

Contributions to Legislator's Retirement Fund—Continued

budget of the Public Employees' Retirement System which derives its support funds from the Public Employees' Retirement Fund.

We recommend that consideration be given to providing in law that so much of the net income from investments of the Legislators' Retirement Fund as may be necessary to defray the cost of administration may be appropriated annually for such service.

SUPREME COURT

ITEM 16 of the Budget Bill

Budget page 8

FOR SUPPORT OF THE SUPREME COURT FROM THE GENERAL FUND

Amount requested -----	\$1,390,628
Estimated to be expended in 1967-68 fiscal year -----	1,374,018
Increase (1.2 percent) -----	\$16,610
<b>TOTAL RECOMMENDED REDUCTION</b> -----	None

GENERAL PROGRAM STATEMENT

The Supreme Court consists of the Chief Justice and six associate justices. The Supreme Court is the highest state judicial tribunal and is authorized to hear appeals from the Courts of Appeal and those cases in which the death penalty is imposed and are therefore entitled to automatic appeal. Petitions for writs of habeas corpus, mandamus, prohibition and certiorari may be brought directly before the court under its original jurisdiction. The court also considers all executive clemency applications wherein the applicant has previously suffered two or more felony convictions and the application is submitted by the Governor for the court's review.

The Supreme Court is empowered under the California Constitution to transfer cases to the Courts of Appeal for hearing and determination. In this manner the Supreme Court is better able to manage its workload. This is an important factor as the court's size is fixed in the State Constitution.

The Supreme Court is headquartered in San Francisco but holds periodic sessions in Sacramento and Los Angeles.

ANALYSIS AND RECOMMENDATIONS

The Supreme Court is requesting \$1,390,628 in total expenditures for 1968-69 to carry out the court's program as outlined above. The total expenditure request represents an increase of \$16,610 or 1.2 percent over the 1967-68 estimated expenditure of \$1,374,018. The increase is due to merit salary adjustments, price increases and augmentation of amounts budgeted for equipment and criminal appeal fees. We have reviewed these increases and they appear to be in line with needs.

We note that there is a substantial increase in criminal appeal fees from the actual expenditure of \$35,797 in 1966-67 to the proposed \$63,000 in the budget year, due to a rise in the number of cases in which the court is required to appoint a counsel for the appellant. The agency

**Items 17-18**

**Judicial Council**

**Supreme Court—Continued**

estimates payment for 90 cases in 1968-69 at an average cost of \$700 per case as compared to 57 cases at an average payment per case of \$628 in 1966-67. The payment per case is determined by the court on application of the attorney.

*We recommend approval of the item as budgeted.*

**JUDICIAL COUNCIL**

ITEMS 17 and 18 of the Budget Bill

Budget page 9

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

Amount requested .....	\$673,898
Estimated to be expended in 1967-68 fiscal year .....	642,191
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Increase (4.9 percent) .....	\$31,707
<b>TOTAL RECOMMENDED REDUCTION .....</b>	<b>None</b>

**GENERAL PROGRAM STATEMENT**

The Judicial Council is established under the authorization of Article VI, Section 6, of the California Constitution. The council consists of 21 members (15 judges, 4 attorneys and 2 legislators) with the Chief Justice as chairman. The Constitution specifies that the members from the judiciary be designated as follows: the Chief Justice and one other Justice of the Supreme Court, 3 Justices from the Courts of Appeal, 5 judges of the superior courts, 3 judges of the municipal court and 2 judges of the justice court. The judiciary members represent a majority of the council and are appointed to two-year terms by the Chief Justice as chairman of the council.

The duties of the council are: to survey the business of the courts to simplify and improve the administration of justice, suggest improvements to expedite the conduct of judicial business, submit recommendations to the executive and legislative branches of government relative to the judicial branch, and adopt procedural rules for the courts.

The administrative functions of the council are under the Director, Administrative Office of the California Courts.

A second budget item which is presented under this agency's budget is for extra compensation and expenses for assigned judges. This item provides for the assigning of judges by the Chief Justice to courts that are congested, where judges are disqualified or vacancies exist.

**ANALYSIS AND RECOMMENDATIONS**

The total amount requested for operation of the Judicial Council for fiscal year 1968-69 is \$513,898. This represents an increase of \$15,707 or 3.2 percent over the estimated expenditures of \$498,191 for 1967-68. The increase is primarily due to merit salary adjustments, price and workload increases in operating expenses, and replacement of office equipment. We have reviewed these various increases and they appear to be in line with the needs of the agency.

**Judicial Council—Continued**

It is noted that actual expenditures for 1966-67 were less than budgeted resulting in an unexpended balance of \$18,370. This is largely due to the cancellation of a previously approved record-keeping procedures study. The study was canceled to effect budget savings.

**Assigned Judges Program**

The amount requested for the assignment of judges totals \$210,000 for 1968-69. The total amount requested consists of \$160,000 under Item 18 of the Budget Bill and \$50,000 from other appropriations for judicial salaries effected through salary savings. The total anticipated expenditure represents an increase of \$16,000 or 8.2 percent above the reestimated 1967-68 level of expenditures. In presenting its 1967-68 budget request the agency anticipated expenditures of approximately \$120,000. Experience to date has prompted the agency to request \$74,000 from the Emergency Fund to continue this program in the current year due to the increasing workload of the courts.

