

# Gavel to Gavel

A review of state legislation affecting the courts

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## *Focus: Mandatory Retirement Ages for Jurists*

While few if any states place age limitations on the ability of members of the legislative or executive branches to serve, most states impose age limitations on their jurists. Several state legislatures however have begun to reexamine the subject.

The Texas legislature approved in 2007 a constitutional amendment to allow a jurist [who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term](#). Some 75% of Texas voters approved the amendment in November 2007. Both [Arizona](#) and [New Jersey](#) considered raising their retirement ages from 70 to 75, but neither bill proceeded out of their originating chamber. A Virginia bill which would also have increased the mandatory retirement age for judges [from 70 to 75](#) was approved by the Senate only. A proposed committee amendment to remove the limit altogether failed because as a Senator in opposition put it "[I know some judges who are so committed to practice they'd never retire.](#)" Washington State is considering lifting the

retirement [age altogether as well](#). That bill and its corresponding [constitutional amendment](#) were approved by the House Judiciary committee in 2007 and remain active in 2008.

## *Newly Introduced*

### **Selection**

[ARIZONA HCR 2006 \(2008\)](#) Merit selection threshold raised from counties of 250,000 to counties of 600,000. In House Judiciary committee

[IDAHO HB 1248 \(2008\)](#) Adds to existing law to provide for assignment of a justice pro tempore in the event of a vacancy, disqualification, disability or absence of a Supreme Court justice. In House Judiciary committee

[RHODE ISLAND HB 7105 \(2008\)](#) Constitutional Amendment to require Superior Court magistrates and Worker's Compensation Court and Administrative Adjudication Court judges be nominated by judicial nominating commission, selected by the Governor and confirmed by Senate. In House Judiciary committee



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## Qualifications and Terms

[ARIZONA HB 2057 \(2008\)](#) Allows Supreme Court and/or Chief Justice to name retired judges to assist the Tax Court (currently, may assist Supreme Court, Court of Appeals and Superior Court). In House Judiciary committee

## Rule Making Authority

[NEBRASKA LB 775 \(2008\)](#) Grants County Court Clerks power to appoint deputy clerks. Removes requirement that District Court Deputy Clerks be residents of the counties in and for which they act. In Judiciary Committee

## Structure Changes

[WASHINGTON HB 2557 \(2008\)](#) Amends variety of laws pertaining to “improving the operation of trial courts.” Raises District Court civil limit from \$50,000 to \$75,000. Allows for interlocal agreements to permit a judge of the hosting jurisdiction to sit as the municipal court judge for the contracting cities. Prohibits court commissioners from presiding over criminal trials in criminal matters or civil jury trials unless agreed to by parties. Modifies and expands disqualification/recusal restrictions to include all “judicial officers.” Creates legislative task force on access to justice for victims of domestic violence and harassment. In House Judiciary committee

## Jurisdiction

[ALABAMA HB 28 \(2008\)](#) Recodifies Alabama Juvenile Justice Act, including provisions on judges named as juvenile and family court judges, jurisdiction of juvenile

and family courts, etc. In House Judiciary committee

[ALABAMA HB 29 \(2008\)](#) Recodifies Alabama Juvenile Justice Act, including provisions on judges named as juvenile and family court judges, jurisdiction of juvenile and family courts, etc. (Note: differs from HB 28). In House Judiciary committee

[MARYLAND HB 20 \(2008\)](#) Increases to \$10,000 the minimum amount in controversy in civil actions over which the District Court and the Circuit Courts have concurrent jurisdiction and in which appeals from the District Court must be heard on the record. Increases to \$10,000 the maximum amount in controversy in civil actions over which the District Court has exclusive jurisdiction. Increased to \$5,000 the maximum amount in controversy in civil actions for which formal pleadings are prohibited (i.e. small claims). In House Judiciary committee

## Salary and Budget

[COLORADO SB 47 \(2008\)](#) Requires the state court-appointed special advocate office to establish accountability and performance standards, based on state law and the standards of a national organization of CASA programs, that the state CASA office and local CASA programs must follow. Requires the state CASA office to determine the formula for distribution of the fund moneys to local CASA programs. In Senate State, Veterans & Military Affairs committee

[DELAWARE SB 181 \(2008\)](#) Requires web publication of names, positions, employing agencies, salaries, overtime compensation, travel expenses, and other reimbursable

expenses of all fulltime and part-time State employees, officers, and officials. Specifically includes “judges and court staff, and justices of the peace and court staff.” In Senate Executive committee.

[NEBRASKA LB 711 \(2008\)](#) Changes and eliminates provisions relating to the payment of disability benefits under the Judges Retirement Act. Allows for claim of disability at any time prior to the date of normal retirement eligibility. In Retirement Systems Committee

[NEBRASKA LB 772 \(2008\)](#) Provides that the State of Nebraska shall pay, with funds appropriated to the Supreme Court, all costs associated with providing security for district court and county court courtrooms. In Judiciary Committee

[NEBRASKA LB 773 \(2008\)](#) Removes court bailiffs from the list of unclassified employees for purposes of the Civil Service Act. In Judiciary Committee

[SOUTH DAKOTA SB 61 \(2008\)](#) Creates Teen Court Commission. Creates Commission on Equal Access to Our Courts to consider grant applications from nonprofit entities for delivery of legal services to eligible poor persons.. Provides funding for commissions via increase in tax on alcoholic beverages. In Senate State Affairs committee

## Other

[ALABAMA HB 33 \(2008\)](#) Requires mandatory ethics training for various officials including “state constitutional officers.” In House Government Operations committee

[NEW MEXICO SJM 8 \(2008\)](#) Requests Administrative Office of the Courts and the Office of State Engineer determine ways to expedite the water rights adjudication process. No committee yet assigned

## *Floor and Committee Activity*

[RHODE ISLAND HB 7006 \(2008\)](#) Allows any magistrate of the Superior Court in service as of January 1, 2008 who serves at the pleasure of the presiding justice of the Superior Court and any magistrate of the Family Court in service as of January 1, 2008 who serves at the pleasure of the chief judge of the Family Court to be appointed for a term of ten (10) years with the advice and consent of the senate until a successor is appointed and qualified. Approved as amended by full House. Approved as amended by Senate Judiciary.

[SOUTH CAROLINA HB 3771 \(2008\)](#) Removes restriction prohibiting clerks of common pleas or general sessions courts from practicing law. Clerks still may not “plead or practice in any of the courts in this State...” Approved by House as amended in 2007. Amended on Senate floor and returned to Senate Judiciary committee

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