

**California Commission on Uniform State Laws—Continued**

Fiscal Year, there was one vacancy on the California Commission and one of the members filed a claim for out-of-state travel against another appropriation in connection with other business. The vacancy has been filled and the other member's expenses will be reflected hereafter in this budget item. The national conference during the 1959-60 Fiscal Year will be held on the east coast; therefore, this accounts for the \$1,675 increase over the estimated expenditure for the 1958-59 Fiscal Year.

The \$1,900 contribution to the national conference remains constant.

Since the Legislature appropriated the sum of \$5,450 for this item last year, the amount budgeted for the 1959-60 Fiscal Year represents no change in the program. We recommend approval.

**CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND**

ITEM 15 of the Budget Bill

Budget page 9

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

Amount requested .....	\$152,000
Estimated to be expended in 1958-59 Fiscal Year .....	90,000
Increase (68.9 percent) .....	\$62,000

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

**GENERAL SUMMARY**

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

**ANALYSIS**

The 68.9 percent increase is due principally to the increased number of retirement benefit and death benefit payments. As of June 30, 1959, there will be a \$16,229 deficit which must be met; therefore, it is included in this appropriation request.

Since this is an estimate based on the amount required by law, we recommend approval.

**SUPREME COURT**

ITEM 16 of the Budget Bill

Budget page 10

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

Amount requested .....	\$786,733
Estimated to be expended in 1958-59 Fiscal Year .....	676,525
Increase (16.3 percent) .....	\$110,208

**TOTAL RECOMMENDED REDUCTION** ..... \$11,304

## Supreme Court—Continued

## GENERAL SUMMARY

The Supreme Court is the highest court of the State, with a membership of one chief justice and six associate justices. Although its function is primarily that of appellate review, it has original jurisdiction to issue writs of habeas corpus, mandamus, certiorari, and prohibition. Under the Constitution, it has the power to transfer appeals and proceedings to and from itself and the district courts of appeal. The main office of the court is in San Francisco, with branch offices in Sacramento and Los Angeles.

	Summary of Reductions	Amount	Budget	
			Page	Line
Salaries and wages (reclassification)-----		\$11,305	10	40

## ANALYSIS

The item of salaries and wages shows an increase of \$18,927. Although this, in part, reflects normal salary adjustments, the increase includes the following schedule of reclassification and salary ranges in the amount of \$11,304, to become effective July 1, 1959.

Present		Proposed	
Class	Pay scale	Class	Pay scale
1 Chief research attorney-----	\$950-\$1,050	Research attorney IV--	\$1,050-\$1,200
6 Research attorney, senior grade_	710- 950	Research attorney IV--	1,050- 1,200
10 Research attorney, senior grade_	710- 950	Research attorney III--	782- 950
1 Research assistant -----	436- 644	Research attorney II--	584- 710

The court offers the justification that this change would permit the application of classes commensurate with the duties and responsibilities of the positions concerned and would adopt the attorney classifications presently used for the Judicial Council staff. This proposed reclassification, to our knowledge, has not been surveyed by the State Personnel Board. However, pursuant to Government Code Section 18708.5, for positions exempt from civil service, the board shall only make such a survey upon the request of the Director of Finance. Even though the director has the Division of Organization and Cost Control to perform this function, it would appear that the use of the State Personnel Board would be the proper procedure in handling such a matter. Therefore, we recommend that the Director of Finance take advantage of the State Personnel Board, an independent body which is equipped to make such a survey and render an independent recommendation.

As shown by the above schedule, the proposed reclassification is, in effect, a pay raise in comparison with the existing salary ranges. Although these are exempt legal positions, we think the same basic personnel procedures should apply as apply in the case of civil service positions. It is not appropriate to ask the Legislature, through the Budget Act, to approve or disapprove reclassifications and salary rate changes in the absence of studies and recommendations by the central personnel agency or by the Department of Finance.

