

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE KARL RHOADS, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2013**  
**State of Hawai'i**

March 7, 2013

**RE: S.B. 886; 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 Rhoads, Vice Chair Har, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 886.

While the Department believes that retired judges and justices should be afforded great deference and gratitude for their service to the State, the Department also believes that the mandatory retirement of judges and justices at the age of 70 provides the best opportunity for--and in fact encourages--aspiring and/or sitting judges and justices to move up through the ranks of our judicial system. Current procedures for allowing the Chief Justice to appoint per diem District Court judges, temporarily assign Circuit Court judges, substitute Intermediate Appellate judges, and similar mechanisms, not only fills gaps in various situations, as needed, but--just as importantly--allows qualified attorneys, judges and justices to gain hands-on experience, and to exhibit their capabilities in the various courts and panels, without requiring permanent appointments.

In light of these considerations, the Department strongly believes that current procedures provide a steady course for "the next generation" of judges and justices to continually grow and develop through our judicial system, while the amendments proposed in S.B. 886 would greatly frustrate this process.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of S.B. 886. Thank you for the opportunity to testify on this matter.

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