

**LEGISLATIVE COUNSEL BUREAU—Continued**

The budget proposes total expenditures of \$29,359,000 for the Legislative Counsel Bureau in 1988-89. This amount includes a General Fund appropriation of \$18,160,000 and \$11,199,000 in reimbursements—primarily from the Assembly Contingent Fund.

Proposed expenditures are \$1,432,000, or 5.1 percent, higher than estimated expenditures in the current year. The additional funding is requested to cover the cost of (1) one new attorney position, (2) six new computer programmer and support positions with the Legislative Data Center, and (3) salary adjustments and price increases.

**JUDICIAL**

Item 0250 from the General  
Fund and various funds

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Requested 1988-89.....	\$134,641,000
Estimated 1987-88 .....	89,104,000
Actual 1986-87 .....	79,170,000
Requested increase (excluding amount for salary increases) \$45,537,000 (+51.1 percent)	
Total recommended reduction.....	12,911,000
Recommendation pending .....	3,606,000

**1988-89 FUNDING BY ITEM AND SOURCE**

Item—Description	Fund	Amount
0250-001-001—Support	General	\$114,192,000
0250-001-044—Support/local assistance	Transportation	60,000
0250-101-001—Local assistance	General	243,000
0250-101-159—Local assistance	Trial Court Improvement	20,000,000
0250-111-001—Transfer to Trial Court Improvement Fund	General	(20,000,000)
Reimbursements		146,000
Total		\$134,641,000

**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**

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1. Supreme Court Central Staff. Withhold recommendation on 17 positions and \$1,267,000 (Item 0250-001-001) pending publication of the findings and recommendations of the Select Committee on Supreme Court Procedures. 9
2. *Circuit Justice Court Judges. Reduce Item 0250-001-001 by \$1,145,000.* Recommend deletion because the need for additional assignments has not been demonstrated and the proposal conflicts with existing state law. 9
3. *Assigned and Senior Judges Programs. Reduce Item 0250-001-001 by \$902,000.* Recommend a reduction because existing positions are double-funded, and new positions reduce the need for temporary assignments. 10

4. Judicial Facilities. Withhold recommendation on \$2,339,000 proposed for leased space at eight locations pending receipt of additional information. 11
5. *Conference Coordination Unit. Reduce Item 0250-001-001 by \$224,000.* Recommend deletion because establishment of this unit is not justified. 12
6. *Technical Recommendation. Reduce Item 0250-001-001 by \$370,000.* Recommend reduction because the Judiciary has not included estimated salary savings for 167.8 new positions. 12
7. Legislative Oversight of the Trial Court Improvement Fund. Recommend that prior to budget hearings, the Judicial Council report on its specific guidelines and funding priorities for grants from the fund. 13
8. *Appropriation for Trial Court Improvement Grants. Reduce Items 0250-111-001 and 0250-101-159 by \$10 million.* Recommend reduction of one-half the annual appropriation because the program will operate for only one-half of the fiscal year. 13
9. Administrative Costs for the Trial Court Improvement Fund. Recommend the enactment of legislation to specify that up to 5 percent of the annual appropriation to the fund may be used for administrative costs. 14
10. *Travel Expenses for Trial Court Improvement Fund Audits. Reduce Item 0250-001-001 by \$270,000.* Recommend reduction due to technical errors and because the program will operate for only one-half of the fiscal year. 15

#### GENERAL PROGRAM STATEMENT

The California Constitution vests the state judicial power in the Supreme Court, the courts of appeal, and the superior, municipal, and justice courts. The Supreme Court and the courts of appeal hear appeals from the trial courts, and have original jurisdiction over certain writs, such as habeas corpus.

The Supreme Court and the six courts of appeal are entirely state supported. Currently, the trial courts are supported primarily by the counties, although the state (1) pays approximately 90 percent of each superior court judge's salary, (2) pays the employer's contribution toward health benefits for superior court judges and retirement benefits for superior and municipal court judges, (3) provides an annual \$60,000 block grant for most superior court judgeships created after January 1, 1973, (4) reimburses counties for state-mandated local programs affecting the operation of the trial courts, and (5) provides an annual appropriation to reduce the unfunded liability of the Judges' Retirement System.

Fines, fees, and forfeitures collected by the trial courts are currently deposited in each county's general fund, and then distributed to the cities, the county, districts, and state special funds, as required by law. Fees collected by the courts of appeal and the Supreme Court are deposited in the state's General Fund.

Chart 1 displays the structure of the California court system. The chart also shows the lines of appeal and review within the courts.



court judges, three municipal court judges, two justice court judges, four members of the State Bar, and one member of each house of the Legislature. The council is staffed by the Administrative Office of the Courts. As required by the State Constitution, the council seeks to improve the administration of justice by (1) surveying judicial business, (2) making appropriate recommendations to the courts, the Governor, and the Legislature, and (3) adopting rules for court administration, practice, and procedure. The council also provides education for both newly appointed and continuing judges through the Center for Judicial Education and Research.

#### **Commission on Judicial Performance**

The Commission on Judicial Performance receives, investigates, holds hearings on, and makes recommendations to the Supreme Court on complaints relating to the qualifications, competency, and conduct of the judiciary.

The state judicial programs have 807.9 personnel-years in the current year.

#### **OVERVIEW OF THE BUDGET REQUEST**

The budget proposes appropriations of \$134.6 million from the General Fund (\$114.4 million), the State Transportation Fund (\$60,000), the Trial Court Improvement Fund (\$20 million), and reimbursements (\$146,000) for support of judicial functions in 1988-89. This is an increase of \$45.5 million, or 51 percent, above estimated current-year expenditures.

Table 1 shows the budget program for judicial functions in the prior, current, and budget years.

**Table 1**  
**State Judicial Functions**  
**Budget Summary**  
**1986-87 through 1988-89**  
**(dollars in thousands)**

	<i>Actual</i>	<i>Est.</i>	<i>Prop.</i>	<i>Percent Change From</i>
	<i>1986-87</i>	<i>1987-88</i>	<i>1988-89</i>	<i>1987-88</i>
<i>Program Expenditures</i>				
Supreme Court.....	\$9,762	\$11,519	\$13,793	19.7%
Courts of Appeal.....	51,783	60,039	74,930	24.8
Judicial Council.....	16,906	16,296	24,616	51.1
Commission on Judicial Performance.....	554	917	1,059	15.5
Local Assistance.....	165	333	20,243	— <sup>a</sup>
Totals.....	\$79,170	\$89,104	\$134,641	51.1%
<i>Funding Sources</i>				
General Fund.....	\$79,026	\$88,957	\$114,435	28.6%
Motor Vehicle Account, State Transportation Fund.....	61	60	60	—
Trial Court Improvement Fund.....	—	—	20,000	— <sup>a</sup>
Reimbursements.....	83	87	146	67.8
<i>Personnel-Years</i>				
Supreme Court.....	105.7	108.3	131.3	21.2%
Courts of Appeal.....	536.9	545.8	636.9	16.7
Judicial Council.....	137.9	141.8	217.8	53.6
Commission on Judicial Performance.....	6.9	12.0	13.2	10.0
Totals.....	787.4	807.9	999.2	23.7%

<sup>a</sup> Not a meaningful figure.

