

The Judiciary, State of Hawai'i
Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Finance
Representative Chris Todd, Chair
Representative Jenna Takenouchi, Vice Chair

Thursday, April 2, 2026 at 2:00 p.m.
State Capitol, Conference Room 308 & Videoconference

By

Robert D.S. Kim
Chief Court Administrator
Third Circuit Court
On behalf of The Judiciary, State of Hawai'i

Bill No. and Title: Senate Bill No. 2152, Senate Draft 2, House Draft 1, 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.

Purpose: Proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five years of age. Effective 7/1/2050. (HD1)

Judiciary's Position:

Thank you for the opportunity to submit testimony in strong support of Senate Bill 2152, which would increase the mandatory retirement age for judges in the State of Hawai'i from seventy to seventy-five years of age.

First, raising the mandatory retirement ages for judges does not financially impact the state budget, as a judge's age does not factor into judicial compensation.

Second, raising the retirement age aligns with national trends and best practices. For many years, the American Bar Association has highlighted discussions on increasing mandatory retirement ages due to longer life expectancies. The National Center for State Courts reports that



Senate Bill No. 2152, SD2, HD1, Proposing an Amendment to Article VI,
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approximately 17 states have no age limit at all while 14 states and the District of Columbia have mandatory retirement ages that exceed age 70. Thus, a majority of states have already modernized their approaches to age limits, while Hawai'i, with the longest life expectancy, sets its judicial retirement age at the lowest age among states with a judicial retirement age.

Third, judicial effectiveness is built over decades of service. With experience often comes sound judgment, courtroom efficiency, institutional knowledge, and the ability to manage complex legal and human issues with wisdom and restraint. Many judges reach the peak of their professional capabilities later in their careers, after years of exposure to a broad range of cases and legal questions. A mandatory retirement age of seventy removes judges from service at a time when they are often among the most skilled and effective members of the judiciary.

Fourth, the mandatory retirement age of 70 dissuades seasoned practitioners in their early to mid-sixties from applying to fill judicial vacancies.

Fifth, the age 70 retirement is also creating vacancies that are increasingly becoming difficult to fill due to an insufficient number of applicants, requiring extended deadlines.

Sixth, there may be concerns that raising the mandatory retirement age to 75 could result in service by judges who suffer from cognitive decline. In this regard, we first note that the Judiciary has robust mechanisms and existing internal guardrails in place to ensure judicial competence and accountability. Judges are subject to performance evaluations, ethical standards, and retention review and decisions by the Judicial Selection Commission.

Also, the Judiciary has in place clear governing rules within the Rules of the Supreme Court of the State of Hawai'i that allow for interim suspension followed by involuntary retirement of judges with competency issues. In addition, the Commission on Judicial Conduct is empowered by the Rules of the Supreme Court to investigate allegations of physical or mental disability of judges. These existing safeguards are far more precise and effective tools for assessing fitness for judicial service than an arbitrary age threshold. If a judge is no longer capable of fulfilling the responsibilities of the office, those processes will explicitly address that concern, regardless of age.

Seventh, if there are concerns that raising the retirement age may limit judicial opportunities, since January 1, 2007, only 28 of the 106 Hawai'i state judges and justices who separated from service did so in the year they reached age 70. Thus, 74% of judges did not stay until the mandatory retirement age.

Eighth, raising the mandatory retirement age would also benefit the administration of justice. Hawai'i courts face ongoing challenges related to caseloads, judicial vacancies, and case delays. Allowing experienced judges to serve up to five additional years would promote continuity,



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reduce abrupt vacancies, and help alleviate pressure on the judicial system, particularly in appellate and specialized courts where experience is especially valuable and needed. The current age restriction even limits the availability of per diem judges who cover court calendars when judicial vacancies occur, because most attorneys willing to serve as per diem judges are at least partially retired.

Finally, I also offer this testimony as a former judge who was required to retire upon reaching the age of seventy, despite being fully capable, willing, and eager to continue serving the people of Hawai'i. My experience is not unique, and it highlights the practical and policy concerns underlying the current mandatory retirement age.

Senate Bill 2152 does not require any judge to serve beyond age seventy. Rather, it provides flexibility—allowing qualified judges who wish to continue serving, and who continue to meet all performance and ethical standards, the opportunity to do so. S.B. 2152 represents a thoughtful reform that reflects modern realities while strengthening the stability and effectiveness of our courts. It is also a much more modest proposal compared to the proposals in 2006 to eliminate the judicial retirement age altogether and in 2014 to raise the age to 80.

For these reasons, and based on both policy considerations and personal experience, the Judiciary respectfully urges the Committee to pass Senate Bill 2152.

Thank you for your time and consideration.

