

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

March 1, 2023

S.B. No. 992: PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAI‘I STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Office of the Public Defender supports S.B. No. 992, which would submit a ballot question to voters on a proposed amendment to article VI, section 3 of the Hawai‘i Constitution which would raise the mandatory retirement age for state judges and justices to seventy-five years.

Currently, Article VI, Section 3 sets the mandatory retirement age for judges at seventy years, yet officials in the executive and legislative branches of Hawai‘i government are not similarly subject to mandatory retirement. Indeed, federal court judges are appointed for life. The mandatory retirement age of seventy years ignores the fact that many people work well beyond the age of seventy as productive, contributing members of society. Forcing qualified, competent judges to retire simply based on an arbitrarily imposed age can adversely affect the quality of the judiciary by removing from office, competent judges who possess years of knowledge and experience.

However, to the extent that the retirement age of seventy years is designed to be a de facto “term limit” on judicial positions, this measure raises a wider debate. There are some who believe that periodic replacement of judges benefits the legal system by bringing those with fresh, innovative ideas into the judiciary. While a bench dominated by septuagenarians and octogenarians might affect public confidence in the judicial system to some degree, a mix of judges of various ages, gender, ethnicity, sexual orientation, and background provides for a strong judiciary.

If the legislature proposes this constitutional amendment regarding the raising of the age, we recommend that it be accompanied by provisions for removing a judge who is experiencing difficulty efficiently administering his/her cases due to age or health related infirmities.

Thank for the opportunity to comment on this measure.

SB-992

Submitted on: 2/27/2023 11:13:27 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of SB 992 this session. The age retirement should be extended to retain state justices and judges who are able to serve.

SB-992

Submitted on: 2/27/2023 6:53:05 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Oppose	Written Testimony Only

Comments:

In opposition to. Thank you.

SB-992

Submitted on: 2/27/2023 8:39:31 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

SUPPORT!

SB-992

Submitted on: 2/28/2023 9:36:42 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I fully support this measure that would increase the mandatory retirement age from 70 years old to 75 years old for state justices and judges. This will help us retain our most experienced judges on the bench.

Mahalo for the opportunity to testify on this measure.

LATE

SB-992

Submitted on: 2/28/2023 2:07:32 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Minister, Hector Hoyos (aka) SisterFace	Individual	Oppose	Written Testimony Only

Comments:

This is rare for me, but I loudly oppose!

At the age of 51 I'm not saying that a judge should not be able to serve till 75 years old or maybe even older, but I do believe in the day and times that we live in. It also stops our local government and state from finding new judges, when they should not waiting years down the road, yes, it's true that an older judge is most likely wiser, if in good health, and if a judge can serve longer, will there be an expected yearly or buy yearly physical by their doctor to be certified so we all know that they are a healthy judge, or a judge that is not being influenced for too long by a certain group or entity. I do worry and I worry because we should always be looking for new justices, and not tightening the system by forcing judges to serve longer luck I'm a big supporter of Bernie Sanders, as far as someone that is in federal government, but I do believe even with intelligence, and being as wise as a legislator can, and even in our own state of Hawaii, have some awesome legislators and people in government, serving as judges that are very capable but I still oppose this bill. We don't need judges to hang around longer. We actually sometimes need them to bow out because it's time for new so take with this what you may but I I do not support this bill. ;