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House Committee on Judiciary

Testimony of Rachele Altman
Legislative Director, Secretary of State's Office
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Chair Barker and Members of the Committee:

My name is Rachele Altman and I serve as Legislative Director for the Secretary of State's Office. Thank you for the opportunity to testify in support of SJR 4.

This resolution amends Article VII, section 1a of the Oregon Constitution to repeal age-based mandatory retirement of judges. Specifically, SJR 4 repeals a provision that requires—without exception—the retirement of any judge at the end of the calendar year in which the judge turns 75 years old. SJR 4 also amends section 1a to delete other provisions referencing age-based mandatory retirement of judges. These changes will benefit both sitting and future judges at the time SJR 4 takes effect.

Currently, Oregon law has no mandatory retirement age for holders of other public offices, such as legislators. In addition, there is no mandatory retirement age for judges in the federal court system; 4 of the 9 sitting judges on the U.S. Supreme Court are over the age of 75. Also of note, seventeen states have no constitutional or statutory mandatory retirement age for judges, and two additional states have constitutional mandatory retirement ages for judges that are not enforced.

I'd like to also highlight that ORS 1.310 provides that a judge's inability to perform judicial duties may be the basis for mandatory retirement. That statutory provision lays out in detail a process for the involuntary retirement of judges in such cases. That provision will remain consistent with the Constitution if SJR 4 becomes law.

Oregon has repeatedly seen judges forced to retire at age 75—and has seen some attorneys barred from joining the bench—even when the mental abilities and decades of experience of those individuals would have allowed them to provide valuable judicial service. Secretary Atkins believes mandatory age-based retirement of judges is an unfair anachronism, and she urges your support of SJR 4.

Thank you again for the opportunity to discuss this resolution. I am happy to answer any questions you may have.