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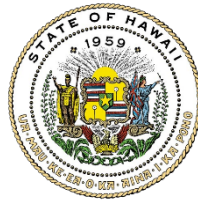
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OFFICE OF THE PUBLIC DEFENDER

April 1, 2026

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SB 2152, SD2, HD1: 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 Todd, Vice-Chair Takenouchi, and Members of the Committee on Finance:

The Office of the Public Defender **supports SB 2152 SD2 HD1**. This bill proposes an amendment to article IV, section 3 of the Hawaii State Constitution to increase the mandatory retirement age for justices and judges from seventy to seventy-five years.

The Office of the Public Defender appears daily before the various District, Family, Circuit and Appellate Courts of this State and has a direct and sustained interest in the quality and stability of the judiciary.

Judicial service demands not only legal knowledge, but judgment developed over years of experience. Many judges approaching mandatory retirement remain fully capable and effective. These jurists possess invaluable institutional knowledge and practical wisdom that cannot be quickly replaced.

Raising the retirement age modestly to seventy-five allows the State to retain experienced judges who continue to serve at the highest professional level, while ensuring continuity in court operations and decision-making.

Hawai'i's courts face persistent challenges related to judicial vacancies, increasing caseloads, and delays that affect litigants, victims, and defendants alike. Mandatory retirements exacerbate these pressures by creating vacancies that may remain

unfilled for extended periods due to the time required for selection, vetting, and confirmation.

Allowing qualified judges to serve an additional five years provides an immediate and cost-effective way to mitigate staffing gaps, reduce backlogs, and maintain consistent courtroom management - benefits that directly impact access to justice for all parties.

Judges remain subject to rigorous ethical standards, performance expectations, and accountability mechanisms, regardless of age. Raising the mandatory retirement threshold does not guarantee continued service; it simply preserves the option for capable judges to continue serving if they meet all existing requirements.

Raising the mandatory retirement age to seventy-five strengthens the Judiciary, and ultimately serves the interests of justice and the people of Hawai'i.

For these reasons, the Office of the Public Defender strongly **supports** this measure.

Thank you for the opportunity to comment.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON FINANCE

Representative Chris Todd, Chair

Representative Jenna Takenouchi, Vice Chair

Thursday, April 2, 2026

2:00 pm

Room 325 & VIDEOCONFERENCE

STRONG SUPPORT FOR SB2152 SD2, HD1 - CON AM TO INCREASE RETIREMENT AGE OF JUSTICES AND JUDGES

Aloha Chair Todd, Vice Chair Takenouchi and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the 3,626 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 of Hawai`i’s imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to express our **STRONG SUPPORT FOR SB 2152 SD2, HD1** proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five years of age.

The recent retirement of Chief Justice Recktenwald really highlighted this issue for us because he demonstrated a vitality, a love for the law and justice, and an eagerness to engage communities and students from high school through college to understand

¹ DCR Weekly Population Report, March 23, 2026
[Pop-Reports-Weekly-2026-03-23_.pdf](#)

how the Judiciary works. His outreach across our islands has ignited a spark in communities and students to not only understand the law, but encouraged students to consider career opportunities in the legal profession.

These days people are living longer and healthier lives – 70 is the new 50! The thought of losing all that judicial experience and institutional knowledge is scary. Plus, Hawai`i already has mechanisms in place to ensure judicial competence and accountability. Judges are subject to performance evaluations, ethical standards, and retention review and decisions by the Judicial Selection Commission. The Commission on Judicial Conduct is empowered by the Rules of the Supreme Court to investigate allegations of physical or mental disability of judges. These existing safeguards are far more precise and effective tools for assessing fitness for judicial service than an arbitrary age threshold. If a judge is no longer capable of fulfilling the responsibilities of the office, those processes will address that concern, regardless of age.

A five-year adjustment is modest, but meaningful. It keeps seasoned jurists available to handle complex dockets, mentor newer judges, and provide continuity.

Community Alliance on Prisons has committed to work on educating the community and outreaching to all our islands on the importance of increasing the retirement age of justices and judges to retain that valuable institutional knowledge and experience of these professionals to strengthen our Judiciary.

We urge the committee to pass SB 2152 SD2, HD1 to amend our Constitution and to retain experienced members of our Judiciary, who can mentor younger members to keep our courts robust and justice-centered.

Mahalo to JHA for this chance to express our **STRONG SUPPORT** for SB 2152 SD2,HD1!



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON FINANCE
Rep. Chris Todd, Chair
Rep. Jenna Takenouchi, Vice Chair

Thursday, April 2, 2026, 2:00 PM
Conference Room 308 & Videoconference

Re: Testimony on SB2152, SD2, HD1 – PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGE

Chair Todd, Vice Chair Takenouchi, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 12,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **strongly supports** SB2152, SD2, HD1, which proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five years of age.