**JUDICIAL—Continued**

**Supreme Court.** The budget proposes an appropriation of \$13.8 million from the General Fund for support of the Supreme Court in 1988-89. This is \$2.3 million, or nearly 20 percent, above estimated current-year expenditures. Of this amount, \$1.3 million is requested to expand the Supreme Court's central staff by 17 positions. The court also requests \$249,000 to lease additional space in the San Francisco State Building. Most of the remainder of the proposed increase would be used for the creation of new permanent positions (\$215,000), reclassification of certain attorneys (\$99,000), and merit salary adjustments (\$91,000).

**Courts of Appeal.** For support of the six courts of appeal, the budget proposes the expenditure of \$74.9 million from the General Fund in 1988-89. This is an increase of \$14.9 million, or about 25 percent, over estimated current-year expenditures.

Much of the growth (\$4.5 million) results from the creation of 11 new appellate judgeships in Ch 1211/87. In support of these new judgeships, the courts request 37 new staff positions. A second significant cause of the growth in the proposed budget is the increased cost of appointed counsel in criminal appeals (\$4.5 million). The courts also request \$1.9 million to lease additional space for the First, Fourth, Fifth, and Sixth Districts. The balance of the proposed increase is primarily due to the creation of an additional 20.5 support positions (\$994,000), reclassification of certain attorneys (\$354,000), and merit salary adjustments (\$423,000).

**Judicial Council.** The budget proposes \$24.6 million for support of the Judicial Council in 1988-89, including \$24.5 million from the General Fund, \$60,000 from the State Transportation Fund, and \$87,000 in reimbursements. The proposed amount is an increase of \$8.3 million, or 51 percent, above the estimated level of expenditures in 1987-88.

The proposed increase results primarily from expansion of current programs and new initiatives in the trial courts. Among the expansions in current programs, the budget proposes to enlarge the Assigned and Senior Judges Program (\$1.3 million), continue to develop the Family Court Services Program authorized by Ch 893/84 (\$1 million), and add personnel to the staff of the Center for Judicial Education and Research (\$612,000). Projects proposed in support of the trial courts total \$3.1 million. Those projects include adding staff for administration of the Trial Court Improvement Fund created by Ch 1211/87 (\$958,000), providing additional consulting services to the trial courts (\$587,000), and revising and expanding training materials for trial court clerks (\$415,000).

The remaining increase results in part from the transfer of \$604,000 from Item 0420, Salaries of Trial Court Judges, for compensation and expenses of judges who serve on assignment in the superior courts. The budget further proposes to fund the acquisition of additional leased space in the San Francisco State Building (\$166,000), reclassification of certain attorney positions (\$69,000), and merit salary adjustments (\$107,000).

**Commission on Judicial Performance.** The budget requests \$1 million from the General Fund for support of the Commission on Judicial Performance. This amount represents an increase of \$142,000, or 15 percent, above estimated current-year expenditures. The increase results primarily from the addition of data processing support (\$55,000) and new leased space (\$20,000).

**Local Assistance.** The budget proposes \$20.2 million for local assistance in 1988-89. This figure is \$19.9 million greater than estimated current-year expenditures. The increase results from the creation of the Trial Court Improvement Fund in Ch 1211/87. That measure calls for annual Budget Act appropriations of \$20 million to this fund. The Judicial Council will disburse the funds in the form of grants to counties which participate in the Trial Court Funding Program for the purpose of developing and implementing reforms to improve court management.

## **ANALYSIS AND RECOMMENDATIONS**

### **Expansion of the Supreme Court's Central Staff**

*We withhold recommendation on \$1,267,000 requested from the General Fund for the expansion of the Supreme Court's central staff pending publication of the findings and recommendations of the Select Committee on Supreme Court Procedures.*

The budget proposes to expand the central staff of the Supreme Court by 17 positions, at a General Fund cost of \$1.3 million in 1988-89. This proposal results from studies being conducted by the Select Committee on Supreme Court Procedures, which was appointed by the Chief Justice to review the operations of the Supreme Court.

Although the final report is due for completion in February, the committee has issued a preliminary recommendation that the court's central staff be expanded to relieve the justices and existing staff of the burden of reviewing petitions in certain matters and original proceedings. Currently, the Supreme Court maintains a central staff of 12 attorneys and four secretaries responsible for reviewing the approximately 2,600 annual petitions in criminal appeals and original proceedings. As a result of the preliminary recommendation, the budget requests the addition of 14 attorneys and three secretaries to review the approximately 2,000 annual petitions in civil matters.

In the absence of the committee's final report, we withhold recommendation on the \$1.3 million requested for expansion of the central staff. We will provide a recommendation following our review of the committee's findings and recommendations.

### **Plan to Expand Circuit Court Judges Program Not Justified**

*We recommend deletion of \$1,145,000 requested from the General Fund to expand the Circuit Justice Court Judges Program because the need for additional assignments has not been demonstrated and the proposal conflicts with existing law. (Reduce Item 0250-001-001 by \$1,145,000.)*

The budget requests \$1.1 million from the General Fund to expand the Circuit Justice Court Judges Program. This program is currently a small portion of the Assigned Judges Program, through which the Judicial Council allocates judicial services to courts in need of temporary assistance. Under the Circuit Justice Court Judges Program, the state pays certain justice court judges at the municipal court judge salary level for their service on assignment to other justice courts. In the current year, three judges participate in the program at a state cost of \$208,000. The Judicial Council proposes to expand this program to 30 judges in the budget year and to extend the program so that these judges provide services to municipal and superior courts, as well as to other justice courts.

**JUDICIAL—Continued**

The council bases its request on the additional need for the services of assigned judges in the superior and municipal courts. We believe the request is not justified for two reasons. First, the proposal is not justified on the basis of workload. Second, the expansion of the program at state expense conflicts with existing state law.

***Need for Additional Service to Superior and Municipal Courts Not Demonstrated.*** The Judicial Council advises that, using various methods, it has determined that the services of between 10 and 30 justice court judges are needed on assignment to the superior and municipal courts. That estimate, however, does not take account of the new judgeships authorized by the Legislature in Ch 1211/87. That measure created 98 judgeships in the superior and municipal courts: 64 in the superior courts and 34 in the municipal courts. These judgeships will become operative after July 1, 1988 if the counties in which they are located participate in the Trial Court Funding Program.

