

This Appendix accompanies the article: Francis X. Shen, [*Aging Judges*](#), 81 Ohio St. L.J. 235 (2020).

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APPENDIX¹

TABLE OF MANDATED JUDICIAL RETIREMENT AGES BY STATE²

State	Mandatory Retirement Age for Trial Judges	Mandatory Retirement Age for Appellate Judges	Year this Policy was First Implemented	Citation to Relevant Law	Notes
Alabama	70	70	1972 ³	ALA. CONST. art. VI, § 155, <i>amended by</i> ALA. CONST. amend. CCCXXVIII. ⁴	6-year terms, so a judge could be elected at age 69, and then serve 6 years, until age 75. Exceptions for some supernumerary judges. House Bill No. 339, introduced 1/30/18, would increase the age restriction to 75 years.
Alaska	70	70	1959	ALASKA CONST. art. IV, § 11. ⁵	Must retire once they reach the age of 70. Only exception is a special appointment (after age 70).
Arizona	70	70	1974	ARIZ. CONST. art. VI, § 39. ⁶	Judges who were in office at the time the amendment was passed were allowed to serve out their terms. ⁷
Arkansas	None	None		ARK. CODE ANN. § 24-8-215 (2019).	Judges who qualify for retirement benefits by age 70 will lose their retirement benefits if they don't retire at age 70. § 24-8-215 (c)(3)(A). Exceptions: Judges can complete their term of office without losing benefits. Judges who do not qualify for benefits by age 70 can continue to serve until they do. Judges serving prior to 7/1/1965 may retire at any age and will not lose retirement benefits. ARK. CODE ANN. § 24-8-215 (c).
California	None	None			
Colorado	72	72		COLO. CONST. art. VI, § 23(1).	

Connecticut	70	70	1818	CONN. CONST. art. V, § 6.	The following provision was contained in the 1818 Constitution in the last sentence of Article V, § 3 and in the 1955 Constitution in Article V, § 8: “No judge or justice of the peace shall be capable of holding his office, after he shall arrive at the age of seventy years.”
Delaware	None	None			
District of Columbia	74	74	1970	D.C. CODE ANN. § 1-204.31(c) (1973).	A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 [July 29, 1970] shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy-four.
Florida	70	70	1972 Const. Amend.	FLA. CONST. art. V, § 8.	“No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served.”
Georgia	None	None			Note: Georgia retirement statute provides optional incentives for early retirement for appellate judges. Judges who elect to take advantage the early retirement benefits must comply with the mandatory retirement provision (age 75). GA. CODE ANN. § 47-2-244.
Hawaii	70	70	1968	HAW. CONST. art. VI, § 3.	A Hawaii Senate bill would raise mandatory retirement age to 75. (Referred to committees 1/26/18.) S. 2983, 29th Leg., Reg. Sess. (Haw. 2018).
Idaho	None	None			
Illinois	None	None			Used to be 75, but law was struck down by Illinois Supreme Court in 2009. 705 ILL. COMP. STAT. 55/1 (2009), <i>overruled by</i> Maddux v. Blagojevich, 911 N.E.2d 979 (Ill. June 18, 2009).
Indiana	None	75	2004	Ind. Code Ann. § 33-38-13-8 (2004).	Only applies to appellate and supreme court judges, not district court.
Iowa	72*	72*	1983	IOWA CODE ANN. § 602.1610 (1953).	*75 year for judges holding office on 7/1/1965.