The agency indicates in its budget submission that the amount requested can be reduced to approximately \$150,000 if additional justices are authorized by the 1968 Legislature for the Second District Court of Appeal.

*We recommend approval of these items as budgeted.*

**COMMISSION ON JUDICIAL QUALIFICATIONS**

ITEM 19 of the Budget Bill

Budget page 11

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

Amount requested .....	\$36,007
Estimated to be expended in 1967-68 fiscal year .....	35,564

Increase (1.2 percent) .....	\$443
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<b>TOTAL RECOMMENDED REDUCTION</b> .....	<b>None</b>
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**GENERAL PROGRAM STATEMENT**

This agency was established under Article VI, Section 18 of the California Constitution to hear and investigate complaints against the judiciary relating to willful misconduct, habitual intemperance or serious disability.

The commission consists of five judicial members appointed by the Supreme Court, two attorney members appointed by the State Bar and two public members appointed by the Governor.

**ANALYSIS AND RECOMMENDATIONS**

The total amount requested for 1968-69 is \$36,007. This represents an increase of \$443 or 1.2 percent above the \$35,564 estimated for expenditure in 1967-68. The amount requested is \$6,554 or 22.3 percent above the actual expenditures of 1966-67, but \$449 or 1.2 percent below what was originally budgeted for that year. The difference is primarily due to an unexpended balance of \$7,955 from over-budgeting \$8,052 for investigating and hearing expense and in-state travel. This matter was

Judicial Qualifications—Continued

pointed up in our Analysis of the Budget for 1967-68 and a reduction of \$4,977 of a total request of \$8,977 was approved by the Legislature. The reduced amount is carried over into the 1968-69 Governor's Budget and while still somewhat larger than actual expenditures, it is more in line with the potential needs of the agency.

*We recommend approval of the item as budgeted.*

**COURTS OF APPEAL, DISTRICTS 1 TO 5**

ITEMS 20 to 24 of the Budget Bill

Budget page 12

**FOR SUPPORT OF THE COURTS OF APPEAL, DISTRICTS 1 TO 5 FROM THE GENERAL FUND**

Amount requested .....	\$3,524,759
Estimated to be expended in 1967-68 fiscal year.....	3,286,423
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Increase (7.3 percent) .....	\$238,336
Increase to improve level of service.....	\$22,200
<b>TOTAL RECOMMENDED REDUCTION.....</b>	<b>\$22,200</b>

**Summary of Recommended Reductions**

	<i>Amount</i>	<i>Budget</i>	
		<i>Page</i>	<i>Line</i>
Item 21, 2nd District, Court of Appeals			
Reduce general expenses .....	\$6,200	13	46
Reduce equipment .....	16,000	13	55

**GENERAL PROGRAM STATEMENT**

There are five courts of appeal in the state designated by districts 1 to 5 which are located, in numerical order, at San Francisco, Los Angeles, Sacramento, San Diego/San Bernardino and Fresno. The Fourth District Court of Appeal consists of two divisions and is the only one that is located in two cities. The courts of appeal are intermediate appellate courts between the trial (superior) courts and the Supreme Court of California.

The courts of appeal have appellate jurisdiction over matters arising in the lower courts as well as appeals and other matters transferred from the Supreme Court. A court of appeal may consist of one or more divisions as follows:

<i>Appellate district</i>	<i>Number of divisions</i>
1 .....	4
2 .....	5
3 .....	1
4 .....	2
5 .....	1

**ANALYSIS AND RECOMMENDATIONS**

The total amount requested for operation of the courts of appeal for the 1968-69 fiscal year is \$3,524,759. This represents an increase of \$238,336 or 7.3 percent above the estimated 1967-68 expenditures of \$3,286,423. The amounts requested per district are summarized as follows.

Courts of Appeal, Districts 1 to 5—Continued

Summary of Expenditures—District Courts of Appeal

Court	Actual 1966-67	Estimated 1967-68	Proposed 1968-69	1968-69 Increase over Current year	
				Amount	Percent
1st District -----	\$793,471	\$895,631	\$938,915	\$43,234	4.8
2nd District -----	1,069,335	1,308,262	1,469,575	161,313	12.3
3rd District -----	270,272	302,552	317,678	15,126	5.0
4th District -----	494,512	533,552	537,493	3,941	0.7
5th District -----	223,971	246,426	261,098	14,672	6.0

The increased expenditures in 1968-69 over 1967-68 are primarily due to merit salary adjustments, personnel and criminal appeal fee increases and substantially larger equipment requests.

The personnel increases include three additional research attorneys for workload increases in the second district and one additional research attorney for the fifth district.

In submitting the request for the additional research attorneys, concise and specifically documented justifications were not provided. Data were subsequently obtained from the Administrative Office of the Courts which enabled us to determine the need for the additional positions.

We are in accord with the request for three research positions for the second district on the basis that they are to provide services to temporarily assigned judges. We were advised that the second district will need the equivalent of one additional division consisting of pro tem judges in 1968-69. We are also recommending approval of the additional research assistant for the fifth district on the basis of the shift of excess workload from the third district.