According to Judicial Council standards, these new judgeships could provide up to 21,000 days of service annually. The additional circuit justice court judges requested by the Judicial Council, on the other hand, could potentially provide up to 6,000 days of assigned service. Consequently, our review indicates that the need for additional circuit justice court judges to provide services to the municipal and superior courts has not been demonstrated given that the new judgeships authorized by Ch 1211/87 will provide far more days of service than the workload requirements estimated by the council.

***Proposal Conflicts with Existing State Law.*** Under existing law, the Circuit Justice Court Judges Program is designed to provide state payment for the service of justice court judges only for the time they sit on assignment in other *justice* courts. This proposal would provide for the state to pay for the service of justice court judges on assignment to the superior and municipal courts as well.

Regardless of the need for assigned service to the superior and municipal courts, we believe this proposal represents an inappropriate expansion of the program, because existing law provides for the *counties* to pay for the services of judges on assignment to municipal courts. In effect, this proposal provides for the *state* to assume responsibility for paying these judges for their assigned service to the municipal courts. This conflicts with current legislative policy.

In summary, we recommend against the proposed expansion of the Circuit Justice Court Judges Program, because the need for additional assigned service in the superior and municipal courts is not demonstrated and because the proposal conflicts with existing law, for a General Fund savings of \$1.1 million.

**Assigned and Senior Judges Programs Overbudgeted**

***We recommend a reduction of \$902,000 from the General Fund for support of the Assigned and Senior Judges Program because a portion of the program is double-budgeted (\$254,000) and workload needs are overstated (\$648,000). (Reduce Item 0250-001-001 by \$902,000.)***

The budget proposes \$2.6 million for the Assigned and Senior Judges Programs in 1988-89. These programs allow the Judicial Council to assign existing judges, and judges over the age of 70, to serve in appellate and trial courts where they are needed for a variety of reasons, including

vacancy, illness, disqualification, and calendar congestion. In the current year, the state will pay an estimated \$1.6 million for the services of assigned and senior judges in the appellate and superior courts.

Our analysis indicates that the proposed amount should be reduced by a total of \$902,000, for two reasons. First, the budget includes double-funding for positions currently enrolled in the Senior Judges Program. Specifically, the council requests an additional \$1.3 million for seven judges who will serve in the superior courts, and two judges who will serve in the appellate courts, as well as their related support staff. Our analysis of staffing and workload data shows that the budget already includes funding for three of the judges who are serving in the program at the superior court level in the current year. Because the budget requests duplicate funding for these three positions, the budget proposal for the Senior Judges Program should be reduced by \$254,000.

Second, our analysis indicates that the council's budget request for the Assigned Judges Program is overstated because it fails to account for the services that will be provided to the superior and appellate courts by the proposed new senior judge positions and the new judges authorized by Ch 1211/87, which modified and made operative the Trial Court Funding Act. The measure authorizes 11 new appellate court justices and 64 new superior court judges. (The superior court positions will become operative in the budget year in those counties which elect to participate in the program.)

Our analysis indicates that the new senior judges and the newly authorized judicial positions should significantly reduce the need for the services of assigned judges in the budget year. Based on our review of historical workload data, and our projections of future workload, we estimate that the budget request could be reduced by \$648,000 to reflect the availability of these new positions.

In summary, we recommend the deletion of \$902,000 from the amounts budgeted for the Assigned and Senior Judges Programs due to double-budgeting and overstated workload needs.

#### **Proposed Facilities Expansion Requires Further Review**

*We withhold recommendation on \$2,339,000 requested from the General Fund for additional leased space in eight locations pending receipt of additional information.*

The budget requests \$2.3 million for additional leased space for the judiciary. Specifically, the proposed increase affects the Supreme Court, the First, Fourth, Fifth, and Sixth Districts of the Courts of Appeal, the Judicial Council, and the Commission on Judicial Performance in eight locations. Of the total increase, \$765,000 represents requests for new space in the San Francisco State Building for the Supreme Court, the First District Court of Appeal, and the Administrative Office of the Courts.

During the preparation of the *Analysis*, we had significant concerns about the facilities proposal. Most importantly, we are concerned that the Judicial Council has not utilized existing state resources in planning this proposed additional leased space. Generally, state agencies and departments, including the judiciary, work with the Department of General Services concerning their space needs. By working with the department, state agencies have access to a data base on market rental rates and space availability in cities throughout the state, as well as the specialized



**JUDICIAL—Continued**

knowledge of General Services' staff about space planning and acquisition of property. This process is intended to ensure that the state is getting the best possible price for leased space.

We are also concerned about specific issues within the proposal. For example, we question how the request for additional space in the San Francisco State Building coincides with plans to conduct a major renovation of that facility beginning in 1991. In addition, we are concerned about the request for additional space for the Fifth District Court of Appeal, located in Fresno. Since 1984, the state has already spent over \$500,000 to remodel court space in the Fresno State Building. Yet the Judicial Council now requests an additional \$420,000 to house one new justice and three support staff (two attorneys and one secretary).

We have asked the council for additional information to clarify and substantiate its request. Upon receipt of that information, we will present a supplemental analysis to the Legislature at the time of budget hearings. Accordingly, we withhold recommendation on the judiciary's request totaling \$2.3 million for additional facilities.

**Need for Conference Coordination Unit Not Justified**

*We recommend deletion of \$224,000 requested from the General Fund for the creation of a centralized unit to organize events conducted by the Administrative Office of the Courts because the request has not been justified. (Reduce Item 0250-001-001 by \$224,000).*

The Judicial Council, through its staff in the Administrative Office of the Courts (AOC), conducts various meetings and workshops for court personnel throughout the state each year. Currently, each unit within the AOC independently arranges for the workshops it sponsors. The budget proposes to centralize these functions in a Conference Coordination Unit, which would be staffed by three new full-time positions. The request asserts that the number of events conducted by the AOC and the number of participants at those events have increased. Furthermore, the AOC maintains that a Conference Coordination Unit is necessary in order to "eliminate confusion and redundancy" and to "save time and valuable resources."

We are concerned with this request for two reasons. First, the AOC was unable to produce documentation which showed any significant increases in the number of events it has sponsored or in the number of participants at those events.

Second, the request does not justify the need for three *new* staff positions that it proposes for the unit. The AOC indicates that these functions are currently performed by existing staff members. Nevertheless, the request assumes that additional funds are needed to finance the new unit and does not take into account that existing resources could be redirected into the new conference coordination unit.

Accordingly, we recommend deletion of the three new positions and the \$224,000 in General Funds requested for this activity.