We have seen no report on job evaluation which would indicate that the level of work performed for the court had been increased by the very substantial degree represented by these salary increases. We therefore recommend that the amount of funds requested for this increase be deleted from the budget and that the Legislature act on the item with-

**Supreme Court—Continued**

out prejudice to this request. If the rate changes and reclassifications are subsequently recommended by the State Personnel Board and approved by the Department of Finance, the matter can be resubmitted later in the session.

The \$53,759 increase in operating expenses is mainly due to the acquisition of additional space in the new annex in San Francisco which is being constructed with special fund moneys. The Supreme Court, a General Fund agency, must pay \$40,772 in rent each year for this additional space in order to amortize the cost of the new annex.

To facilitate the move and additional space, there is an increase of \$37,552 for new equipment. There will be an attempt to use as much of the present equipment as possible; however, there are provisions for new chambers for pro tem justices, larger library facilities, and new quarters for attorneys that have been temporarily quartered elsewhere.

Since all of the equipment requirements cannot be foreseen at the present, we recommend approval of the amount for equipment items subject to appropriate justification and review by the agency and Department of Finance.

We recommend approval of this item with the deletion of \$11,304.

**JUDICIAL COUNCIL**

ITEM 17 of the Budget Bill

Budget page 11

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

Amount requested .....	\$220,336
Estimated to be expended in 1958-59 Fiscal Year.....	181,617
Increase (21.3 percent) .....	\$38,719
<b>TOTAL RECOMMENDED REDUCTION.....</b>	<b>\$1,344</b>

**GENERAL SUMMARY**

In accordance with provisions of the State Constitution, the Judicial Council consists of 11 members of the various state courts, appointed by the Chief Justice to serve for two-year terms. The Chief Justice is designated as the chairman and the Clerk of the Supreme Court is to act as secretary of the council. The main office is in San Francisco with the Statistical Section in Sacramento, which will be moved during the next fiscal year.

The principal function of the council is to study, analyze and recommend to the Governor, Legislature and courts changes in court procedures with the aim of simplifying and standardizing them. To facilitate this, the council has a staff of technical and clerical assistants who undertake special statistical and legal projects in order to make more effective the present judicial system.

Summary of Reductions		Budget	
	Amount	Page	Line
Salaries and wages (reclassification) .....	\$1,344	11	43

Judicial Council—Continued  
ANALYSIS

The increase in salaries and wages in the amount of \$13,303 is due to normal salary adjustments and the following changes in classifications and salary ranges at the cost of \$1,344 to become effective July 1, 1959:

<i>Present</i>		<i>Proposed</i>	
<i>Class</i>	<i>Pay Scale</i>	<i>Class</i>	<i>Pay Scale</i>
1 Senior statistician -----	613-745	Senior statistician -----	745-905
2 Research assistant-statistician -----	436-644	Associate statistician -----	613-745

In 1957, the State Personnel Board was requested to make a survey for the reclassification of the two existing positions of senior statistician, Judicial Council, and research assistant statistician. Pursuant to Government Code Section 18708.5 on positions exempt from civil service, the board shall only make such a survey upon the request of the Department of Finance. The board conducted the survey and recommended that, in accordance with the duties and responsibilities of the positions concerned, the former should be placed at the salary range of \$676-\$821, which is two steps above the civil service class of associate research technician and the latter be classified as assistant research technician at the salary range of \$505-\$613.

In the council's budget request for the current fiscal year, there was a proposed position of assistant research technician to be added to the existing statistics section. We did not recommend approval of this position because of lack of sufficient justification; however, the Legislature granted the position. Also, during the 1958 Budget Session, the Judicial Council proposed the present reclassification, which was denied by the Legislature.

Again, the council includes the proposal and advances the justification that the reclassification of the three statistical employees is being done to bring them within comparable civil service classification.

As shown by the above schedule, the employees are, in effect, being given a pay raise. We have previously commented in our analysis of the Supreme Court that, even though these are exempt positions, we think the same personnel procedures should apply as apply in the case of civil service positions. It is not appropriate to ask the Legislature, through the Budget Act, to approve or disapprove reclassifications and salary rate changes in the absence of studies and recommendations by the central personnel agency or by the Department of Finance.