Kansas	75	75	2004	KAN. STAT. ANN. § 20-2608.	Judges may finish the final term during which they turn 75. Note: in 2004 the mandatory retirement age was raised to 75. (2004 Kan. Laws.).
Kentucky	None	None			
Louisiana	70	70	1974	LA. CONST. art. V, § 23.	Judges may finish the term during which they turn 70. Note: 2018 Louisiana House Bill No. 203 would have amended the constitution to eliminate the mandatory retirement age but the bill failed to pass by the 2/3 vote necessary for passage.
Maine	None	None			
Maryland	70	70		MD. CODE ANN. CONST. art. IV, § 3; MD. CODE ANN. CONST. art. IV, § 5A.	Proposed legislation, H.B. 1779, and a proposed constitutional amendment (2018) would change the mandatory retirement age to 73. Bill hearing held, but no further action in 2018 session.
Massachusetts	70	70		MASS. CONST. pt. 2, ch. 3, art. 1.	
Michigan	70	70	1963	MICH. CONST. art. VI, § 19 (3).	
Minnesota	70	70	1973	MINN. STAT. §§ 490.121 subd. 21d, 490.125 (2019).	2017 S.F. No. 1044 & H.F. 621 would eliminate mandatory retirement age. (Referred to committees.)
Mississippi	None	None			
Missouri	75*	70	1978/1976	MO. CONST. art. V, § 26; MO. REV. STAT. 479.020(7) (1978).	Judges other than municipal judges must retire at 70. Municipal judges must retire at 75.
Montana	None	None			
Nebraska	None	None			
Nevada	None	None			
New Hampshire	70	70		N.H. REV. CONST. art. 78.	2017 Constitutional Amendment Concurrent Resolution No. 3 would eliminate mandatory retirement for all judges but it was not adopted.
New Jersey	70	70	1948	N.J. CONST. art. XI, § 4, ¶ 1 (1971).	
New Mexico	None	None			

New York	70	70		N.Y. CONST. art. VI, § 25 (b).	Judges may finish out year they turn 70. There is no retirement limit for Town and Village Courts. Provision is also made for appointment of retired judges under certain conditions. However, a retired judge may not serve beyond the “last day of Dec. in the year in which he or she reaches the age of 76.”
North Carolina	72	72		N.C. GEN. STAT. ANN. § 7A-4.20 (1971).	Judges must retire the last day of the month in which they have turned 72 but may be recalled for temporary service.
North Dakota	None*	None*		N.D. CENT. CODE ANN. § 27-17-01 1 (West 1943).	Judges who do not retire prior to attaining the age of 73 years waive a portion of their retirement benefits.
Ohio	70	70	1968	OHIO CONST. art. IV, § 6(C).	Judges may finish the final term during which they turn 70.
Oklahoma	None	None			
Oregon	75	75	1960	OR. CONST. art. VII, § 1a.	Judges may finish the final term during which they turn 75. Age may be reduced to as low as 70 by statute or initiative.
Pennsylvania	75	75	2016 (1968)	PA. CONST. art. V, § 16(b).	Originally was age 70, per the 1968 amendment. But the age was raised to 75 in 2016. ⁸ (Effective Nov. 8, 2016.)
Rhode Island	None	None			
South Carolina	72	72		S.C. CODE ANN. § 9-8-60 (7) (2014).	No limit for Probate or Municipal Court judges.
South Dakota	70	70	1973	S.D. CODIFIED LAWS § 16-1-4.1 (1973); S.D. CODIFIED LAWS § 16-6-31 (1973).	
Tennessee	None	None			
Texas	75	75	1948	TEX. CONST. art. V, § 1-a.	Conditions may vary. See Article 5 for more information.
Utah	75	75	1998	UTAH CODE ANN. § 49-18-01 (1953).	

Vermont	90	90	2003	VT. STAT. ANN. Tit. 4, § 609 (2003).	
Virginia	73	73		VA. CODE ANN. § 51.1-305 (2003).	Judge will be retired 20 days after the regular session of the General Assembly following birthday. 2018 Virginia H.B. 1392 proposed new language that says persons subject to mandatory retirement is ineligible to serve in any court. (Status: left in committee.)
Washington	75	75	1951	WASH. CONST. art. IV, § 3(a).	Judges may finish out year they turn 75. Legislature may fix a lesser age for mandatory retirement.
West Virginia	None	None			
Wisconsin	70*	70*	1955	WIS. CONST. art. VII, § 24.*	*Mandatory retirement not enforced. ⁹
Wyoming	70	70	1971	WYO. CONST. art. V, § 5 and WYO. STAT. ANN. § 5-1-106 (1977).	

