MANDATORY JUDICIAL RETIREMENT LAW LIBRARY

SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

October 2008

CONTENTS

Standards	3
Surveys	3
REPORTS	3
Books	4
Articles	4

STANDARDS

- American Bar Association, Judicial Administration Division, Committee on Standards for Judicial Retirement. *Standards for State Judicial Retirement Plans*. Chicago: American Bar Association, 1985.
- American Bar Association, Judicial Administration Division. *Standards Relating to Court Organization*. Chicago: American Bar Association, 1990.
- American Bar Association, Standing Committee on Judicial Independence. Standards on State Judicial Selection: Report of the Commission on State Judicial Selection Standards. Chicago: American Bar Association, 2001.

SURVEYS

- American Judicature Society. *Methods of Judicial Selection: Selection of Judges*, 2008. Available at http://www.judicialselection.us/judicial_selection/methods/selection_of_judges.cfm? https://www.judicialselection.us/judicial_selection/methods/selection_of_judges.cfm?
- Meyer, Bernard S. *Judicial Retirement Laws of the Fifty States and the District of Columbia*. New York: Fordham University Press, 1999.
- National Center for State Courts. "Judicial Retirement Information." *Survey of Judicial Salaries*, 2008. Available at http://www.ncsconline.org/WC/Publications/KIS_JudComJudSal010108Pub.pdf.
- Pyne, Timothy. Judicial Retirement Plans. Chicago: American Judicature Society, 1984.
- Rottman, David B., et. al. *State Court Organization 2004*. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2006. Available at http://www.ojp.gov/bjs/pub/pdf/sco04.pdf.
- A Survey of State Judicial Fringe Benefits. Chicago: American Bar Association, 1996.

REPORTS

- Administrative Office of the Courts Report to the Legislature on Mandatory Retirement Requirements for North Carolina Judges and Justices. Raleigh, N.C.: Supreme Court of North Carolina, Administrative Office of the Courts, 2005.
- D'Amico, Sheila. *California Judicial Retirement Study*. San Francisco, CA: National Center for State Courts, Western Regional Office, 1988. WRO-097.

- Judges' Retirement: Modification of Allowance Benefit Factor Denied for Judicial Retirement System II (Gov. Code § 7522(a) (Action Required). San Francisco, CA: Judicial Council of California Administrative Office of the Courts, 2004. Available at http://courtinfo.ca.gov/courtadmin/jc/documents/reports/1204item14a.pdf.
- Task Force on Mandatory Retirement of Judges. Report of the Task Force on Mandatory Retirement of Judges. Albany: Office of Court Administration, 1999. Available at http://www.courts.state.ny.us/press/old_keep/manretrep.pdf.
- Upjohn, Don. *Mandatory Retirement of Judges; Staff Report.* Salem, OR: Governor's Commission on Judicial Reform, November 15, 1972.

BOOKS

- Alfini, James, et al. Judicial Conduct and Ethics. Newark, NJ: LexisNexis, 2007.
- Braithwaite, William T. *Who Judges the Judges? A Study of Procedures for Removal and Retirement.* Chicago, IL: American Bar Foundation, 1971.
- Eglit, Howard. *Elders on Trial: Age and Ageism in the American Legal System.* Gainesville, FL: University Press of Florida, 2004.
- Posner, Richard A. Aging and Old Age. Chicago: University of Chicago Press, 1995.

ARTICLES

- "After 70, Are Judges Too Old? A Second State Answers 'Yes.'" 11 National Law Journal 9 (June 5, 1989).
- Anderson, Cerisse. "5 Judges in New Challenge of Mandatory Retirement Age: Elections for 2 Seats in Question." 198 *New York Law Journal* 1 (September 9, 1987).
- Anderson, Cerisse. "Three Senior Administrative Judges to Step Down: Recently Revived Policy Affects Those over Age 70." 204 *New York Law Journal* 1 (August 7, 1990).
- Barringer, Felicity. "EEOC Urges Federal Courts to Ban Mandatory Retirement for State Court Judges." 135 *Chicago Daily Law Bulletin* 1 (May 23, 1989).
- "Bills Introduced in Minnesota House Affect Judicial Retirement Age, Contributions."

