

**Items 14-15**

**Legislators' Retirement Fund**

Commission on Uniform State Laws—Continued

**ANALYSIS**

The amount requested for the support of this commission indicates continuation of its activities at the existing level. No changes have been reflected in this commission's budget since fiscal year 1960-61.

*We recommend approval as budgeted.*

**CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND**

ITEM 14 of the Budget Bill

Budget page 6

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

Amount requested .....	\$160,000
Estimated to be expended in 1961-62 fiscal year .....	140,000
	\$20,000
Increase (14.3 percent) .....	\$20,000
<b>TOTAL RECOMMENDED REDUCTION .....</b>	<b>None</b>

**ANALYSIS**

Section 9358 of the Government Code provides that "the State shall contribute annually to the Legislators' Retirement Fund, an amount as estimated by the Board of Administration, 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 receiving such benefits."

The increase of 14.3 percent is a result of an increased number of retirement benefit payments.

*We recommend approval of this item as budgeted.*

**SUPREME COURT**

ITEM 15 of the Budget Bill

Budget page 7

**FOR SUPPORT OF THE SUPREME COURT FROM THE GENERAL FUND**

Amount requested .....	\$877,224
State employees' retirement .....	35,175
State employees' health and welfare .....	3,900
	\$916,299
Estimated to be expended in 1961-62 fiscal year .....	886,524
	\$29,775
Increase (3.4 percent) .....	\$29,775
<b>TOTAL RECOMMENDED REDUCTION .....</b>	<b>None</b>

**ANALYSIS**

The Supreme Court of California is the highest state court and consists of the Chief Justice and six associate justices, assisted by a staff of 57 which includes 26 attorneys, eight of which are research assistants. The members of the court are initially appointed by the Governor for a 12-year term, at the expiration of which they may stand on their record for election to succeed themselves. The court's headquarters are in San Francisco. It is organized into two departments and sits in San Francisco, Sacramento and Los Angeles.

**Supreme Court—Continued**

The jurisdiction of the court is set forth in Section 4 of Article VI of the State Constitution.

The total amount of \$877,224 requested for the 1962-63 fiscal year is \$29,775 or 3.4 percent more than is estimated to be expended during the current year. The amount requested for the budget year includes the contribution of \$35,175 to the State Employees' Retirement Fund and \$3,900 to the State Employees' Health and Welfare Program.

Two new positions are requested for the budget year. The proposed positions are:

Assistant reporter on decisions I .....	\$5,496
Legal secretary .....	4,512
	\$10,008

The main justification for the proposed positions is the fact that the 1961 General Session the Legislature established a new District Court of Appeal, the Fifth District Court, and a new division of justices in the First Appellate District and a new division in the Second Appellate District. This represented an increase of 43 percent in manpower in those courts.

The office of the reporter of decisions handles all details in connection with the reporting and publishing of the decisions of the several district courts of appeal and the Supreme Court. There are presently three positions handling the workload of decision reporting. The new position of assistant reporter of decisions I is requested to handle the increased workload caused by the new appellate district and the two new divisions.

The legal secretary position is requested for the office of secretary of the Supreme Court. The secretary of the court works directly with and under the guidance of the Chief Justice in the handling of details connected with all cases and petitions assigned to and circulating among the seven justices. The office does not have a legal secretary. The workload has increased to the point, and will further increase with the new appellate divisions, that additional clerical help is necessary in the preparation of the volume of legal documents processed by the court.

*We recommend approval as budgeted.*

**JUDICIAL COUNCIL**

ITEM 16 of the Budget Bill

Budget page 8

**FOR SUPPORT OF THE JUDICIAL COUNCIL  
FROM THE GENERAL FUND**

Amount requested .....	\$343,774
State employees' retirement .....	20,085
State employees' health and welfare .....	1,596
<b>Total</b> .....	<b>\$365,455</b>
Estimated to be expended in 1961-62 fiscal year .....	311,098
	<b>\$54,357</b>
Increase (17.5 percent) .....	\$54,357
<b>TOTAL RECOMMENDED REDUCTION</b> .....	<b>\$16,024</b>

## Judicial Council—Continued

	Summary of Recommended Reductions		Budget	
	Amount	Page	Line	
2 Senior stenographer-----	\$9,024	8	61	
Rent—building space -----	7,000	8	75	

## ANALYSIS

This agency currently surveys and studies the operation of the state court system with a view to making suggestions for the improvement of the administration of justice. For this purpose and to assist the chairman of the council, who is the Chief Justice of the Supreme Court, in assigning and reassigning judges where and when they are needed, the workload statistics of all courts are compiled and analyzed. In addition, the rules of procedure of the various courts are written and revised by this agency.

