

**KATE M. HARPER, MEMBER  
61<sup>ST</sup> LEGISLATIVE DISTRICT**

DISTRICT OFFICE:  
1515 DEKALB PIKE, SUITE 106  
BLUE BELL, PA 19422  
PHONE: (610) 277-3230  
FAX: (610) 270-1677

HARRISBURG OFFICE:  
210 RYAN OFFICE BUILDING  
P.O. BOX 202061  
HARRISBURG, PA 17120-2061  
PHONE: (717) 787-2801  
FAX: (717) 787-2022

E-MAIL: [kharper@pahousegop.com](mailto:kharper@pahousegop.com)  
[www.KateHarper.net](http://www.KateHarper.net)



**House of Representatives**  
Commonwealth of Pennsylvania  
Harrisburg

**MEMORANDUM**

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**TO: All House Members**

**FROM: Representative Kate M. Harper**

**DATE: December 9, 2011**

**SUBJECT: Cosponsor Request – Raising the Mandatory Retirement Age for Judges**

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Attached please find a proposed amendment to the Pennsylvania Constitution that would raise the mandatory retirement age for judges in the Commonwealth.

Specifically, the measure would amend Section 16 (b) of Article V of the Constitution to increase the mandatory retirement age for justices, judges and justices of the peace from 70 to 75 years old. To become law, the amendment must receive a majority vote of two consecutive sessions of the General Assembly and an affirmative vote by the electorate.

There are many reasons why this adjustment of the retirement age for judges is sound policy for the management of our court system.

Mandatory retirement is generally unlawful in the United States for most industries and occupations. Currently, many states and the federal judiciary have no mandatory retirement age for judges. This results in a system that is arguably less discriminatory and allows voters the right to elect and retain judges of their choice regardless of age.

Further, raising the retirement age would save the state's retirement system money. Judges who have been a judge for at least 10 years have a 3 percent multiplier for the retirement as opposed to a 4 percent multiplier for judges in their subsequent terms and thus save the government money. Further, allowing judges to work longer means the state can delay pension payouts and not have to pay the salary and training for a replacement judge.

By giving judges more time on the bench, the Commonwealth and its citizens will benefit from the knowledge, experience, and temperament of seasoned jurists. The extended retirement age will also serve to attract qualified legal practitioners to run for the bench. The possibility of serving an additional five years on the bench may entice them to leave lucrative private legal practices at the height of their careers and enter public service.

Finally, I note that life expectancy of the average person in 1968, when the Pennsylvania Constitution was most-recently revised, was approximately 70 years. By contrast, the current life expectancy is approximately 78 years because of medical advancements and healthier lifestyles. Accordingly, it seems appropriate to update our Constitution to reflect this new reality by changing the mandatory retirement age for our judges to 75 years old.

If you would like to join me in sponsoring this important bill, which will ultimately improve the state's judicial system, please contact Cassondra Haldeman at 717-787-2801 or [chaldema@pahousegop.com](mailto:chaldema@pahousegop.com)