 Minnesota Lawyer (March 19, 2007).
- Block, Honorable Frederic. "Senior Status: An 'Active' Senior Judge Corrects Some Common Misunderstandings." 92 *Cornell Law Review* 533 (March 2007).
- Brooks, David. "Judicial Retirement Age Attacked in Some States." 124 New Jersey Law Journal 3 (September 7, 1989).

- Bushlow, Alan L. "Mandatory Retirement of State-Appointed Judges Under the Age Discrimination in Employment Act." 76 Cornell Law Review 476 (1991).
- Carelli, Richard. "Court Approves Mandatory Retirement for State Judges." 137 *Chicago Daily Law Bulletin* 1 (June 20, 1991).
- Carmody, Cris. "Local Judges Question Wisdom of Ruling." 137 *Chicago Daily Law Bulletin* 1 (June 20, 1991).
- Coyle, Marcia. "The Golden Years; Judges Attempt to Overturn a State's Mandatory-Retirement Scheme." 13 *National Law Journal* 1 (March 18, 1991).
- Cunicelli, Linda M. "Setting the Stage to Overrule Garcia in the Context of Mandatory Retirement of State Judges." 2 *Widener Journal of Public Law* 139 (1992).
- DeBenedictis, Don J. "Judges Sue Their Employers; Suits Claim Age Discrimination Act Protects Appointed Judges." 76 ABA Journal 26 (February 1990).
- Ehrenhalt, Alan. "Coming Off the Bench." 16 Governing 6 (June 2003).
- Elliott-Engel, Amaris. "Pa. Justices Raise Retirement Age for Senior Judges." 237 *The Legal Intelligencer* 1 (January 4, 2008).
- Epstein, Lee, Jack Knight and Olga Shvetsova. "Comparing Judicial Selection Systems." 10 William and Mary Bill of Rights Journal 7 (July 8, 1991).
- Fox, Martin. "High Court Ruling Forcing 10 Judges into Retirement." 206 New York Law Journal 1 (July 8, 1991).
- Fox, Martin. "State Judges Unprotected by Age Law: Mandatory Retirement Statutes Upheld as Lawful by Justices." 205 New York Law Journal 1 (June 21, 1991).
- Garrow, David J. "Mental Decrepitude on the U.S. Supreme Court: The Historical Case for a 28th Amendment." 67 *University of Chicago Law Review* 99 (2000).
- Gerges, Abraham G. "Raise Judicial Retirement Age." 235 New York Law Journal 2 (March 9, 2006).
- "Give Age a Chance." 12 National Law Journal 14 (January 8, 1990).
- Gottlieb, Henry. "Is 75 the New 70? Proposed Constitutional Amendment Would Raise New Jersey Judges' Mandatory Retirement Age." 185 *New Jersey Law Journal* 405 (July 31, 2006).
- Halbert, Marvin R. "Compulsory Judicial Retirement; an Enlightened Decision?" 15 Pennsylvania Law Journal-Reporter 2 (February 24, 1992).
- Hall, Jean Graham. "Too Old for What?" 144 New Law Journal 230 (February 18, 1994).
- Harrington, W. A. "Mandatory Retirement of Public Officer or Employee Based on Age." 81 American Law Reports 3d 811 (§5 Judges) (2008).