Judges are critical to ensuring fairness and protecting the rights of public employees, including UPW members, who often rely on the judiciary to safeguard labor protections, uphold collective bargaining agreements, and enforce workplace standards.

For several years and for a variety of reasons, the Judiciary has experienced difficulties in convincing qualified attorneys to fill vacancies on the bench. Coupling this with the current mandatory retirement age that will continue to force the State’s most experienced legal minds into retirement will ultimately weaken our courts and impair their ability to deliver timely and just rulings. Given the lack of qualified, practiced attorneys who are willing to serve as judges, we are at a point where Hawaii needs its judges to serve beyond an age limit that seems out of touch with the times. We believe the voters of Hawaii should have the opportunity to determine if our judges should serve longer.

Mahalo for the opportunity to testify in support of this measure.

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UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON FINANCE

Rep. Chris Todd, Chair
Rep. Jenna Takenouchi, Vice Chair

Thursday, April 2, 2026, 2:00 PM
Conference Room 308 & Videoconference

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REPRESENTATIVE CHRIS TODD, CHAIR
REPRESENTATIVE JENNA TAKENOUCI, VICE CHAIR
HOUSE COMMITTEE ON FINANCE

TESTIMONY IN SUPPORT OF SENATE BILL 2152 SD2 HD1

Thursday, April 2, 2026, 2:00 p.m.
Conference Room 308
State Capitol
415 South Beretania Street

Dear Chair Todd, Vice Chair Takenouchi, and Committee Members:

Earthjustice **supports** this measure to introduce a constitutional amendment to raise the judicial retirement age from 70 to 75. As a legal organization that respects and relies on the pono administration of justice in Hawai'i's courts, we recognize and support the public interest served by this discrete amendment. Particularly with increasing lifespans and retirement expectations, the arbitrary age cutoff at 70 years has resulted in experienced and respected jurists being prematurely and needlessly forced off the bench. This ongoing problem is exacerbated by the recent challenges in judicial recruitment, which have at times resulted in prolonged vacancies and placed undue stress on our courts.

While these measures tend to draw attention to specific judges that may be affected, as well as pose inherent difficulties for the judiciary to advocate for the change, we focus instead on the long-term benefits to the judiciary as an institution. Ultimately, the people can vote on the proposed amendment and decide whether this update agrees with the spirit of these times and the will of the people.

Mahalo for the opportunity to testify.

Dru N. Hara, Esq.
Earthjustice, Mid-Pacific Office

SB-2152-HD-1

Submitted on: 4/1/2026 4:24:49 PM

Testimony for FIN on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch, Jr. (he/him)	Pride at Work – Hawai‘i	Support	Written Testimony Only

Comments:

Aloha Representatives,

Pride at Work – Hawai‘i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work – Hawai‘i fully supports SB 2152 SD 2 HD 1.

We ask that you support this needed piece of legislation.

Mahalo,

Michael Golojuch, Jr. (he/him)

President

[Pride at Work – Hawai‘i](#)

SB-2152-HD-1

Submitted on: 3/31/2026 2:07:38 PM

Testimony for FIN on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support SB2152. Please pass this bill.

SB-2152-HD-1

Submitted on: 3/31/2026 7:19:43 PM

Testimony for FIN on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2152 SB 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 FINANCE
Representative Chris Todd, Chair
Representative Jenna Takenouchi, Vice Chair
Thursday, April 2, 2026 at 2:00 p.m.
State Capitol, Conference Room 308 & Videoconference

By

Mark E. Recktenwald
Chief Justice, Hawai'i Supreme Court (ret.)

WRITTEN TESTIMONY ONLY

SENATE BILL NO. 2152, S.D.2, H.D.1, 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 Todd, Vice-Chair Takenouchi, and members of the Committee, I respectfully testify in strong support of this bill, which proposes an amendment to the Constitution to extend the mandatory retirement age for justices and judges to age 75, from the current age 70.

By way of background, I served as Chief Judge of the Intermediate Court of Appeals from 2007-2009, as Associate Justice of the Supreme Court from 2009-2010, and as Chief Justice from 2010 through September 2025—a week before I turned 70.

As Chief Justice, I became familiar with the performance of every justice and judge who served during my tenure. In the last fifteen years, the judiciary lost a tremendous amount of expertise among those judges who were required to retire because they were about to reach age 70. They included some of the most brilliant and accomplished jurists of our time—individuals who shaped the law in our appellate courts, or who presided over some of the most consequential proceedings in our trial courts. Cases they presided over included high-profile jury trials—from murders to civil cases involving hundreds of millions in damages—or motions that sometimes effectively ended those cases before trial. And notably, they included settlement proceedings that often resulted in a negotiated resolution, without the expense or uncertainty of trial. The experience and credibility built up handling hundreds of settlement conferences over the years enables our most experienced judges to make accurate evaluations of each case—evaluations which materially improve the likelihood of a case settling.

