

Dear Chair Barker and Members of the House Judiciary Committee,

My name is David Brewer. I am an associate justice of the Oregon Supreme Court. I have been asked to provide testimony in favor of SJR 4 A at the hearing and work session scheduled for May 13, 2015. Unfortunately, the court is hearing oral argument and holding conference on the 13th, so I am providing this brief written testimony in support of the joint resolution. Thank you for your willingness to consider this issue.

Because of the demands of the work, there are relatively few people who are both able and willing to serve as state court judges beyond the age of 75. Although I recognize that the current constitutional provision can provide a safeguard against judges working past their ages of peak efficiency, we do have a system, including the Oregon Commission on Judicial Fitness and Disability, that can effectively deal with most problems posed by judges who, because of physical, mental or emotional challenges, are no longer able to perform the work. In light of those facts, in my view the question is whether the relatively few judges who wish to serve beyond the age of 75, and are able to effectively serve, should be denied that opportunity. That question reduces to one of fairness and practicality. An arbitrary mandatory retirement age for judges is inherently discriminatory and, in my view, probably not necessary to address the inevitable age-related limitations that each of us ultimately confronts. I encourage you to refer this resolution to the voters for their consideration.

Thanks very much for your time and attention and for the important work that you do for all of us.

Dave Brewer