**Technical Budgeting Recommendation**

*We recommend a General Fund reduction of \$370,000 to eliminate overbudgeting. (Reduce Item 0250-001-001 by \$370,000.)*

State agencies and departments annually incur "salary savings," which reflect personnel cost savings resulting from vacancies and downward

reclassifications as a result of the turnover of employees. Typically, agencies and departments incorporate salary savings for new positions in the proposed budget at a minimum of 5 percent.

The judiciary, however, has not included estimated salary savings for new positions in the budget year. Applying the minimum 5 percent rate to the 167.8 positions proposed in the budget year yields salary savings of \$370,000.

Accordingly, we recommend that the judicial budget request be reduced by \$370,000 in order to adjust judicial salary savings to an appropriate level.

#### **Trial Court Improvement Fund**

Among the components of the Trial Court Funding Program made operative by Ch 1211/87 is the Trial Court Improvement Fund. Chapter 1211 specifies that \$20 million shall be appropriated to the fund annually in the Budget Act. Beginning January 1, 1989, the Judicial Council will award grants from this fund to counties which participate in the Trial Court Funding Program for purposes of improving court management and efficiency.

#### **Additional Legislative Oversight is Needed**

*We recommend that the Judicial Council present its specific guidelines and funding priorities for the Trial Court Improvement Fund to the Legislature by April 1988, and by December of each subsequent year to allow legislative review prior to hearings on the Council's budget. We further recommend that Ch 1211/87 be amended to reflect these reporting requirements.*

In November 1987, the Judicial Council established a standing advisory committee to recommend goals for the Trial Court Improvement Fund and procedures for its administration. In addition, the Council adopted the following general priorities for awarding grants to counties:

- The reduction of trial court delays;
- The promotion of multi-court or regional efforts to improve trial court operations, including projects that can be replicated in other courts; and
- The promotion of automation, personnel management and construction of facilities, provided that no grant for construction exceed \$500,000.

The requirement that the annual appropriation from the Trial Court Improvement Fund be provided in the Budget Act does provide some opportunity for legislative oversight. However, there is no mechanism to ensure that the Legislature will be able to review the council's specific guidelines prior to providing the annual appropriation. In order for the Legislature to exercise its authority to oversee and set priorities for the expenditure of state funds, it needs to be apprised of the council's specific guidelines and have the opportunity to express its own preferences for the expenditure of these funds.

Consequently, we recommend that the Judicial Council present its specific guidelines and funding priorities to the Legislature by April 1988, and by December of each subsequent year. We further recommend that Chapter 1211 be amended to reflect these reporting requirements.

#### **Budget Proposes Full-Year Funding for Half-Year Program**

*We recommend that the Legislature appropriate only one-half of the specified annual appropriation for 1988-89 because the program will be*

**JUDICIAL—Continued**

*in operation for only one-half of the fiscal year, for a General Fund savings of \$10 million. (Reduce Items 0250-111-001 and 0250-101-159 by \$10 million.)*

The budget proposes to transfer \$20 million from the General Fund to the Trial Court Improvement Fund, where it would be available for expenditure beginning January 1, 1989. Chapter 1211 provides that the Judicial Council shall make allocations of grants from this fund to counties that elect to participate in the Trial Court Funding Program. Although Chapter 1211 specifies that the \$20 million is to be appropriated annually beginning in 1988-89 (the first year of the Trial Court Funding Program), the monies in the fund will be available for disbursement only during the last six months of the first fiscal year.

In order to avoid appropriating funds that may not be needed by counties until the following fiscal year, and to ensure that such funds are available to the Legislature for expenditure on other high priority state programs, we recommend that the Legislature appropriate one-half of the specified amount for 1988-89, or \$10 million, because the program will be in operation for only one-half of the fiscal year. Approval of this recommendation would result in one-time General Fund savings of \$10 million in 1988-89.

**Costs of Administering the Trial Court Improvement Fund Should Be Paid from the Fund**

*We recommend enactment of legislation specifying that the Judicial Council's costs for administering the Trial Court Improvement Fund be paid from the annual appropriation to the fund, and be limited to 5 percent of the annual \$20 million appropriation, for an annual General Fund savings of \$1 million.*

In addition to the \$20 million requested for grants from the Trial Court Improvement Fund, the budget requests \$958,000 from the General Fund for nine positions to administer the grants program. According to the Judicial Council, the entire \$20 million appropriation must be distributed solely as grants to counties participating in the Trial Court Funding Program, and a separate annual General Fund appropriation is required to cover the costs of administering the program.

Our review suggests that the council's administrative expenses related to the grant program should be paid from the special fund which supports the grant program—the Trial Court Improvement Fund. This arrangement would be consistent with the manner in which the Legislature has funded the administrative costs of many local grant programs in prior years.

For example, in 1985-86, the Office of Criminal Justice Planning (OCJP) administered 12 grant programs. The Legislature appropriated a certain amount of funds for these grant programs, and designated a portion of the amounts to cover OCJP's administrative costs. Existing law places various ceilings on the proportion of the programs' appropriations that can be used for administrative costs, ranging from 5 percent to 20 percent. Programs which provide more than \$1 million in grants generally have the lower ceilings.

Consequently, we recommend enactment of legislation specifying that the council's costs for administering the Trial Court Improvement Fund be paid from the annual appropriation to the fund, and that these

administrative costs may not exceed 5 percent of the annual \$20 million appropriation. Adoption of this recommendation would result in General Fund savings of \$1 million annually.

#### **Travel Expenses Overbudgeted**

*We recommend a General Fund reduction of \$270,000 for travel expenses of auditing personnel because most of the amount requested will not be needed in 1988-89. (Reduce Item 0250-001-001 by \$270,000.)*

The budget contains \$312,000 from the General Fund for the travel expenses of Judicial Council personnel charged with auditing the performance and compliance of counties which receive grants from the Trial Court Improvement Fund. The proposal requests funding for all 12 months of 1988-89. However, the Judicial Council calculations of the amount needed for travel contain technical errors. The council now advises that if the audits were to be conducted throughout the year, it will only need \$84,000, or \$228,000 less than the amount requested.

In addition, our analysis indicates that the travel budget should be reduced further by one-half of the remaining amount, or \$42,000. The Judicial Council will not begin to award grants to counties for the purpose of improving court management until January 1989. Therefore, audits of projects would be conducted, and related travel expenses would be incurred only in the last six months of the fiscal year.

Accordingly, we recommend deletion of \$270,000 requested from the General Fund for unnecessary travel expenses.