At the appellate courts, they included Chief Justice Ronald Moon, Associate Justices James Duffy, Jr., Simeon Acoba Jr., Richard Pollack, Michael Wilson, and Paula Nakayama, as well as Intermediate Court of Appeals Chief Judge James Burns and Associate Judge Daniel Foley.

At the Circuit Court on O'ahu, they included Judges Michael Town, Karen Ahn, Glenn Kim, Christine Kuriyama, Jeffrey Crabtree, Gary Chang, and Dean Ochiai; on Maui, they included Judge Joel August and Chief Judge Shackley Raffetto; and on Hawai'i Island, they included Judge Glenn Hara and Chief Judges Ronald Ibarra and Robert Kim. They also included many highly skilled and competent District and District Family Judges.

None of these individuals had shown any decline in ability by the time they were required to retire. They continued working long hours and were ready to handle the challenges of trial or a high-stakes appeal, with an entire courtroom watching to see how they were going to rule. Their decades of experience helped these jurists navigate the twists and turns of each case to arrive at a just outcome under the law.

Let me be clear: our less-senior jurists are more than capable of being able to excel at these challenges. But I think most judges would agree they were stronger after five years on the bench than when they were first appointed, after ten years of service as opposed to after five, and so forth. And there is another critical point to consider—these judges served as mentors and resources to the newer judges. Of course, some of them were formally in supervisory positions, where their expertise and guidance directly helped those they supervised.

These observations are not just speculation on my part. During my tenure, I appointed 65 judges to the bench. By the time of my retirement last October, I had selected every person who was then serving as a District Court or District Family Court judge in the state, as well as a number who had been elevated to the Circuit Court. As Chief Justice, I received performance evaluations for every justice or judge who served during my tenure as set forth in Rule 19 of the Rules of the Supreme Court. These evaluations contained numerical ratings as well as extensive comments from the practicing attorneys who had appeared before those jurists during the approximately three-year evaluation period. I met with the jurists who were subject to those reviews along with members of our judicial evaluation review panels established in September 2000, to discuss the results of the evaluations and identify strategies for improvement by those jurists. I also received and reviewed copies of confidential attorney reviews conducted periodically by the Hawai'i State Bar Association.

It is critical to note that there are significant checks in place to ensure that judges are not mentally impaired (age-related or otherwise) in their ability to decide the cases before them. All of the performance reviews described serve as important sources of information to identify judges who may need counselling or support from their supervisory judges, and in the case of any more severe impairments, from the confidential Attorneys and Judges Assistance Program as set forth in Rule 16 of the Rules of the Supreme Court. The judicial retention process, conducted by the Judicial Selection Commission every six years for the District and District Family Judges, and every ten years for justices and other judges, provides another important check. Finally, the Code of Judicial Conduct provides for proceedings to sideline judges who have mental impairments that could restrict their ability to serve, as set forth in Rules 8.12(d)(2), 8.13, and 8.14 of the Rules of the Supreme Court.

Another important point is that the number of judges who choose to work until age 70 is only approximately 25% of our judges. Thus, even if the retirement age is increased to age 75, there will still be a large number of positions opening up for new applicants to become judges, or for current judges to move up to higher courts.

The bottom line is that the current mandatory retirement at age 70 deprives the public of the services of some of our most skilled, knowledgeable jurists—people who are leaders and can positively influence the newer judges who are following in their footsteps. I do not believe that the difference between age 70 and 75 is indicative of a significant likelihood of declined mental skills. And even if that were to happen in a specific case, there are ample checks in place to ensure that the situation will be addressed properly.

For all these reasons, I respectfully urge the Committee to approve this bill.

SB-2152-HD-1

Submitted on: 4/1/2026 8:33:54 AM

Testimony for FIN on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Hatcher	Individual	Support	Written Testimony Only

Comments:

Dear Representative Todd and Representative Takenouchi of the Committee on Finance,

I am writing to provide testimony IN SUPPORT of SB2152, SD2, which proposes an amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five.

Judicial service requires a broad understanding of the law along with integrity, courtesy, and compassion which is best developed over years of experience. Judges who reach the age of seventy typically remain willing and able to continue in their positions, and they possess invaluable institutional knowledge that is not easily replaced.

This change would greatly benefit the administration of justice as it would allow qualified and experienced judges to continue to serve the community for an additional five years.

Thank you for the opportunity to provide testimony IN SUPPORT of SB2152, SD2.

Jessica Hatcher