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## At What Ages Should the Judges Be Retired?

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One of the worst pieces of legislation we had to defeat was this interim committee, and we did it at Olympia with Dick Ott, Joe Barto and Judge Denny representing the lawyers.

### **At What Ages Should the Judges Be Retired?**

**by Nat W. Brown**

I don't know why I was selected to discuss this problem. Probably it was because the members of the board knew me and they were operating on the old principle that "Fools rush in where angels fear to tread." Also it so happens that in our county we have no retirement problem on our hands. Fortunately our senior judge, who is now in his nineteenth year on the bench, is in his early fifties. Our other judge, Robert Willis, who is here, has put in ten years on the bench and I think he recently turned forty. So I can talk as I wish without fear from my court. It also happens that as nearly as I can remember I only have one case under advisement in the Supreme Court of the state. That case has been under advisement so long that I have been tempted to invoke the aid of the Grange, but I am afraid of the reaction if I do get Mr. Carson to write a letter.

Now, the reason why, in spite of the fact that I have so many friends in this audience that this might affect, the reason why I believe that our legislature could well and should provide for the retirement of judges at seventy or upon the expiration of the term of service during which they reached the age of seventy is because of the fact that the voluntary retirement law does not work either with the federal judiciary or with our state courts. The reason that it doesn't work is the precise reason why I believe the retirement should be compulsory, and that is after you reach a certain age you do not have the same judgment of matters and particularly of yourself that you have at an earlier age. Let me enlighten you by this: Approaching old age and the thoughts that go with it as to the man who likes to take a couple of highballs, before he has had a single highball he realizes that his capacity—it is three we'll say, and he knows that just as well as anything on earth, that he shouldn't go beyond three at the very most even at a bar convention, but too many of us after the third may discover that for once in our life we are wholly immune from the affects of alcohol and we are a darn sight better man than we were before we had the first drink and for that time we can take all we want and it won't affect us. That is what happens to not all of them, but too many of the

judges who have reached that stage where they still believe that they are better than they were ten years earlier, and they honestly and sincerely believe it and they believe the state would be losing a good servant if they retired. For that reason I think that if we could and should pass a law that that situation would be taken care of. And these judges who are retired from any court because of reaching the age of seventy would be available to serve if they desire to serve and were mentally able to serve.

You will recall that after one of the judges of the Supreme Court of the United States retired for age voluntarily that he went up to New York State and sat there as a trial judge for six or eight months and cleaned up a long criminal docket and did a wonderful job of it. If we could pass a law that required these judges, all of them, to quit at the end of the term during which they reached the age of seventy, there would still be a great many of them who would be perfectly competent to come over to King County and clean up the situation there where the docket, as I understand, is way behind, and go into these other counties where there is a quick increase of population that is only there for a little while, rather than create extra judges. They would still be available if they were able to serve and desired to serve.

Now, I am going to quit; I haven't said half what I was going to. I am going to quit with one suggestion. There is no Constitutional impediment in my mind toward the enactment of a law or against the enactment of a law making any person who has reached the age of seventy ineligible for re-election to the bench and I think the time has come when we should do that, particularly because of this reason. I don't know how long we are going to continue to do this but as long as the legislature at every session raises the salary of the judges we are never going to get any retirement. It started out where they would have to retire and drawn down—the Superior Court judges, I think, was \$3,250. Then they raised it to \$6,500. They all wanted to get that, I don't blame them, I would have done it. Then they came along and raised it again, now I think it is \$8,500 for the Superior Court judges, so all of them will be a candidate for re-election to get that increased pension. I think if we are going to have retirement at seventy and if we are going to make our retirement law at all effective it must be done by the legislature and I would very much like to see this Association going on record for the enactment of such legislation.