

Uniform State Laws—Continued

The budget request provides funds in the amount of \$1,900 as California's contribution to the National Conference of Commissioners on Uniform State Laws as provided in Section 10407 of the Government Code. Out-of-state travel amounts to \$2,000.

Uniform laws proposed by the commission and adopted by the 1955 Session of the Legislature include the Uniform Single Publication Act (Ch. 867), the Uniform Supervision of Trustees for Charitable Purposes Act (Ch. 1820), and the Uniform Civil Liability and Support Act (Ch. 835). The commission's next program of uniform acts will be submitted to the 1957 Session of the Legislature.

It is our understanding that the main concern of the commission at present is the adoption of the Uniform Commercial Code by the various states.

We recommend approval of the amount requested.

CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND

ITEM 20 of the Budget Bill

Budget page 16
Budget line No. 67

FOR SUPPORT OF STATE'S CONTRIBUTION TO THE LEGISLATORS' RETIREMENT FUND FROM THE GENERAL FUND

Amount requested	\$50,000
Estimated to be expended in 1955-56 Fiscal Year	70,000
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Decrease (28.6 percent)	\$20,000

RECOMMENDATIONS

Amount budgeted	\$50,000
Legislative Auditor's recommendation	50,000
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Reduction	None

ANALYSIS

Section 9358 of the Government Code provides that the State shall contribute annually to the Legislators' Retirement Fund an amount, estimated by the Board of Administration, State Employees' Retirement System, equal to so much of the benefits to be paid from the fund during that year as is not provided by the accumulated contributions of the members.

We recommend approval of the amount requested as the estimate of that which will be required under the law.

SUPREME COURT

ITEM 21 of the Budget Bill

Budget page 17
Budget line No. 6

FOR SUPPORT OF SUPREME COURT FROM THE GENERAL FUND

Amount requested	\$585,373
Estimated to be expended in 1955-56 Fiscal Year	519,929
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Increase (12.6 percent)	\$65,444

Supreme Court—Continued

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages -----	\$51,676	\$51,676	--	17 53
Operating expense -----	3,500	3,500	--	17 72
Equipment -----	10,268	10,268	--	17 79
Total increase -----	\$65,444	\$65,444	--	17 81

RECOMMENDATIONS

Amount budgeted -----	\$585,373
Legislative Auditor's recommendation -----	585,373
Reduction -----	None

ANALYSIS

The increase of \$65,444 or 12.6 percent is caused principally by the addition of six senior grade research attorneys at the proposed budget figure of \$44,136. The balance is largely due to normal salary adjustments and equipment for the above positions.

As authorized by Chapter 1350/55, a contingency has been established to provide criminal appeals attorney fees where it is necessary. As there has been no experience, the amount requested is difficult to estimate. An amount of \$3,000 was set up for 1955-56 from the Emergency Fund and the budgeted amount for 1956-57 is \$5,000 as determined by a conference of judges.

At present, the research staff of the Supreme Court consists of 1 chief research attorney, 11 research attorneys, senior grade, and 7 research assistants. The last time this staff was increased was in 1951-52 when one research attorney was added. To augment the staff by 6 additional research attorneys at this time would mean the substantial increase of 32 percent in this group. The work load in terms of items of business transacted has increased 11 percent since 1951, although this does not take into account the increased complexity of the cases.

The Supreme Court has become a reviewing court as a result of the fact that most cases are transferred in the first instance to the district court of appeal for decision and the decisions of that court are considered upon petitions for hearing. For this reason only the more difficult cases are considered by the Supreme Court which necessitates increasingly exacting research and preparation of the decisions. In the fiscal year ending June 30, 1947, when the present system of reporting statistics to the Judicial Council was adopted, the Supreme Court considered and acted on 410 petitions for hearing after decision by the district courts of appeal. In the fiscal year ending June 30, 1955, it acted on 659 petitions for hearing, an increase of 60 percent over the eight-year period. In addition to this factor, the budget justification points out that the number of justices of the Supreme Court has remained constant at 11 since its establishment in 1879 although the population of the State has increased 16-fold since that time.

Although we recommend the budget request we cannot attribute this entire increase to additional work load. At the same time we have no firm basis for computing the extent to which the request represents new service. We recommend the full amount requested only because of

Supreme Court—Continued

the strong contention of the Chief Justice that the pooling of the services of this research assistance to the justices in any combinations of less than one position per justice is impracticable. However, we believe that it should be recognized for future budgets that these six positions should be able to absorb additional work load in the future as well as to expedite the current work of the Supreme Court.