The State Personnel Board, although not required by law to make this reclassification survey, did so upon request, as previously noted. However, the council does not base its proposal on this survey in requesting the reclassification. Over one year has elapsed since this survey was made and circumstances may have changed in this period. As previously noted, one research assistant has been added to the staff during the interim. Therefore, in fairness to the council, we believe that a current survey should be conducted.

We therefore recommend that the amount of funds requested for this increase be deleted from the budget and that the Legislature act on the item without prejudice to this request. If the rate changes and reclassi-

**Judicial Council—Continued**

fication are subsequently recommended by the State Personnel Board and approved by the Department of Finance, the matter can be resubmitted later in the session.

The \$15,411 increase in operating expenses is mainly due to the move of the council from its present quarters to space in the new annex in San Francisco. Since the council is moving to facilities within the new annex which is financed with special fund moneys, the council, a General Fund agency, must pay rent in order to amortize the cost of the new building. It is noted that the council is moving its statistical staff from rent-free space in Sacramento to the new annex.

The increase in equipment expenses is connected with the move to the new quarters. Again, the move of the statistical staff from its present quarters in Sacramento is costing more, since the council is utilizing equipment and space of the Supreme Court, which is used by them only a short period of each year. However, the expense of the new equipment may well be offset by the fact that staff of the council will be located in one office with closer supervision being exercised.

Since all of the needs for new equipment cannot be entirely foreseen at the present, we recommend that the equipment request be granted with further justification and review by the agency and the Department of Finance.

We recommend approval of this item, with the deletion of \$1,344.

**EXTRA COMPENSATION AND EXPENSES OF ASSIGNED JUDGES**

ITEM 18 of the Budget Bill

Budget page 11

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

Amount requested .....	\$45,000
Estimated to be expended in 1958-59 Fiscal Year .....	45,000

Increase .....	None
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<b>TOTAL RECOMMENDED REDUCTION .....</b>	<b>None</b>
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**GENERAL SUMMARY**

The Judicial Council is constitutionally charged with the duty of expediting judicial business and equalizing the workload of the judges in the various state courts. The assignment of judges between the different courts provides a means whereby the entire judicial system is integrated.

In making such assignments, the judges must be paid additional compensation when assigned to a court of higher designation. Also, the judge receives necessary expenses for travel, board and lodgings when assigned in a county other than that in which he regularly sits.

**ANALYSIS**

This item received an appropriation of \$30,000 in the 1958 Budget Act; however, the council received an Emergency Fund allocation of \$15,000. With actual expenditures of \$37,000 during the 1957-58 Fiscal Year, this request represents an \$8,000 increase, and remains constant with the estimated expenditures for the current fiscal year.

Extra Compensation and Expenses of Assigned Judges—Continued

Since the amount necessary to accomplish this function is unpredictable and there is no indication of a decrease in the workload of the judiciary, we recommend approval of the item as submitted.

**District Courts of Appeal  
FIRST APPELLATE DISTRICT**

ITEM 19 of the Budget Bill

Budget page 12

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

Amount requested .....	\$333,069
Estimated to be expended in 1958-59 Fiscal Year .....	279,788

Increase (19.0 percent) .....	53,281
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<b>TOTAL RECOMMENDED REDUCTION</b> .....	None
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**GENERAL SUMMARY**

This court reviews appeals from the superior courts in the counties of Alameda, Contra Costa, Marin, Monterey, San Benito, Santa Clara, Santa Cruz and San Francisco. Also, it has jurisdiction over certain original proceedings and hears appeals transferred from the Supreme Court. This court is composed of two divisions of three justices each.

