

# Plan to Lower Judges' Age to Retire Falters

*Lawmakers Worry Reform Could Cut Number of Jurists*

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SACRAMENTO - Key lawmakers say a plan to lower the retirement threshold for judges is at odds with the goal of increasing the number of officers on the California bench, and the lawmakers question whether such reform is ripe for passage this year.

A joint Senate and Assembly budget committee briefly discussed the pension reform plan Friday and nearly killed it after hearing testimony that three-quarters of the judges who would become eligible for retirement under the proposed rules would in fact step down. That runs counter to a legislative effort to add 50 or more judges to the bench in the next year, several committee members said.

## Conference Committee

"I don't think this proposal is fully cooked," said Assemblyman John Laird, D-Santa Cruz, chairman of the conference committee. Assemblyman Mark Leno, D-San Francisco, expressed similar concerns.

Laird suggested the proposal be dropped from further consideration, but Sen. Denise Moreno Ducheny, D-San Diego, kept the matter open for debate. The Senate has looked more favorably on the proposal than has the Assembly.

## Unfair Burden

The Judicial Council of California is pushing pension reform as a way to unlock the "golden handcuffs" that keep judges from collecting a normal retirement until serving two decades on the bench. With the average age of a starting judge now 50, that means sticking around until age 70, which the council says is an unfair burden that other state employees do not have to shoulder.

California Chief Justice Ronald M. George recently said the current retirement system, known as JRSII, is an obstacle to recruitment, including efforts to put more minorities on the bench.

Additionally, William Vickrey, director of the Judicial Council's administrative arm, said the current system sometimes encourages aging judges to leave early to take lucrative jobs in the private sector.

"Absent some change in the system, if the average judge has to stay until 70, they are going to leave earlier, and some are going to leave when there is still an economic value to them in the legal community," Vickrey said.

Under the reform plan, judges enrolled in JSAIL would become eligible for retirement benefits at 63 after 10 years of service. These judges must be at least 65 and serve a minimum of 20 years.

The state has 1,600 judges. Between 650 and 700 came in after 1994, when JRSII was adopted, and would be covered by the proposed retirement package, Vickrey said.

However, Assembly members of the budget committee were swayed more by a report from the California Public Employee Retirement System that predicts 75 percent of the judges who would become eligible for full retirement under the new system could leave the bench. CalPERS manages the judicial retirement system.

The legislative analyst's office echoed the concerns and said the proposal needs to be vetted more fully because of the long-term implications of such a drastic policy reform.

"The Legislature designed [JRSII] with an eye to keeping the system fully funded, and it's been successful," said Jason Dickerson, a legislative analyst.

Dickerson added that the changes "would exacerbate the judicial staffing needs."

The budget committee is scheduled to revisit the retirement proposal and other judicial branch funding matters when it meets today.

Regardless of what is decided, the Judicial Council will continue lobbying for the passage of pension reform this year, according to Eraina Ortega, advocate for the Judicial Council.

"It remains a high priority of the council and the chief justice," Ortega said.