JUDICIAL COUNCIL

ITEM 22 of the Budget Bill

Budget page 18
Budget line No. 7

FOR SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested	\$114,501
Estimated to be expended in 1955-56 Fiscal Year	104,226
Increase (9.9 percent)	\$10,275

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$7,103	\$7,103	--	18 49
Operating expense	2,075	2,075	--	18 66
Equipment	1,097	1,097	--	18 73
Total increase	\$10,275	\$10,275	--	18 75

RECOMMENDATIONS

Amount budgeted	\$114,501
Legislative Auditor's recommendation	114,501
Reduction	None

ANALYSIS

The Judicial Council consists of 11 members of various state courts appointed by the Chief Justice to serve for two-year terms. The council studies court procedures with the aim of simplifying and standardizing them and equalizes the load on the judges by assigning judges to the courts with heavy dockets.

During the past year steps were taken to secure greater cooperation and coordination of activities between the council and the Conference of California Judges, the State Bar, and other organizations having committees engaged in studies relating to the administration of justice. This will be mutually beneficial and by enabling the council to take advantage of these studies it will reduce the money and time which the council would spend in similar research.

The practice which existed for many years of making blanket assignments of judges of one court to another of like jurisdiction has been gradually reduced for the last several years. Also the assignments to counties asking for assistance have been restricted unless local judges are unable to keep trial calendars current. These practices will result in better utilization of the time of the judges and in a considerable saving of money to the State and counties.

Judicial Council—Continued

The increase of 9.9 percent above the 1955-56 request is due primarily to normal salary increases and to the printing of the Biennial Report of the Judicial Council, which amounts to \$2,000 of the \$2,800 printing request.

Approval of the amount budgeted is recommended.

EXTRA COMPENSATION AND EXPENSES OF ASSIGNED JUDGES

ITEM 23 of the Budget Bill

Budget page 18
Budget line No. 20

FOR ADDITIONAL SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested	\$25,000
Estimated to be expended in 1955-56 Fiscal Year	25,000
Increase	None

RECOMMENDATIONS

Amount budgeted	\$25,000
Legislative Auditor's recommendation	25,000
Reduction	None

ANALYSIS

The Judicial Council has the constitutional responsibility of equalizing the work of judges of the various courts and expediting judicial business. The assignment of judges between the courts constitutes a means for integrating the entire system of superior courts into a single system.

The additional compensation which is necessary when judges are assigned to courts of higher salary are charged against this account. The amount proposed for 1956-57 for this purpose is budgeted at the same level as the current year, \$25,000. Actual expenditures for the past three years have been: \$23,654 for 1952-53; \$17,133 for 1953-54; and \$16,873 for 1954-55.

Approval of the amount budgeted is recommended.

DISTRICT COURT OF APPEAL, FIRST APPELLATE DISTRICT

ITEM 24 of the Budget Bill

Budget page 20
Budget line No. 7

FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, FIRST APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested	\$253,014
Estimated to be expended in 1955-56 Fiscal Year	247,742
Increase (2.1) percent)	\$5,272

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$4,418	\$4,418	--	20 38
Operating expense	2,438	2,438	--	20 52
Equipment	-1,584	-1,584	--	20 59
Total increase	\$5,272	\$5,272	--	20 61

District Court of Appeal, First Appellate District—Continued

RECOMMENDATIONS

Amount budgeted	\$253,014
Legislative Auditor's recommendation	253,014
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Reduction	None

ANALYSIS

The court has jurisdiction over appeals from superior courts in Alameda, Contra Costa, Marin, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz Counties, and also handles appeals transferred from the Supreme Court and certain original proceedings. The court consists of two divisions of three justices each.

As authorized by Chapter 1350/55 a contingency has been established to provide criminal appeals attorney fees where it is necessary. As there has been no experience the amount requested is difficult to estimate. An amount of \$3,000 was set up for 1955-56 from the Emergency Fund and the budgeted amount for 1956-57 is \$5,000 as determined by a conference of judges.

The increase of 2.1 percent above the total 1955-56 budget request is due primarily to normal salary increases and to the \$2,000 increases in above contingent item of criminal appeal attorney fees.

Approval of the amount budgeted is recommended.