The agency is requesting \$343,774 for direct support for the budget year. This is \$50,131, or 17.1 percent, more than is now estimated will be spent during the current year and \$125,842, or 57.7 percent, more than was spent in 1960-61. The increase in the current year, is in part the result of the addition of the Administrative Director of the Courts, 1 administrative assistant and 1 legal secretary under the provisions of A. B. 624, Chapter 376, Statutes of 1961.

The budget proposes the reclassification of four existing positions and the addition of five new positions "in order that the office may begin to function as an administrative and management agency for the courts." The reclassification of four existing positions will cost an added \$10,404 over what they are now being paid and the five proposed new secretarial positions will cost an additional \$25,056, for a total increase in salary and wage costs of \$35,460.

The Judicial Council thus is staffed and presumably motivated to carry out badly needed administrative reforms which reflect the fact that the agency has not in the past vigorously discharged the administrative responsibilities with which it has been charged in the Constitution. We concur in the importance of this move to provide more effective administration to the rapidly growing machinery of the courts of the State. The Legislature's earlier request for a study by our office of the need for additional superior court judges reflected its proper concern for this problem and our findings likewise would support this constructive development.

These findings, which are set out on page 3 of that report, which is titled "A Standard for Determining California's need for Superior Court Judges" dated January 3, 1961, are:

"1. The Judicial Council does not exercise a direct, forceful management control over Superior Court judges similar to that which is characteristic of the executive branch of government but relies largely upon the volunteered willingness of judges to accomplish necessary tasks.

2. The Judicial Council has no records of productivity of individual judges in any but one-man courts. Therefore, it has no statistical basis for evaluating the productivity or lack of it for specific judges.

## Judicial Council—Continued

3. Historically, there has been little council staff examination to assure that all courts report on comparable bases. This failure has been recognized by the council to the extent that a statistician currently spends a part of his time in the field attempting to improve uniformity of reporting among the courts.

4. There are such significant differences among the several courts in terms of productivity as to raise serious questions as to the existence, in some instances, of recognized administrative processes, effective relationships between the bar and the courts, and conscientious judicial attention to duty."

4 Senior stenographers (budget page 8, line 61)----- \$18,048

These new positions are part of the general reclassification and expansion mentioned above for the purpose of permitting the office to function as an administrative and management agency for the courts.

*We recommend the deletion of two senior stenographers for a reduction of \$9,024 in salary and wage costs.*

The agency staff currently consists of 22 positions. Of these, seven are clerks or stenographers with two being statistical clerks and five being legal secretaries. One of these legal secretaries is being reclassified to the position of office supervisor I, and a new position of secretary II is requested in this budget. Thus, if the total request of the agency were allowed, it would have a total of 12 clerical and secretarial positions in relation to the 15 other positions requiring such service. Compared to the pre-existing ratio of 7 to 15 this represents a substantial increase in the level of clerical and secretarial service. Our recommended reduction of two senior stenographers would provide a ratio of 10 secretarial-clerical positions to 15 other positions. This ratio of 2-to-3 is similar to that generally existing in comparable agencies.

## Operating Expenses

The agency is requesting a total of \$72,642 for this category in the budget year. This represents an increase of \$9,752 or 15.5 percent over the amount scheduled for expenditure in the current year, and \$24,083 or 49.5 percent more than was spent in 1960-61. The increase from 1960-61 is largely the result of an approximately \$10,000 increase in the cost of in-state travel during the current year and a proposed increase of approximately \$10,000 in the cost of rent in the budget year, together with other cost adjustments. It should be noted that the agency is budgeting \$500 for out-of-state travel in both the current and the budget years although this item has not previously been budgeted.