### **CONTRIBUTIONS TO JUDGES' RETIREMENT FUND**

Item 0390 from the General  
Fund

Budget p. LJE 14

Requested 1988-89.....	\$27,814,000
Estimated 1987-88 .....	25,654,000
Actual 1986-87 .....	23,407,000
Requested increase \$2,160,000 (+8.4 percent)	
Total recommended reduction.....	None

#### **1988-89 FUNDING BY ITEM AND SOURCE**

Item—Description	Fund	Amount
0390-001-001—Supreme and Appellate Court Judges		
—Budget Act Appropriation	General	\$1,323,000
—Government Code Section 75101	General	778,000
0390-101-001—Superior and Municipal Court Judges		
—Budget Act Appropriation	General	16,187,000
—Government Code Section 75101	General	9,526,000
Total		\$27,814,000

#### **GENERAL PROGRAM STATEMENT**

The Judges' Retirement Fund (JRF) provides benefits for those municipal, superior, appellate and supreme court judges, and their

**CONTRIBUTIONS TO JUDGES' RETIREMENT FUND—Continued**

survivors, who are members of the Judges' Retirement System (JRS). This system is administered by the Public Employees' Retirement System (PERS).

The primary revenues deposited in the fund come from the following sources:

- *Active members' contributions*, equal to 8 percent of members' salaries;
- *Fees on civil suits* filed in municipal and superior courts; and
- *State General Fund appropriations*, which are equivalent to:
  - (a) 8 percent of judicial salaries, *plus*
  - (b) any amount necessary to cover JRS benefit payments made in a given year.

The JRF will pay out almost \$45 million in benefits in the budget year.

**OVERVIEW OF THE BUDGET REQUEST**

The budget proposes four General Fund appropriations totaling \$27,814,000 as the state's contribution to the JRF in 1988-89. This amount consists of \$10,304,000 (equivalent to 8 percent of judicial salaries) in statutory contributions and \$17,510,000 in Budget Bill appropriations needed to meet the cost of projected benefit payments during 1988-89. Without the latter amount, the JRF—which has no reserve funding—would be insolvent. This is because receipts anticipated from other revenue sources will finance only about 62 percent of the benefit payments projected for the budget year.

Revenues and expenditures for the JRF in the prior, current and budget years are shown in Table 1.

**Table 1**  
**Judges' Retirement Fund**  
**Revenues and Expenditures**  
**1986-87 through 1988-89**  
**(dollars in millions)**

	<i>Expenditures</i>			<i>Percent Change from 1987-88</i>
	<i>Actual 1986-87</i>	<i>Estimated 1987-88</i>	<i>Proposed 1988-89</i>	
Beginning Reserves .....	\$4.4	\$3.2	\$2.6	-17.4%
Revenues				
State Contributions:				
Statutory 8 Percent .....	\$8.8	\$8.9	\$10.3	15.7%
Budget Act (deficiency) .....	14.4	16.5	17.3	4.6
Budget Act (administration) .....	0.2	0.2	0.2	—
Subtotals, State Contributions .....	(\$23.4)	(\$25.6)	(\$27.8)	(8.4%)
Nonstate Contributions:				
Judges' Contributions .....	\$8.7	\$8.6	\$10.0	16.0%
Other <sup>a</sup> .....	4.9	4.8	4.8	—
Subtotals, Nonstate Contributions .....	(\$13.6)	(\$13.4)	(\$14.8)	(10.3%)
Totals, Revenues .....	\$37.0	\$39.1	\$42.6	9.1%
Expenditures				
Benefits and others (net) .....	\$38.1	\$39.4	\$44.5	12.8%
Administrative costs .....	0.2	0.2	0.2	—
Totals, Expenditures .....	\$38.3	\$39.7	\$44.7	12.7%
Ending Resources .....	\$3.2	\$2.6	\$0.6	-78.6%

<sup>a</sup> Includes filing fees, investment income, and contributions from employers.

**ANALYSIS AND RECOMMENDATIONS**

*We recommend approval.*

The proposed \$28 million in General Fund appropriations is necessary to finance the cost of benefits expected to be paid by the JRS during 1988-89. Because the state must make these payments, we recommend the proposed amount be approved.

**SALARIES OF TRIAL COURT JUDGES AND STATE BLOCK GRANTS FOR SUPERIOR COURT JUDGESHIPS**

Items 0420-0440 from the  
General Fund

Budget p. LJE 15-17

Requested 1988-89.....	\$99,374,000
Estimated 1987-88 .....	68,643,000
Actual 1986-87 .....	67,999,000
Requested increase (excluding amount for salary increases) \$30,731,000 (+44.8 percent)	
Total recommended reduction.....	None

**1988-89 FUNDING BY ITEM AND SOURCE**

Item—Description	Fund	Amount
0420-101-001—Judges' salaries and benefits	General	\$98,774,000
0440-101-001—Superior Court block grants	General	600,000
Total		\$99,374,000

**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**

*Analysis  
page*

1. *Potential Underfunding.* These items are potentially underfunded by \$1,635,000, based on provisions of existing law. However, because of the likelihood that the Legislature will amend the provisions of the Trial Court Funding Program in the near future, we will advise the Legislature of the program's funding requirements once such changes are made.

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**GENERAL PROGRAM STATEMENT**

The state currently provides approximately 90 percent of the salaries, plus the full cost of health benefits, to the state's superior court judges. Currently, each county contributes \$5,500, \$7,500, or \$9,500 per year toward each of these judge's salary, depending on the county's population. The state pays the balance of each judge's salary, which is now set at \$84,765. The counties' share of total salary cost has not changed since 1955, when the program began.

**SALARIES OF TRIAL COURT JUDGES AND STATE BLOCK GRANTS FOR SUPERIOR COURT JUDGESHIPS—Continued**

The state also provides annual block grants of \$60,000 to counties for 225 superior court judgeships established since January 1, 1973.

**The Trial Court Funding Program**

The Trial Court Funding Program, established by Ch 1607/85 (AB 19) and made operative by Ch 1211/87 (SB 709), extends the current system of state participation in the salaries of superior court judges to the salaries of *municipal* court judges. This increased level of state funding will begin in 1988-89 in those counties which elect to join the program. Chapter 1211 also authorizes 64 new superior and 34 new municipal court judgeships. Counties in which these judgeships are authorized must participate in the Trial Court Funding Program in order for these new positions to become operative. The Judicial Council advises that the measure increases the number of authorized judgeships to 789 superior and 598 municipal judgeships, assuming all counties elect to participate.

Counties which participate in the Trial Court Funding Program will also pay \$5,500, \$7,500, or \$9,500 per year toward each municipal court judge's salary, depending on the county's population. The state will pay the balance of each municipal court judge's salary, which is now set at \$77,409, in participating counties.

Finally, under the Trial Court Funding Program, only those counties which choose *not* to participate will receive the \$60,000 annual block grants for certain superior court judgeships.

For a full discussion of the Trial Court Funding Program, please refer to *The Trial Court Funding Program: Financial Implications*, Legislative Analyst's Office Report Number 88-3, January 1988.

