

# **Delegate Jon S Cardin HB 638 Testimony 3Apr26\_fina**

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Judiciary Committee

*Chair*  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**House Bill 638**  
Judges - Mandatory Retirement Age  
**Support**

HB638 reflects the need for Maryland's Constitution to evolve alongside the society it serves. When the judicial retirement age was established in 1851, life expectancy was significantly lower than it is today. Marylanders are now living longer, healthier lives, and it is both reasonable and appropriate to revisit a standard that no longer reflects modern realities. Additionally, Maryland is increasingly out of step with neighboring jurisdictions. Pennsylvania and the District of Columbia maintain higher judicial retirement ages, and Virginia has already acted to raise its retirement age to 73. HB 638 ensures Maryland remains aligned with regional practices while maintaining a strong and capable judiciary.

HB 638 is also fiscally responsible. According to the Department of Legislative Services, this change is projected to reduce State pension liabilities by approximately \$21.7 million, with additional savings in annual contributions beginning in future fiscal years. These are meaningful, long-term savings achieved without reducing services or increasing costs.

This legislation also strengthens the quality, accessibility, and representativeness of our courts. Judges with extensive experience provide critical legal expertise, institutional knowledge, and continuity, particularly at a time when the judiciary plays an essential role in safeguarding the rule of law. Raising the retirement age also expands opportunities for experienced attorneys—many of whom are unable to pursue judicial positions earlier in their careers due to financial and professional obligations—to serve on the bench. This helps create a judiciary that more closely reflects the composition of the Maryland State Bar. Additionally, Maryland's Judicial Disabilities Commission ensures accountability by investigating and disciplining judges who fail to meet professional standards. For these reasons, I respectfully urge a favorable report on House Bill 638.

**TESTIMONY. HB0638. Raphael J. Santini. the Senate**

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Good afternoon,

Chair Smith, Vice-Chair Wald-Streicher,

and members of the Senate Judicial Proceeding Committee.

## INTRODUCTION

My name is Raphael J. Santini and I am a proud practicing attorney.

I have been involved with the Maryland Court System since 1979, over 46 years.<sup>1</sup>

I am here today in support of HB0638.

I support HB0638, for the following eight reasons:

### **I. Life Expectancy and Workforce Longevity Have Increased since the Enactment of Article 4**

#### **Section 4 of the Maryland Constitution in 1851**

Life expectancy in 1851 was around 40 years old.

Life expectancy today is around 80 years old.<sup>2</sup>

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<sup>1</sup> [RAPHAEL J SANTINI RESUME 2-16-2026.pdf](#)

<sup>2</sup> [Life Expectancy by Age, The Average Life Expectancy From 1800 to Today, United States of America - Mortality & Life Expectancy | Measured World](#)

## **II. The Judiciary Should Reflect the Public It Serves**

Quoting from Baltimore Sun Article of December 13, 2025,

“Within the next two decades more than a quarter of Maryland residents will be 65 years or older.”<sup>3</sup>

## **III. Maryland is Surrounded by States That Have a Higher Judicial Retirement Age than Maryland**

- The Judicial Retirement age of Pennsylvania is 75 years.
- The Judicial Retirement age of the District of Columbia is 74 years.
- The Judicial Retirement age of Virginia was 70 years.

As you will read, Virginia increased the Judicial retirement age from 70 to 73, which we are seeking in the HB0638.<sup>4</sup>

## **IV. Retaining Judicial Experience, Enhances Legal Quality and Continuity**

We live in challenging times, and current history has demonstrated that the Judiciary protects against the excesses of Executive Power.

Judges with extensive experience bring deep legal knowledge, institutional memory and case handling expertise to their service.

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<sup>3</sup>[Maryland’s senior wave is coming — and oversight is already cracking](#)

<sup>4</sup> [033243-seniorjudges-001752.pdf](#), [Judicial Service in the District of Columbia Courts Frequently Asked Questions | jnc, § 51.1-305. Service retirement generally](#)

**V. Accessibility of Judicial Positions for the Senior Attorneys**

Most younger attorneys cannot afford to apply for Judicial Positions because of economic demands of families and lifestyles in their 30s, 40s, and early 50s.

In their later 50s the economic demands are less, which allows senior attorneys with a wealth of subject matter knowledge and experience an opportunity to give back to their profession by entering the Judiciary.

Increasing the retirement age by 3 years encourages those knowledgeable, experienced attorneys to leave their successful practices to join the judiciary. Under the current law, an attorney who becomes a judge after age 54 is excluded from receiving full retirement benefits.

Increasing the Judicial Retirement Age from 70 to 73 will open the door to more senior attorneys.

Senior attorneys with a private and civil knowledge and experience will enrich the judiciary.

**VI. The judiciary does not resemble the Maryland State Bar Association.**

The Maryland State Bar Association consists of more than 64% private practitioners and 25% public practitioners.

The current judiciary is made up of more than 25% from public practitioners in the respective jurisdiction around our state.

Let me be clear, I totally respect these public servants and their commitment.

However, the current judiciary is not representative of the Maryland State Bar Association.

A review of the JUDICIAL VACANCIES - CANDIDATE & JUDICIAL APPOINTEE STATISTICS January 1, 2022 - December 31, 2025, show 75% of the appointed Judges were from the public service while only 24% were from private service.<sup>5</sup>

Supporting HB0638 will create a more representative judiciary, by allowing private practitioners more accessibility to judicial positions.

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<sup>5</sup> [JUDICIAL VACANCIES - CANDIDATE & JUDICIAL APPOINTEE STATISTICS January 1, 2022 - December 31, 2025.](#)

## **VII. Increasing the Retirement Age from 70 to 73 Would Not Affect the Budget**

Based on the Department of Legislative Services report for the Maryland General Assembly for the 2025 session for SB0074,

“The increase of the retirement age would not affect the judicial payroll.”

“It would likely reduce future state pension liabilities.”<sup>6</sup>

Additionally, quoting from the fiscal and policy note from HB0638 “The state pension liabilities decrease by approximately 21.7 million.”<sup>7</sup>

## **VIII. The Judicial Disabilities Commission**

If there are concerns that increasing the retirement age from 70 to 73 would create a noncompliant

Judge, these concerns are resolved by our very active Judicial Disabilities Commission.<sup>8</sup>

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<sup>6</sup> [2025 Regular Session - Fiscal and Policy Note for Senate Bill 74](#)

<sup>7</sup> [2026 Regular Session - Fiscal and Policy Note for House Bill 638](#)

<sup>8</sup> [Commission on Judicial Disabilities | Annual Report FY 2025](#)

## CONCLUSION

In conclusion, our society is constantly evolving, and our Maryland Constitution should reflect our society.<sup>9</sup>

HB0638 will help the people of Maryland and probably change history.

I am asking for a favorable decision on HB0638.

I thank you for your time.

I am happy to answer any questions and I have included hyperlinked for all the documents referenced in this testimony.

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<sup>9</sup> Changes over time of the amount in controversy of the Maryland Constitution, [2025 Regular Session - Fiscal and Policy Note for Senate Bill 475](#); the FAA allows a private pilot's license up to age 80, [92-year-old wants pilot's license back to rescue abused dogs](#); Priests must retire at age 75, Code of Canon Law 538§3, [Code of Canon Law - Book II - The People of God - Liber II. De Populo Dei - Part II. \(Cann. 460-572\)](#); and Federal Judges do not have a mandatory retirement age [Why Is There a Mandatory Retirement Age for Judges? - LegalClarity](#).