DISTRICT COURT OF APPEAL, SECOND APPELLATE DISTRICT

ITEM 25 of the Budget Bill

Budget page 21
Budget line No. 7

FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, SECOND APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested	\$389,420
Estimated to be expended in 1955-56 Fiscal Year	379,024
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Increase (2.7 percent)	\$10,396

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$8,093	\$8,093	--	21 39
Operating expense	2,103	2,103	--	21 50
Equipment	200	200	--	21 58
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Total increase	\$10,396	\$10,396	--	21 60

RECOMMENDATIONS

Amount budgeted	\$389,420
Legislative Auditor's recommendation	389,420
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Reduction	None

ANALYSIS

The court has jurisdiction over appeals from superior courts in Los Angeles, San Luis Obispo, Santa Barbara, and Ventura Counties, and also handles appeals transferred from the Supreme Court. This court consists of three divisions of three justices each.

District Court of Appeal, Second Appellate District—Continued

As authorized by Chapter 1350/55 a contingency has been established to provide criminal appeals attorney fees where it is necessary. As there has been no experience the amount requested is difficult to estimate. An amount of \$3,000 was set up for estimated 1955-56 from the Emergency Fund and the budgeted amount for 1956-57 is \$5,000 as determined by a conference of judges.

The increase of 2.7 percent above the estimated expenditures for 1955-56 is due primarily to normal salary increases and to the \$2,000 increase in the above contingent item of criminal appeal attorney fees.

Approval of the amount budgeted is recommended.

DISTRICT COURT OF APPEAL, THIRD APPELLATE DISTRICT

ITEM 26 of the Budget Bill

Budget page 22

Budget line No. 7

FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, THIRD APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested	\$144,428
Estimated to be expended in 1955-56 Fiscal Year	143,101
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Increase (0.9 percent)	\$1,327

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$2,569	\$2,569	---	22 41
Operating expense	710	710	---	22 54
Equipment	-1,952	-1,952	---	22 61
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Total increase	\$1,327	\$1,327	---	22 63

RECOMMENDATIONS

Amount budgeted	\$144,428
Legislative Auditor's recommendation	144,428
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Reduction	None

ANALYSIS

This court has jurisdiction over appeals from superior courts in 35 northern counties, and also handles appeals transferred from the Supreme Court. The court consists of one division of three judges.

As authorized by Chapter 1350/55, a contingency has been established to provide criminal appeals attorney fees where it is necessary. As there has been no experience, the amount requested is difficult to estimate. An amount of \$2,500 was set up for estimated 1955-56 from the Emergency Fund and the budgeted amount for 1956-57 is \$3,000 as determined by a conference of judges.

The increase of 0.9 percent above the 1955-56 budget request is due primarily to normal salary increases and to the \$500 increase in the above contingent item of criminal appeal attorney fees.

Approval of the amount budgeted is recommended.

DISTRICT COURT OF APPEAL, FOURTH APPELLATE DISTRICT

ITEM 27 of the Budget Bill

Budget page 23
Budget line No. 7

FOR SUPPORT OF THE DISTRICT COURT OF APPEAL, FOURTH APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested	\$178,144
Estimated to be expended in 1955-56 Fiscal Year	175,001
Increase (1.8 percent)	\$3,143

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$2,545	\$2,545	--	23 36
Operating expense	558	558	--	23 51
Equipment	40	40	--	23 58
Total increase	\$3,143	\$3,143	--	23 60

RECOMMENDATIONS

Amount budgeted	\$178,144
Legislative Auditor's recommendation	178,144
Reduction	None

ANALYSIS

This court has jurisdiction over appeals from superior courts in 10 counties and also handles appeals transferred from the Supreme Court. The court consists of one division of three justices. The court meets in Fresno, San Bernardino, and San Diego for four months each year.

As authorized by Chapter 1350/55, a contingency has been established to provide criminal appeals attorney fees where it is necessary. As there has been no experience, the amount requested is difficult to estimate. An amount of \$2,500 was set up for estimated 1955-56 from the Emergency Fund and the budgeted amount for 1956-57 is \$3,000 as determined by a conference of judges.

The increase of 1.8 percent above the 1955-56 budget request is due primarily to normal salary increases and to the \$500 increase in the above contingent item of criminal appeal attorney fees.

Approval of the amount budgeted is recommended.

GOVERNOR

ITEM 28 of the Budget Bill

Budget page 24
Budget line No. 7

FOR SUPPORT OF GOVERNOR FROM THE GENERAL FUND

Amount requested	\$429,960
Estimated to be expended in 1955-56 Fiscal Year	410,829
Increase (4.6 percent)	\$19,131

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$13,215	\$13,215	--	24 72
Operating expense	1,116	1,116	--	25 13
Equipment	4,800	4,800	--	25 19
Total increase	\$19,131	\$19,131	--	25 21