**OVERVIEW OF THE BUDGET REQUEST**

The budget proposes an appropriation of \$99 million from the General Fund to pay approximately 90 percent of the salaries and the full benefits of superior court judges, approximately 90 percent of the salaries of municipal court judges, and block grants for certain superior court judgeships. The proposed appropriation is \$31 million, or 45 percent, more than estimated current-year expenditures.

Table 1 summarizes expenditures for superior court judges' salaries and benefits, municipal court judges' salaries, superior court assignments, and block grants for superior court judgeships for the past, current, and budget years.

As shown in Table 1, the proposed \$31 million increase in expenditures for these items results from funding increases and offsetting reductions. First, superior court judge salaries and benefits have increased due to the creation of new judgeships and a salary increase (\$6 million). Second, the state assumption of approximately 90 percent of municipal court judges' salaries also increases state costs (\$39 million). These increases are offset by a reduction in the number of block grants for superior court judgeships (\$13 million) and the transfer of funding for payment of superior court assignments to Item 0250 (\$604,000).

**Table 1**  
**State Expenditures for**  
**Salaries, Health Benefits, and Block Grants**  
**for Superior Court Judgeships**  
**and Salaries for Municipal Court Judgeships**  
**1986-87 through 1987-88**  
**(dollars in thousands)**

	<i>Actual</i>	<i>Est.</i>	<i>Prop.</i>	<i>Percent Change From</i>
	<i>1986-87</i>	<i>1987-88</i>	<i>1988-89</i>	<i>1987-88</i>
<i>Program Expenditures</i>				
Superior Court salaries.....	\$53,084	\$53,488	\$59,350	11.0%
Superior Court health benefits .....	1,887	1,955	2,434	24.5
Municipal Court salaries .....	—	—	38,650	— <sup>a</sup>
Superior Court assignments .....	678	700	—	-100.0 <sup>b</sup>
Salary savings.....	-1,210	-1,000	-1,660	66.0
Subtotals, (Item 0420) .....	(\$54,439)	(\$55,143)	(\$98,774)	(79.1%)
Block grants, (Item 0440).....	(\$13,560)	(\$13,500)	(\$600)	(-95.6%)
Totals .....	\$67,999	\$68,643	\$99,374	44.8%

<sup>a</sup> Not a meaningful figure.

<sup>b</sup> Although in past years funds were appropriated in this item for superior court assignments, for 1988-89 \$604,000 has been transferred to Item 0250 for that purpose.

## ANALYSIS AND RECOMMENDATIONS

### Potential Underfunding

*Our analysis indicates that judges' salaries and benefits and block grants for superior court judgeships are potentially underfunded by \$1,635,000 based on provisions of existing law. However, because of the likelihood that the Legislature will amend the provisions of the Trial Court Funding Program in the near future, we will advise the Legislature of the program's funding requirements once such changes are made.*

The proposed budget for salaries, benefits, and block grants is based on assumptions about amendments to existing law and about county responses to those changes. Among other changes, the budget assumes that Ch 1211/87 will be amended to provide lower levels of block grants under the Trial Court Funding Program. (Please see our discussion of this issue in our analysis of Item 0450.) The budget also assumes that, as a result of these amendments, four counties — Inyo, Marin, San Bernardino, and Tehama — will not find it in their interest to participate in the Trial Court Funding Program. If these counties do not participate, three superior court judges and 30 municipal court judges would not be eligible for state salary payments. However, these counties would continue to receive annual block grants of \$60,000 for their 10 superior court judgeships which currently receive them.

Our analysis indicates, however, that if legislation is *not* enacted to make these changes and all 58 counties choose to participate in the Trial Court Funding Program, an additional \$2,235,000 would be required for state payment of superior and municipal court judges' salaries. This amount would be offset partially by deletion of \$600,000 for block grants to superior court judgeships. Thus, a net increase of \$1,635,000 would be required.

Based on existing law, therefore, judges' salaries and block grants for superior court judgeships are potentially underfunded by \$1,635,000. It is our understanding, however, that the Legislature is contemplating



### SALARIES OF TRIAL COURT JUDGES AND STATE BLOCK GRANTS FOR SUPERIOR COURT JUDGEShips—Continued

amending the provisions of existing law in such a way that will affect the amount of funding needed for these items. We will advise the Legislature of the funding requirements of these items once such changes are made to the Trial Court Funding Program.

### STATE BLOCK GRANTS FOR TRIAL COURT FUNDING

Item 0450 from the General  
Fund

Budget p. LJE 17

Requested 1988-89.....	\$733,153,000
Estimated 1987-88 .....	—
Actual 1986-87 .....	—
Requested increase \$733,153,000	
Total recommended reduction.....	31,300,000

### 1988-89 FUNDING BY ITEM AND SOURCE

Item—Description	Fund	Amount
0450-101-001—Transfer from the General Fund	Court Funding Trust Account, General	(\$335,154,000)
0450-101-495—Trial Court Funding Program	Court Funding Trust Account, General	335,154,000
Reimbursements		<u>\$397,999,000</u>
Total		<u>\$733,153,000</u>

### SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

- |  |                          |
|--|--------------------------|
|  | <i>Analysis<br/>page</i> |
| 1. Potential Underfunding. This item is potentially underfunded by approximately \$90 million, based on provisions of existing law. However, because of the likelihood that the Legislature will amend the provisions of the Trial Court Funding Program in the near future, we will advise the Legislature of the program's funding requirements once any changes are made. | 22                       |
| 2. County Notification Dates. Recommend that existing law be amended to require that counties notify the state by May 1, 1988 of their intent to participate in the Trial Court Funding Program in 1988-89, and in subsequent years by December 1 in order to conform more closely with the state's budget cycle.  | 23                       |
| 3. <i>Prorate Block Grants for Newly Authorized Judgeships. Reduce Item 0450-101-001 by \$31,300,000.</i> Recommend a General Fund reduction of \$31 million so that the state does not compensate counties for vacant judgeships.   | 24                       |
| 4. Justice Court Workload. Recommend that the Judicial Council report to the Legislature on its findings related to justice court workload, to assist the Legislature in developing a more specific formula for determining the number of justice court judges for purposes of the block grant calculations.   | 25                       |

**GENERAL PROGRAM STATEMENT**

The Trial Court Funding Program, established by Ch 1607/85 (AB 19) and made operative by Ch 1211/87 (SB 709), provides for the state to assume primary responsibility for funding the operations of the trial courts beginning in 1988-89 in counties which choose to participate in the program. The largest component of the increased state assistance to the trial courts takes the form of state block grants to fund trial court operating expenses.

This item includes the total amount of funding for the state block grants. As a condition of participating in the program, however, counties must turn over to the state their share of certain revenues. These revenues include fees, fines, forfeitures, and penalties. Thus, the amounts collected from the counties will offset partially the state costs for the block grants.

