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## FACT SHEET

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# Judges' Retirement System II (JRS II)

### Issue

The judicial branch must be able to attract the highest caliber judges from diverse backgrounds and a wide array of public and private sector legal practices with sufficient legal experience to prepare them for the responsibilities of a Superior Court judgeship or a position on an appellate court. Trial court unification has shifted the demographics of judicial appointees by increasing the minimum years of legal practice experience that an attorney must have before being appointed to the bench from five to ten. As a result, the average age at appointment for judges has risen from 45 years of age at the time the Judges' Retirement System II (JRS II) was created, to nearly 51 years in recent years. This shift has undermined the intent of the legislature in creating JRS II, and serves as significant deterrent for experienced attorneys to consider applying for a judgeship. JRS II was designed to provide a reasonable retirement plan that would ensure that California could continue to attract a judiciary of the highest quality. Judges' retirement benefits must be designed to attract the best attorneys to the bench, to provide strong incentives for experienced judges to remain in service, while at the same time ensuring that no judge feels financially obligated to serve longer than he or she is healthy and fit to do so.

### Proposal

The Judicial Council and the California Judges' Association propose that the JRS II retirement formula be modified to allow judges to receive a defined-benefit pension if they have served for at least 10 years and have reached age 63. Under this proposal, a JRS II judge who reaches age 63 and has served 10 years on the bench (as opposed to the current formula of age 65 and 20 years) will be able to retire and receive a defined benefit pension based on the following formula: 3.75 multiplied by the number of years of service multiplied by the judge's last annual salary. This formula would provide

increasing returns for longer judicial service up to the current maximum benefit level of 20 years of service.

## Background

Enacted in 1994, JRS II has both defined-benefit and defined-contribution retirement options. While lower-than-projected market performance has made JRS II's defined-contribution option less appealing than intended, under the current statute only judges who serve for at least 20 years and reach age 65 (or age 70 with 5 years of service) can obtain the defined-benefit pension. This unusually long service requirement has been exacerbated by extrinsic changes in the California judicial system since the creation of JRS II. The average age at appointment has increased significantly since the unification of the municipal and superior courts. Municipal court judges could be appointed with 5 (rather than 10) years of legal practice experience. Now that all judges must have at least 10 years of experience as an attorney, the average age of a judge at appointment has increased from approximately 45 to nearly 51. This means that many judges will not be eligible for retirement with a defined benefit until reaching age 70 or older. As a result, JRS II is a strong disincentive to judicial service. Attorneys in public sector employment are members of retirement systems that provide defined-benefit options that vary by county and include formulas such as 2 percent per year at age 50 or 2.7 percent at age 55. Attorneys contemplating becoming judges are frequently unwilling to make the move to the bench. Many have stated that they are not willing to work for another 20 years in order to secure a defined-benefit retirement for their service as a judge.

## Fiscal impact

An actuarial analysis of this proposal based upon the 6/30/06 JRS II valuation and subsequent judicial salary changes in 2007 projects that it would result in an additional cost to the state of \$16.5 million annually.

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