Rent—Building space (budget page 8, line 75)----- \$27,942

This item is requested at \$10,002 more than was requested or authorized for the current year.

*We recommend the deletion of \$7,000 from this item to reduce it to \$20,942.*

The agency is requesting a 55.7 percent increase in rent to accommodate a 22.7 percent increase in staff.

Judicial Council—Continued

The positions for which added space is required are secretarial positions for which an allowance of from 100 to 125 square feet is generally considered to be sufficient. At 35 cents per square foot per month, which is the rate charged state agencies in the new annex to the state building in San Francisco, our recommended increase over the current cost of rent would provide each of these secretaries with an average of 143 square feet of working space.

Our recommendation will still permit an increase in rental costs of \$3,000, which should be more than ample to provide the space for the five requested new positions. If our recommendation for the deletion of two of these positions is followed, the item should be further reduced by approximately another \$1,200.

JUDICIAL COUNCIL

ITEM 17 of the Budget Bill

Budget page 8

FOR ADDITIONAL SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested .....	\$42,000
Estimated to be expended in 1961-62 fiscal year .....	56,000
Decrease (25 percent) .....	<u>\$14,000</u>

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

This item provides for the expense involved in the temporary re-assignment of judges which is necessary to provide adequate court service in cases of vacancies, unusually heavy workloads, disqualifications, and similar situations.

The necessity for such reassignments has been substantially reduced by the increase in the numbers of superior and appellate court justices provided by the 1961 Session of the Legislature.

Actual expenditures under this item for 1960-61 was \$75,100. In anticipation of the effect of the creation of new judgeships the agency's request for \$62,000 for fiscal year 1961-62 was reduced to \$32,000 by the Legislature. This amount has been supplemented by an Emergency Fund allocation in the amount of \$24,000. This is said to be necessary to provide assistance to the District Courts of Appeal through November 30, 1961, presumably on the basis that while the new Fifth District at Fresno, and new divisions of other district courts were legally operative on September 15, practically they could not assume their full share of the workload until the later date.

In addition, the Emergency Fund allocation is supported by the asserted need for \$12,000 with which to pay retired judges, who are assigned temporarily under the provisions of Section 68543.5 of the Government Code, which was added by the 1961 Legislature. The payment of retirement allowances out of the Judges Retirement Fund will be suspended to the extent that they would duplicate the salaries paid to such retired judges who are recalled temporarily. This additional

Judicial Council—Continued

cost for retired judges is expected to continue in the budget year and has been added to the \$30,000 estimated for the current year as being necessary for the cost of reassigning judges to make the estimate of \$42,000 for this function in the budget year.

*We recommend approval as budgeted.*

**COMMISSION ON JUDICIAL QUALIFICATIONS**

ITEM 18 of the Budget Bill

Budget page 9

**FOR SUPPORT OF THE COMMISSION ON JUDICIAL QUALIFICATIONS FROM THE GENERAL FUND**

Amount requested .....	\$30,230
State employees' retirement.....	1,274
State employees' health and welfare.....	120
<b>Total .....</b>	<b>\$31,624</b>
Estimated to be expended in 1961-62 fiscal year.....	36,280
<b>Decrease (12.8 percent).....</b>	<b>\$4,656</b>
<b>TOTAL RECOMMENDED REDUCTION.....</b>	<b>None</b>

**GENERAL SUMMARY**

The Commission on Judicial Qualifications was established pursuant to Article VI, Sections 1b and 10b of the Constitution, having been voted upon by the people at the November 1960 general election. The commission has authority to hear charges against any judge of a California court and to recommend to the State Supreme Court the removal of a judge for willful misconduct in office, willful and persistent failure to perform his duties or habitual intemperance, or his retirement for permanent disability seriously interfering with the performance of his duties.

Statutory provisions to implement the Constitution were enacted at the 1961 Session of the Legislature and are in effect.

The commission consists of nine (9) members: two justices of district courts of appeal, two judges of superior courts, one judge of a municipal court, two members of the State Bar, and two citizens appointed by the Governor.

**ANALYSIS**

An amount of \$31,624 is requested for the 1962-63 fiscal year. This is \$4,656, or 12.8 percent, less than is estimated to be expended during the current year.