Under the Trial Court Funding Program, block grants of varying sizes will be provided for specific judicial positions:

- Superior court judgeships,
- Superior court commissioners and referees,
- Municipal court judgeships,
- Municipal court commissioners and referees, and
- Justice court judgeships

State block grants will be disbursed to counties for those superior and municipal court judgeships authorized by statute. In the case of commissioners and referees, block grants will be provided for those positions authorized by statute, funded, and reported to the Judicial Council by January 1, 1987, or created later by Statute. Block grants for justice court judgeships will be prorated based on the portion of a full-time schedule actually performed by each judge.

Chapter 1211 also authorizes 64 new superior and 34 new municipal court judgeships in 23 counties. These judgeships will become operative and eligible to receive block grants only if the affected counties participate in the program.

For a full discussion of the Trial Court Funding Program, please refer to *The Trial Court Funding Program: Financial Implications*, Legislative Analyst's Office Report Number 88-3, January 1988.

**OVERVIEW OF THE BUDGET REQUEST**

The budget proposes expenditures of \$733 million to provide block grants in support of judicial positions under the Trial Court Funding Program. This amount would be offset partially by \$398 million in court-generated revenues collected by counties and transferred to the state. Thus, the budget estimates that *net* state costs for block grants will be \$335 million in 1988-89. Table 1 displays proposed expenditures for block grants for the budget year.

**STATE BLOCK GRANTS FOR TRIAL COURT FUNDING—Continued**

**Table 1**  
**Budget Proposal for Trial Court Block Grants**  
**1988-89**  
 (dollars in thousands)

<i>Position</i>	<i>Number<sup>a</sup></i>	<i>Grant Levels Assumed in 1988-89 Budget</i>	
		<i>Per Position<sup>a</sup></i>	<i>Statewide</i>
Superior Court Judgeships .....	723	\$480	\$347,040
Superior Court Commissioners/Referees .....	92	468	43,056
Municipal Court Judgeships .....	548	474	259,752
Municipal Court Commissioners/Referees .....	116	455	52,780
Justice Court Judgeships .....	40.2	474	19,055
San Francisco judicial positions <sup>b</sup> .....	62	185	11,470
Totals .....	1,581.2		(\$733,153)
Reimbursements .....			<u>—\$397,999</u>
Total, Net Expenditures .....			\$335,154

<sup>a</sup> The proposed budget assumes that existing law will be amended so that the block grant amounts would be lower than those established in Ch 1211/87, and that, consequently, four counties that have a total of 79.2 judicial positions would not participate.

<sup>b</sup> The proposed budget assumes that existing law will be amended so that block grant amounts for all San Francisco judicial positions will be \$185,000 rather than the amounts shown in the table for each type of judicial position.

**ANALYSIS AND RECOMMENDATIONS**

In our report, *The Trial Court Funding Program: Financial Implications*, we discuss the provisions of the Trial Court Funding Program in detail. Presented below are summaries of issues relating to the state trial court block grants. For a more comprehensive explanation of these and other trial court funding issues, please refer to the report.

**Potential Underfunding**

*Our analysis indicates that state block grants for the Trial Court Funding Program are potentially underfunded by approximately \$90 million based on provisions of existing law. However, because of the likelihood that the Legislature will amend the provisions of the Trial Court Funding Program in the near future, we will advise the Legislature of the program's funding requirements once any changes are made.*

Under the Trial Court Funding Program, the state provides block grants of varying sizes for specific judicial positions to counties which elect to participate in the program. Participating counties must turn over to the state their share of certain court-related revenues. The revenues which the state "recaptures" from the counties will offset partially the cost of the block grants.

There are several key factors that will affect the amount of funding needed in this item to finance the trial court block grants. First, county decisions about whether to participate in the Trial Court Funding Program are critical because the number of participating counties affects the number of block grants that must be provided, and thus affects gross state costs for the program. In addition, the number of participating counties affects the amount of revenues that the state will receive to partially offset the block grant costs, and thus affects net state costs as well.

Second, it is our understanding that the Legislature is contemplating amending the provisions of the existing Trial Court Funding Program. In fact, the budget proposal *assumes* that various changes will be made to the law. Among other changes, the proposed budget assumes that the block grant levels established in Ch 1211/87 will be reduced, and that the 62 judicial positions in San Francisco will receive uniform block grants of \$185,000, rather than the amounts established in Ch 1211/87.

The budget proposal assumes that, consequently, four counties — Inyo, Marin, San Bernardino, and Tehama — will not find it in their fiscal interest to participate in the Trial Court Funding Program. If these counties do not participate, 79.2 judicial positions in those counties would not receive block grants.

Our analysis indicates that funding of up to \$858 million would be necessary for state payment of block grants if the Legislature does not make the changes to existing law on which the proposed budget is based, and if all 58 counties choose to participate in the Trial Court Funding Program. This amount is \$125 million greater than the \$733 million contained in the budget proposal.

The budget's assumptions about legislative amendments to the Trial Court Funding Program also affect the projection of revenues that counties will remit to the state in 1988-89, and therefore also affect the funding requirements of this item. On the basis that changes to existing law would discourage four counties from participating in the Trial Court Funding Program, the budget estimates that the state will receive \$398 million in revenues from 54 participating counties. Our analysis indicates that this estimate of the amount of revenues that these 54 counties would remit to the state is reasonable. If all 58 counties participate, however, the Department of Finance projects that the revenue remitted to the state could be significantly higher, by approximately \$38 million.

Because of uncertainties regarding future legislative amendments to the Trial Court Funding Program, and the likelihood that any changes to the program would affect the number of counties that participate in the program, we will advise the Legislature on the net amount of funding needed to finance trial court block grants in the budget year once any changes are made.

#### **Earlier Notification by Counties Needed to Conform to Budget Cycle**

*We recommend enactment of legislation to require that counties notify the state of their intent to participate in the Trial Court Funding Program in 1988-89 by May 1, 1988 and in subsequent years by December 1, in order to conform more closely to the state's budget cycle.*

The dates by which counties must notify the state of their intention to participate in the Trial Court Funding Program present a significant problem for the Legislature in acting on the annual state budget. This is because the dates do not coincide with the Legislature's budget cycle. For 1988-89, for example, the law requires counties to notify the state of their intent to participate by August 1, 1988 — one month *after* the new fiscal year begins. Without knowing specifically which counties will choose to participate in the program for 1988-89, the Legislature lacks a sound basis on which to address the program's funding requirements during the budget process.

In subsequent years, existing law provides that counties submit renewal notifications by May 1 — about the time the budget subcommittees are concluding their review of the budget. Although the timing problem will be somewhat less disruptive than in the initial year, it may still require

**STATE BLOCK GRANTS FOR TRIAL COURT FUNDING—Continued**

that last-minute changes be made to the budget to account for new or terminating counties.