¹ Author-created appendix. Not verified by the editors of *Ohio State Law Journal*.

² This Table was developed, in part, with consultation of *Election 2016: 32 States Impose Some Form of Mandatory Retirement Age on Most or All of their Judges; Voters May Raise (PA) or Repeal (OR) Their Ages*, GAVEL TO GAVEL, <http://gaveltogavel.us/2016/10/31/election-2016-32-states-impose-form-mandatory-retirement-age-judges-voters-may-raise-pa-repeal-ages/> [<https://perma.cc/89HQ-9PXX>], as well as additional independent research supported by the University of Minnesota Law Library.

³ Robert A. Martin, *It Was About Power and Judicial Independence*, 60 ALA. L. REV. 196, 197 (1999) (“[T]wo proposed constitutional amendments—one to abolish [Justices of the Peace] and establish a small claims court, and the other to create a commission to discipline judges, mandate judicial retirement at age 70, and create a retirement plan for judges—passed the legislature in 1971. The two amendments were ratified by the voters in January 1972.”).

⁴ ALA. CONST. art. VI, § 155, *amended by* ALA. CONST. amend. CCCXXVIII. “The legislature shall provide by law for the retirement of judges, including supernumerary judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe. No person shall be elected or appointed to a judicial office after reaching the age of seventy years, provided that a judge over the age of seventy may be appointed to the office of supernumerary judge if he is not eligible to receive state judicial retirement benefits.” Note: constitutional amendments 927 and 902 allowed appointment of probate judges over the age of 70 in Geneva and Henry counties. *See* ALA. CONST. amend. CMXXVII; ALA. CONST. amend. CMXXVII.

⁵ ALASKA CONST. art. IV, § 11. “Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.”

⁶ ARIZ. CONST. art. VI, § 39. “On attaining the age of seventy years a justice or judge of a court of record shall retire and his judicial office shall be vacant, except as otherwise provided in section 35 of this article. In addition to becoming vacant as provided in this section, the office of a justice or judge of any court of record becomes vacant upon his death or his voluntary retirement pursuant to statute or his voluntary resignation, and also, as provided in section 38 of this article, upon the expiration of his term next following a general election at which a majority of those voting on the question of his retention vote in the negative or for which general election he is required,

but fails, to file a declaration of his desire to be retained in office.”

⁷ ARIZ. CONST. art. VI, § 35.

⁸ Jan Murphy, *Pennsylvania Voters Approve Raising Judges’ Retirement Age*, PENNLIVE (Jan. 5, 2019), https://www.pennlive.com/politics/index.ssf/2016/11/pennsylvania_voters_approve_ra.html [<https://perma.cc/ZBW3-NGLV>].

⁹ See *Mandatory Retirement Age for Judges and Justices, Question 5 (April 1977)*, BALLOTPEDIA, [https://ballotpedia.org/Wisconsin_Retirement_Age_for_Judges_and_Justices,_Question_5_\(April_1977\)](https://ballotpedia.org/Wisconsin_Retirement_Age_for_Judges_and_Justices,_Question_5_(April_1977)) [<https://perma.cc/4VSH-QDUN>]. The 1977 ballot measure empowers the Wisconsin legislature to set retirement age for judges to any age 70 or above, but the legislature has not acted. See Joe Forward, *Legislator’s Proposal Could Force Wisconsin Judges into Retirement at Age 75*, ST. B. WIS.: INSIDETRACK (Dec. 17, 2014), <https://www.wisbar.org/NewsPublications/InsideTrack/Pages/Article.aspx?Volume=6&Issue=24&ArticleID=23758> [<https://perma.cc/52NT-LZ5T>].