



**KANSAS BAR
ASSOCIATION**

TO: The Honorable Rick Wilborn
And Members of the Senate Judiciary Committee

FROM: Joseph Molina
On Behalf of the Kansas Bar Association

RE: SB 269 – Increasing the mandatory retirement age for judges to 80 years of age.

DATE: January 28, 2020

Chairman Wilborn and Members of the Senate Judiciary Committee:

The KBA appreciates the opportunity to submit this written testimony in **SUPPORT** of SB 269, Increasing the mandatory retirement age for judges to 80 years of age.

As drafted, SB 269 amends K.S.A 20-2608 by increasing the retirement age for Kansas judges from 75 to 80 years of age. At present, a Kansas judge shall retire at the age of 75 unless that judges wishes to finish serving the term during which the judge attained the age of 75. Under SB 269, a Kansas judge would retire upon reaching the age of 80; the judge would not be allowed to finish its term.

The Kansas Bar Association has a long-standing policy supporting judicial independence. Judicial independence is important because it guarantees that judges are free to decide honestly and impartially, in accordance with the law and evidence, without concern or fear of interference or control. Placing an arbitrary retirement age on judges may impinge on their independence. Increasing the retirement age these dedicated public servants continue to employ their impartial decision-making authority.

People are living longer – according to recent data the average life expectancy is nearly 79 years of age. This is a ten-year difference from when the mandatory retirement age statute was first passed. In 2008 the mandatory retirement age was increased to allow judges to complete the term they were currently serving even if they had reached the age of 75. In that year, Sen. Terry Bruce (R-Hutchinson) stated that “We need to take advantage of the wisdom of our elders.” The KBA agrees with that sentiment. The 2008 amendment is over a decade old now, making revisiting judicial retirement prudent.

Increasing the retirement age may also help with the retirement costs. At present, a judge who retires is guaranteed a retirement based on their last three years of service. It is counterintuitive to pay retirement costs for judges who are still willing and able to perform the required tasks. This is a way to “defer” retirement expenses for an additional five years.

In addition, the two other branches are not subject to mandatory retirement provisions. While SB 269 does not eliminate this discrepancy entirely, it does lessen the impact.

It is for these reasons that the Kansas Bar Association SUPPORTS SB 269, increasing the mandatory retirement age for judges to 80 years of age.

Thank you for your time and attention. I am happy to stand for questions when appropriate.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 7,200 members include lawyers, judges, law students, and paralegals. www.ksbar.org