- Hauser. Thomas Alden. "Mandatory Retirement of State Judges and the Age Discrimination in Employment Act." 51 *University of Pittsburgh Law Review* 973 (1990).
- Heckelman, David. "Downstate Judge, 74, Fights to Keep Seat by Challenging Mandatory Retirement Law; Two Candidates Left in Limbo until Supreme Court Resolves the Dispute." 142 *Chicago Daily Law Bulletin* 1 (January 4, 1996).
- Heilman, Dan. "When Should Judges Be Forced to Retire?" *Minnesota Lawyer* (April 9, 2007). Available at http://www.minnlawyer.com/article.cfm?recid=75181.
- Higgins, Michael. "Circuit Judge Files Lawsuit Over Age Limit." Chicago Tribune (September 13, 2007).
- Horsley, Lynn. "Judge Will Be Forced to Retire: A Charter OK'd by Voters Mandates That Marcia Walsh, 65, Step Down." Kansas City Star (August 22, 2006).
- Huth, Katharine L. "Garcia Revisited: The Age Discrimination in Employment Act's Application to Appointed State Court Judges." 59 Fordham Law Review 403 (1990).
- "Judges at 70: Should We Bench or Keep Them?" *Pacific Business News* (August 31, 2007). Available at http://www.bizjournals.com/pacific/stories/2007/09/03/focus1.html.
- "Judges May Warm Benches Longer: Proposal Pushes Retirement Age Back." *Times-Picayune* 1 (July 31, 2003).
- Kelly, Dan. "What's a Year?" 14 National Law Journal 2 (September 23, 1991).
- Klassen, T. R. and C. T. Gillin. "The Heavy Hand of the Law: The Canadian Supreme Court and Mandatory Retirement." 18 *Canadian Journal on Aging* 259 (1999).
- "Lawyers Want Mandatory Retirement Age for Judges Raised." *North Country Gazette* (April 11, 2007). Available at http://www.northcountrygazette.org/articles/2007/041107JudicialRetirement.html.
- "Losing Experience." 13 National Law Journal 12 (July 1, 1991).
- Makar, Scott D. "In Praise of Older Judges: Raise the Mandatory Retirement Age?" 71 *Florida Bar Journal* 48 (April 1997).
- "Mandatory Retirement Age for Judges Is Upheld." 135 *Chicago Daily Law Bulletin* 3 (November 30, 1989).
- "Mandatory Retirement Provisions." 46 American Jurisprudence, 2d Judges §14 (2006).
- Mauro, Tony. "The Age of Justice." 23 American Lawyer 67 (March 2001).
- Mauro, Tony. "The Politics of Judicial Retirement: How 'Rule of 80' Allows Prolonging of Tenure for Partisan Reasons." 172 New Jersey Law Journal 6 (June 9, 2003).

- McFadden, Christopher R. "Judicial Independence, Age-based BFOQs, and the Perils of Mandatory Retirement Policies for Appointed State Judges." 52 *South Carolina Law Review* 81 (2000).
- New York City Bar Association Council on Judicial Administration. "Mandatory Retirement of Judges." 55 *The Record of the Association of the Bar of the City of New York* 813 (2000).
- Newman, Sandra Schultz and Daniel Mark Isaacs. "Historical Overview of the Judicial Selection Process in the United States: Is the Electoral System in Pennsylvania Unjustified?" 49 Villanova Law Review 1 (2004).
- "N.Y. State Bar Supports Increase in Judicial Retirement Age." *Daily Record* (March 27, 2007). Available at http://findarticles.com/p/articles/mi_qn4180/is_/ai_n18761279.
- Penticuff, Paul Scott. "Mandatory Retirement for Missouri Judges." 57 *Missouri Law Review* 553 (1992).
- Pujol, Frank E. "Lifetime Tenure vs. Mandatory Retirement: An Empirical Analysis." 42 Revista de Derecho Puertorriqueno 273 (2003).
- Rabkin, Alan B. "The Difficult Issue of Involuntary Retirement: Can a Judge be Retired Due to Age or Health?" 10 Nevada Lawyer 579 (January 2005).
- Resnik, Judith. "Judicial Selection and Democratic Theory: Demand, Supply, and Life Tenure." 26 Cardoza Law Review 579 (January 2005).
- Resnik, Judith. "So Long: Changing the Judicial Pension System Could Keep Judges from Staying on the Bench For Too Many Years." *Legal Affairs* (July/August 2005). Available at http://www.mywire.com/a/LegalAffairs/Long/938202?extID=10037&oliID=229.
- Robbins, Mary Alice. "Constitutional Amendment Would Let Judges Serve After Age 75." 23 Texas Lawyer 4 (November 5, 2007).
- Rooney, John Flynn. "Decision Awaited on Judges over 75." 137 *Chicago Daily Law Bulletin* 1 (April 24, 1991).
- Ruddock, Deanna L. "*Gregory v. Ashcroft*: The Plain Statement Rule and Judicial Supervision of Federal-State Relations." 70 North Carolina Law Review 1563 (1992).
- Schweit, Katherine. "Governor's Veto Keeps Judges' Retirement at 75." 133 *Chicago Daily Law Bulletin* 1 (November 19, 1987).
- Sciocchetti, Tina E. "Mandatory Retirement of Appointed State Judges Age Discrimination?" 85 Northwestern University Law Review 866 (1991).
- Severson, Darlene M. "Age Discrimination Law Mandatory Retirement of Judges: Law and Policy." 17 William Mitchell Law Review 858 (1991).