The Judicial Council gathers and publishes an annual report of statistical data relating to filings and business transacted in the Courts of Appeal. The agency also maintains records of pro tem justice time utilized by or furnished to the various Courts of Appeal.

In reviewing the budget requests of the courts we obtained additional data from the administrative office that was invaluable to our office in analyzing the overall budget of the courts. Arrangements will be made with the courts to insure that more complete data related to actual and projected workload needs will be included with the courts' future budget documentation.

**Operating Expenses**

The total amount requested for operating expenses in 1968-69 is \$823,664. This represents an increase of \$67,193 or 8.9 percent above the estimated 1967-68 level of expenditure in this category. The increase is primarily caused by three factors: price increases, rental of duplicating equipment and increasing criminal appeal fees.

**Criminal Appeal Fees**

Criminal appeal fees continue to increase in frequency as well as some increase in the average payment per case. We have reviewed these fee requests on the basis of reported assignments and the average fee

Courts of Appeal, Districts 1 to 5—Continued

paid and such appear to be in line with the needs of the courts. Estimated expenditures for 1968-69, as in past years, are based on the number of assignments for the prior year multiplied by an anticipated average payment. Approximately one year elapses between assignment and payment for a particular case. The amount of payment is determined in each case by the court which appoints the attorney.

Expenditures for this function in 1968-69 are expected to total \$385,825.

*General Expense (budget page 13, line 46) ----- \$15,000*

Included in the above total is \$6,062 requested for rental of duplicating equipment to replace equipment presently being used by the Court of Appeal, Second District.

*We recommend the reduction of the total request by \$6,062 representing rental of the new equipment.*

The requested increase is based on generalized and unsupported statements of need. The court claims the newer duplication method will result in greater efficiency and time savings which can be converted into greater productivity. This generalized statement is unsupported by estimates or specifics of any kind that would reflect that time savings or increased productivity would offset or warrant in any way the increased expenditure requested. Without such information or other showing of deficiency in the current method of operation we are unable to recommend the increased expenditure.

We have reviewed the remaining operating expense items and they appear to be in line with the needs of the individual courts.

**Equipment**

The total equipment requests for the courts of appeal for the 1968-69 fiscal year is \$30,815. This is an increase of \$14,240 or 85.9 percent above the estimated expenditure of \$16,575 in this category for 1967-68.

*Equipment (budget page 13, line 55) ----- \$20,599*

This equipment request is for the Second District, Court of Appeal and it includes \$16,000 for replacement of library shelving.

*We recommend deletion of the requested library shelving for a savings of \$16,000.*

The library shelving is requested for two reasons. The first is stated in the justification material to the effect that existing shelving was purchased between 1908 and 1927. While admittedly old, the shelving appears, on our recent inspection, to be adequate for and capable of continued use for its stated purpose. The second reported reason is to better utilize the existing space. This conclusion was not supported by specific detail which would reflect that the cost of the new shelving would be offset by savings in more economical use of space and prevent the need to expand into other space. We found no basis to recommend replacement of equipment which on visual observation appears to be adequate for its purpose.

Courts of Appeal, Districts 1 to 5—Continued

It is further noted that independent surveys of this court's library indicates that there are a number of books which could be disposed of as well as there being a need for other books not presently in the library. It is also noted that there is in the same building a large library in the Attorney General's offices and also a very substantial county law library on the block adjacent to this court. It would appear that some sharing arrangement of both library facilities and library staffing could be worked out between two state agencies and possibly even with the county facility without the need to duplicate library facilities and services. The agency needs to review this area of activity more thoroughly before committing such a large amount of money for equipment.

We have reviewed the remaining equipment requests of the various courts and such appear to be in line with the needs of these courts.

GOVERNOR'S OFFICE

ITEM 25 of the Budget Bill

Budget page 18

FOR SUPPORT OF THE GOVERNOR'S OFFICE FROM THE GENERAL FUND

Amount requested .....	\$1,495,911
Estimated to be expended in 1967-68 fiscal year .....	1,478,827
Increase (1.2 percent) .....	\$17,084

TOTAL RECOMMENDED REDUCTION ..... None

GENERAL PROGRAM STATEMENT

The Governor is the Chief Executive of the State of California, and the Constitution grants him broad powers to conduct the following programs:

1. Plan, organize, direct and coordinate the activities of state agencies and to appoint various state officers and members of boards and commissions.
2. Prepare and present to the Legislature the state budget outlining anticipated programs and the means by which they will be financed.
3. Report to the Legislature on the condition of the state and make various legislative proposals.
4. Approve or disapprove legislation adopted by the Legislature.

ANALYSIS AND RECOMMENDATIONS

The budget proposes an expenditure of \$1,495,911 for the 1968-69 fiscal year which is \$17,084 or 1.2 percent above that which is estimated to be expended during the current fiscal year.

No positions are shown as administratively established during the current fiscal year nor are there any new positions proposed. The current staff of the Governor's office is budgeted at 91.4 positions.

*We recommend approval as budgeted.*