The budget proposes to continue the existing level of service. The decrease in funds is due primarily to the fact that certain repairs and alterations were carried out during the current year to accommodate the staff of the new commission and initial equipment purchases.

Rules for the removal or retirement of judges became effective in August. The commission has had several meetings for the purpose of organization, and several matters called to its attention are under investigation.

*We recommend approval as budgeted.*

**DISTRICT COURT OF APPEAL, FIRST APPELLATE DISTRICT**

ITEM 19 of the Budget Bill

Budget page 10

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

Amount requested .....	\$506,280
State employees' retirement .....	9,894
State employees' health and welfare .....	2,256
<b>Total</b> .....	<b>\$518,430</b>
Estimated to be expended in 1961-62 fiscal year .....	523,150
 Decrease (0.9 percent) .....	 \$4,720
<b>TOTAL RECOMMENDED REDUCTION</b> .....	<b>\$11,592</b>

**Summary of Recommended Reductions**

	<i>Amount</i>	<i>Budget</i>	
		<i>Page</i>	<i>Line</i>
Legal research aid .....	\$6,360	10	79
Senior legal secretary .....	5,232	10	80
 Total .....	 \$11,592		

**GENERAL SUMMARY**

The district court of appeal has appellate jurisdiction in certain cases arising in the superior courts and cases on appeal within the original jurisdiction of the municipal and justice courts, where necessary to secure uniformity of decision or settle important questions of law.

The First Appellate District Court sits in San Francisco and is comprised of three divisions of three justices each. The court has jurisdiction over cases originating in Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma Counties.

**ANALYSIS**

The amount of \$518,430 requested for the 1962-63 fiscal year is \$4,720, or 0.9 percent, less than the amount estimated to be expended during the current year.

- 1 *Legal research aid (budget page 10, line 79)* .....
- 1 *Senior legal secretary (budget page 10, line 80)* .....

These positions are requested to assist in handling the large volume of writs processed by the court. Also, it is stated in the budget that "the addition of seven counties to this district associated with the creation of the third division of this court will substantially increase the workload in both these areas."

*We recommend the deletion of 1 legal research aid (budget page 10, line 79) at a salary of \$6,360 and 1 senior legal secretary (budget page 10, line 80) at a salary of \$5,232 for a total reduction of \$11,592.*

Seven counties which had been served by the Third District (Sacramento) were placed under the jurisdiction of the First District. There was no reduction of staff of the Third District Court even though these counties were removed from its jurisdiction.

First Appellate District—Continued

To provide for the new division and the added territorial jurisdiction, the Legislature augmented the court's budget for the current year to provide for four new staff positions. It does not appear that the workload of the court generally or of the new division has increased or will increase in the budget year beyond what was anticipated when the staff was provided for the new organization last year. Consequently, there does not appear to be any justification for increasing staff at this time. If the workload shifted from the Third District is greater than anticipated, staff which formerly serviced this workload in the Third District should be shifted to the First District.

**DISTRICT COURT OF APPEAL, SECOND APPELLATE DISTRICT**

ITEM 20 of the Budget Bill

Budget page 11

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

Amount requested .....	\$640,673
State employees' retirement .....	20,071
State employees' health and welfare .....	3,000
<b>Total</b> .....	<b>\$663,744</b>
Estimated to be expended in 1961-62 fiscal year .....	667,141
Decrease (0.5 percent) .....	\$3,397
<b>TOTAL RECOMMENDED REDUCTION</b> .....	<b>None</b>

**ANALYSIS**

The Second Appellate District Court has jurisdiction over appeals from superior courts in Los Angeles, San Luis Obispo, Santa Barbara, and Ventura Counties. The court consists of four divisions of three justices each.

The amount of \$663,744 requested for the 1962-63 fiscal year is \$3,397, or 0.5 percent, less than the amount estimated to be expended during the current year. The budget continues the existing level of service including a fourth division effective September 15, 1961, as provided for by Chapter 845, Statutes of 1961.