- Shaman, Jeffrey M. "Supreme Court Upholds Mandatory Retirement of State Judges." 75 *Judicature* 222 (December-January 1992).
- Siegel, Lisa. "Judiciary's Best Bargain: Judge Trial Referees." Connecticut Law Tribune (June 28, 2006).
- Spencer, Gary. "Reform of Judicial Retirement Sought: Task Force Recommends New Senior Judge Status." 222 New York Law Journal 1 (September 20, 1999).
- Squiers, Deborah. "EEOC Files Suit on Behalf of State Judge." 202 New York Law Journal 1 (October 31, 1989).
- Squiers, Deborah. "Forced Retirement of Judges in Vermont Declared Illegal." 203 New York Law Journal 1 (May 23, 1990).
- Squiers, Deborah. "State Judge, 76, Wins Ruling on Retirement: U.S. Court Finds Age Bias Law Blocks Forcing Certificated Justice from Bench." 202 *New York Law Journal* 1 (December 27, 1989).
- Stashenko, Joel. "Move to End Forced Retirement for Judges Gains Momentum in N.Y." New York Law Journal (March 21, 2007). Available at http://www.law.com/jsp/article.jsp?id=1174381426943
- Stras, David R. "The Incentives Approach to Judicial Retirement." 90 *Minnesota Law Review* 1417 (May 2006).
- Stras, David R. and Ryan W. Scott. "Are Senior Judges Unconstitutional?" 92 *Cornell Law Review* 453 (March 2007).
- Trask, Carol B. "Constitutional Law Mandatory Retirement of Judicial Appointees." 63

 Temple Law Review 349 (Summer 1990).
- "29 Justices Beyond Age 70 Receive Certification to Continue on Bench." 205 New York Law Journal 1 (January 8, 1991).
- "2 Judges Lose Appeal Against Retirement Age." 198 New York Law Journal 1 (October 2, 1987).
- Welch, Brian M. "Mandatory Retirement of Appointed State Judges: Balancing State and Federal Interests." 25 *Valparaiso University Law Review* 125 (1990).
- Young, M.M. "Mandatory Retirement Delayed for Incumbent Louisiana Judges." 63 *Tulane Law Review* 1197 (1989).
- Zimmerman, Malia. "Proposal to Lift Mandatory Retirement Age for Judges is Back on the Fast Track." *Hawaii Reporter* (January 30, 2008). Available at http://www.hawaiireporter.com/story.aspx?cb49b3f3-38c3-4594-9b86-307a84ed19a7.
- Zorn, Eric. "For Judge, 72, Acting His Age Isn't Detriment." *Chicago Tribune* (September 18, 2007).