To remedy these problems, we recommend that the law be amended to require that in the first year counties provide their initial notification by May 1 in order to ensure that the Legislature can adjust the state's budget to reflect the counties' decisions. In subsequent years, we recommend that renewal notifications be provided by December 1, in order to allow a realistic program budget to be developed for inclusion in the Governor's Budget.

**Block Grants for Newly Authorized Judgeships Should be Prorated**

*We recommend that the Legislature prorate first-year block grants to the 98 new judgeships authorized by Ch 1211/87 so that the state does not compensate counties for vacant judgeships, for a one-time General Fund savings of \$31 million from the amount budgeted. (Reduce Item 0450-101-001 by \$31,300,000.)*

Chapter 1211/87 creates 98 new trial court judgeships in 23 counties: 64 in the superior courts and 34 in the municipal courts. In order to make these judgeships operative, the affected counties must elect to participate in the Trial Court Funding Program. These new judgeships will become operative between July 1 and August 1, 1988.

The new superior and municipal court judgeships may be separated into two categories according to whether there are any further constraints to the positions being filled once a county elects to participate in the program. The first category, which includes 23 of the 98 judgeships, may be filled by gubernatorial appointment without any further action by the county. The second category, which includes 75 of the 98 new positions, requires that the board of supervisors in the affected county pass a resolution stating that sufficient funds exist for each new judgeship in order to make the judgeships operative. The Governor cannot make an appointment until the county supervisors pass this "sufficiency resolution."

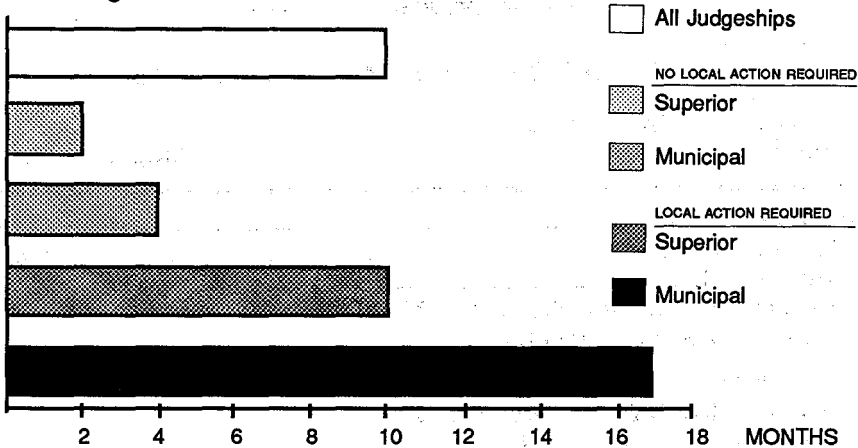
Chapter 1211 specifies that the block grants will be provided for each judgeship authorized by statute, regardless of when a judge actually assumes the position. However, our review of historical data indicates that in recent years an average of 10 months has passed between the date on which the judgeships became operative and the date on which judges assumed those positions. Chart 1 displays the average number of months which transpired from the date on which the position became operative and the date on which a judge assumed the position, for all judgeships and for superior and municipal court judgeships in both categories.

Given the magnitude of the block grants provided under the Trial Court Funding Program, the Legislature may wish to reconsider its traditional policy of funding first-year grants on a full-year basis irrespective of whether the positions have been filled. Accordingly, we recommend that the block grants for new judgeships be prorated in 1988-89 to provide support only for the period in which the position is occupied and a judge is performing judicial functions.

Our analysis indicates that adoption of this recommendation would result in one-time General Fund savings of \$31 million from the amount contained in the proposed budget for 1988-89. We will revise this figure as necessary to reflect any legislative changes to the Trial Court Funding Program which would affect this savings estimate.

Chart 1

**Vacancy Data for New Superior and Municipal Court Judgeships**  
**Length of Time from Operative Date to Assumption of Post<sup>a</sup>**  
 1983 through 1987



<sup>a</sup> Figures assume that judgeships which remained vacant as of November 1, 1987 were filled at that date.

### Review of Justice Court Workload Needed for Block Grant Calculations

*We recommend that prior to budget hearings the Judicial Council report to the Legislature on its findings regarding justice court workload because the Legislature may wish to use this information to develop a more specific formula for determining the number of justice court judges for purposes of the block grant calculations.*

Chapter 1211 provides that option counties shall receive block grants for each judicial position authorized by statute. In the case of justice court judgeships, the block grant is to be prorated based on the portion of a full-time work schedule performed by each judge. The Judicial Council estimates that in 1986 justice court judges performed the duties of 45.3 full-time positions, based on a weighted caseload methodology. This method uses caseload data from municipal courts, which share jurisdiction with justice courts, to estimate justice court workload levels.

Counties have raised concerns that the method used by the Judicial Council to determine the number of full-time equivalent justice court judges underestimates the actual justice court judge workload. Specifically, counties are concerned that this methodology does not capture potentially significant differences between the actual municipal and justice court judge workload levels.

The Judicial Council is conducting a survey of the justice courts in order to respond to county concerns. This survey is intended to identify the appropriate indicators of justice court workload and to quantify the difference between municipal and justice court workloads. The council advises that the findings will be available in February 1988. Because the

**STATE BLOCK GRANTS FOR TRIAL COURT FUNDING—Continued**

Legislature may wish to utilize this information to develop a more specific formula for determining the number of justice court judges for purposes of the block grant calculations, we recommend that prior to budget hearings the Judicial Council report its findings to the Legislature regarding justice court workload.

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**NATIONAL CENTER FOR STATE COURTS**

Item 0460 from the General  
Fund

Budget p. LJE 19

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Requested 1988-89 .....	\$226,000
Estimated 1987-88 .....	99,000
Actual 1986-87 .....	100,000
Requested increase \$127,000 (+ 128 percent)	
Total recommended reduction.....	None

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**ANALYSIS AND RECOMMENDATIONS***We recommend approval.*

The budget proposes an appropriation of \$226,000 from the General Fund to finance California's membership in the National Center for State Courts. The proposed amount is \$127,000, or 128 percent, greater than the amount appropriated for this purpose in the current year. The requested amount would allow full payment of California's assessment in the budget year.

Members of the center include all 50 states, four territories, and the District of Columbia. Membership in the center entitles California to judicial research data, consultative services, and information on the views of the various states on federal legislation and national programs affecting the judicial system. The assessment imposed on each member is based primarily on the state's population.

Although California has traditionally paid only a portion of its full assessment, the Judicial Council advises that it has increased its use of the National Center's services, and therefore requests full payment of the state assessment. California's assessment represents 3 percent of the center's annual operating budget. We have no analytical basis for determining what percentage of the center's operating budget should be paid by California.

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