*We recommend approval as submitted.*

**DISTRICT COURT OF APPEAL, THIRD APPELLATE DISTRICT**

ITEM 21 of the Budget Bill

Budget page 12

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

Amount requested .....	\$191,201
State employees' retirement .....	6,688
State employees' health and welfare .....	906
<b>Total</b> .....	<b>\$198,795</b>
Estimated to be expended in 1961-62 fiscal year .....	199,729
Decrease (0.5 percent) .....	\$934
<b>TOTAL RECOMMENDED REDUCTION</b> .....	<b>None</b>

## Third Appellate District—Continued

## ANALYSIS

The Third District Court of Appeal sits in Sacramento and has jurisdiction over appeals from superior courts in Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba Counties. The court consists of one division of three justices.

The amount of \$198,795 requested for the 1962-63 fiscal year is \$934, or 0.5 percent, less than the amount estimated to be expended during the current year. The budget continues the existing level of service.

*We recommend approval as budgeted.*

**DISTRICT COURT OF APPEAL, FOURTH APPELLATE DISTRICT**

ITEM 22 of the Budget Bill

Budget page 13

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

Amount requested .....	\$215,404
State employees' retirement .....	4,557
State employees' health and welfare .....	720
<b>Total .....</b>	<b>\$220,681</b>
Estimated to be expended in 1961-62 fiscal year .....	217,575
<b>Increase (1.4 percent) .....</b>	<b>\$3,106</b>
<b>TOTAL RECOMMENDED REDUCTION .....</b>	<b>None</b>

## ANALYSIS

The Fourth District Court of Appeal has appellate jurisdiction in certain cases arising in the superior courts in Imperial, Inyo, Orange, Riverside, San Bernardino, and San Diego Counties.

The court consists of one division of three justices and holds its regular sessions at San Diego. The court also holds sessions in San Bernardino at least three times each year and, in addition, whenever necessary to keep its calendar current with respect to cases originating or appealed from superior courts in the San Bernardino section.

The amount of \$220,681 requested for the 1962-63 fiscal year is \$3,106, or 1.4 percent more than the amount estimated to be expended during the current year. The budget continues the existing level of services.

*We recommend approval as budgeted.*

**DISTRICT COURT OF APPEAL, FIFTH APPELLATE DISTRICT**

ITEM 23 of the Budget Bill

Budget page 14

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

Amount requested .....	\$173,315
State employees' retirement.....	4,756
State employees' health and welfare.....	660
<b>Total .....</b>	<b>\$178,731</b>
Estimated to be expended in 1961-62 fiscal year.....	152,111
<b>Increase (17.5 percent).....</b>	<b>\$26,620</b>

**TOTAL RECOMMENDED REDUCTION.....** None

**ANALYSIS**

The Fifth Appellate District Court has appellate jurisdiction in certain cases arising in the superior court in Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tuolumne, and Tulare Counties. The court consists of one division of three justices and sits in the City of Fresno. This is a new court established by Chapter 845, Statutes of 1961, effective September 15, 1961.

The amount of \$178,731 requested for the 1962-63 fiscal year is \$26,620, or 17.5 percent, more than the amount estimated to be expended during the current year. The reason for the increase is the fact that the court came into existence on September 15, 1961, and thus has operated on a partial year basis during the current fiscal year.

*We recommend approval as budgeted.*

**GOVERNOR**

ITEM 24 of the Budget Bill

Budget page 16

**FOR SUPPORT OF THE GOVERNOR FROM THE GENERAL FUND**

Amount requested .....	\$739,830
State employees' retirement.....	33,500
State employees' health and welfare.....	4,080
<b>Total .....</b>	<b>\$777,410</b>
Estimated to be expended in 1961-62 fiscal year.....	759,126
<b>Increase (2.3 percent).....</b>	<b>\$18,284</b>

**TOTAL RECOMMENDED REDUCTION.....** None

**ANALYSIS**

The amount requested for total support of the Governor has increased \$18,284, or 2.3 percent, over the estimated expenditures for the current year. Amounts from continuing appropriations for state employee retirement and health plans are included in the total support costs.

The current year's expenditures include an estimated amount of \$30,888 to be allocated on Executive Order from the Emergency Fund to meet the obligations incurred by this office. This is the fourth consecutive year such an allocation from the Emergency Fund, over and