved in considering legal issues on appeal. It also helps our citizens to have longer tenured judges; ones that may also have the experiences and wisdom of an aging population.

Should judges wish to continue ro beyond 70, the life expectancy and the Hawaii lifestyle are such that many of our experienced judges could have continued. It would benefit Hawaii and the law, plus it would avoid some shortages we have seen in the past. The Senate is requested to pass this law.

Matthew S. Kohm Bar ID 6103

808-249-8919

SB-2319

Submitted on: 1/29/2024 4:54:57 PM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Stanley Roehrig	Testifying for Hawaii County Bar Association	Support	Written Testimony Only

Comments:

On behalf of the Hawaii County Bar Association, I am submitting testimony in support of SB 2319 to amend the State Constitution to increase the mandatory retirement age for justices and judges from 70 to 75. It is my firm belief that justices and judges should be allowed to work until at 75 as long as they are competent to do so.