

Committee
House Joint Resolution 4 Hearing
May 12, 2015

Letter in lieu of personal appearance

My name is Donald L. Kalberer, Senior Judge for the State of Oregon. I have been a Circuit Judge and a Senior Judge for the past 47 years, having been first appointed as the first resident Circuit Judge for Columbia County on July 1, 1968. I am now 82 years old. I retired as a sitting judge on May 1, 1996, at age 63, and have been a Senior Judge since that date.

I do not believe there should be any age restrictions for judges, elected or otherwise. There are, in place, ample safeguards to protect the public from infirm, incompetent, mentally or otherwise, persons from sitting as judges, elected or otherwise;

- 1) the electorate
- 2) The Chief Justice
- 3) The Judicial Fitness Committee

Any or all of these work very well.

Removing the 75 year age limit for elected judges from the Constitution is an insignificant factor as the number of people who want to run for judicial office at that age can probably be counted on the fingers of one hand. All of those that I knew who wanted to stay on the bench at age 75 were still bright, active and thought they had much to contribute to the judiciary. Why keep these people from continuing to serve our State. God Bless em if they want to continue to serve.

I have found, as I am sure you also have in your professions, that the longer I sat as a judge the better able I was to listen, digest, comprehend and zero in on the problem and come up with an answer that I could give and explain to the parties. Experience of course was the key and that made me, a person of average intelligence, a reasonably good judge (toot toot my own horn).

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What does an arbitrary age limit of 75 have to do with anything other than establishing a belief in peoples minds that at that age rigor mortis of the brain sets in.

You all have seen and heard as much as any of us how bright and active some folks are at age 90 plus and how stupid some are at age 45 and younger. Lets not buy in to the belief that some arbitrary age determines competency.

Respectfully submitted



Donald L. Kalberer, Senior Judge, State of Oregon

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