**ANALYSIS**

The proposed position of senior legal secretary is to be used in the clerk's office. The workload of this office has been continually growing, as evidenced by the following table:

<i>Matters pending as of July 30</i>	1950	1952	1954	1956	1958
Uncalendar'd matters .....	199	249	248	294	348
Matters on calendar .....	26	35	39	55	46
Matters pending judgment .....	87	126	96	116	92
<b>Totals</b> .....	<b>312</b>	<b>410</b>	<b>381</b>	<b>485</b>	<b>486</b>
<i>Number of positions in district</i>					
Superior court judges .....	51	53	59	59	66
Stenographic positions .....	6	6	6	6	7
Positions in court clerk's office	3	3	3	3	3

Since the clerk's office has the function of making up the court's calendar and processing all writs and appeals from the superior courts, the clerks have been bound by routine of correspondence, notices for litigants, and maintenance of records without the aid of clerical help. Each of the justices has a secretary as does the pro tem justice, yet this leaves no clerical help for the clerk's office. As noted from the above table, the workload of this office has increased over 50 percent in the last eight years. Therefore, we recommend that the position be granted in order to provide for adequate clerical help in the clerk's office.

In the next fiscal year, the court will move from its present quarters into the new annex in San Francisco. Since this building has been constructed with special fund moneys, the court, a general fund agency, will pay rent in order to amortize the cost of the new annex. This accounts for the largest part of the increase in operating expenses.

**First Appellate District—Continued**

The \$18,982 increase in equipment expenses is due to the move to new offices. However, the present equipment is to be used to the fullest extent possible. Also, there are to be two new pro tem offices which must be equipped.

Since all the equipment requirements cannot be foreseen at the present, we recommend approval of the equipment items subject to further justification and review by the agency and the Department of Finance.

We recommend approval of the item.

**District Courts of Appeal  
SECOND APPELLATE DISTRICT**

ITEM 20 of the Budget Bill

Budget page 13

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

Amount requested .....	\$486,773
Estimated to be expended in 1958-59 Fiscal Year .....	425,981

Increase (2.5 percent) .....	\$10,842
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TOTAL RECOMMENDED REDUCTION .....	None
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**GENERAL SUMMARY**

There are nine justices assigned to this court, sitting in three divisions. This court has appellate review over superior courts of San Luis Obispo, Santa Barbara, Ventura and Los Angeles Counties. In certain instances, it has original jurisdiction and handles appeals transferred from the Supreme Court.

The proposed position of senior stenographer-clerk is to act as receptionist, extra typist and acting bailiff. Each of the three divisions of this court is a complete, separate entity, with its own separate chambers and attaches. Presently, each justice of Division Two has his own attorney assistant and secretary. There is no provision for any additional help to handle the overload which frequently slows down the work of the court; whereas, each of the other two divisions has an employee who can serve in this capacity. Also, this court has had an increase of workload of approximately 35 percent in total filings and dispositions during the last four years, and this increase is shared equally by the three divisions. Therefore, we recommend approval of the above-mentioned position.

The 2.5 percent increase in this budget item also reflects normal increases in salary and wages and operating expenses.

We recommend approval of the item as budgeted.

**District Courts of Appeal  
THIRD APPELLATE DISTRICT**

ITEM 21 of the Budget Bill

Budget page 14

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

Amount requested .....	\$164,421
Estimated to be expended in 1958-59 Fiscal Year .....	160,710
Increase (2.3 percent) .....	\$3,711

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

**GENERAL SUMMARY**

This court handles appeals from superior courts of 35 northern counties. It has jurisdiction over certain original proceedings and appeals transferred from the Supreme Court. This court has one division of three justices and sits in Sacramento.

**ANALYSIS**

The 2.3 percent increase is due primarily to normal salary and wage adjustments and replacement of equipment.

Approval of the amount budgeted is recommended.

**District Courts of Appeal  
FOURTH APPELLATE DISTRICT**

ITEM 22 of the Budget Bill

Budget page 15

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

Amount requested .....	\$227,182
Estimated to be expended in 1958-59 Fiscal Year .....	200,316
Increase (13.4 percent) .....	\$26,866

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

**GENERAL SUMMARY**

This court is composed of three justices sitting in one division which holds sessions for four months of the year in each of the locations of San Diego, San Bernardino, and Fresno. Its jurisdiction extends to appellate review over the superior courts in the counties of Fresno, Tulare, Kern, Kings, Inyo, Imperial, San Bernardino, Orange, Riverside and San Diego. It also determines appeals transferred from the Supreme Court and certain original proceedings.

**ANALYSIS**

The principal items of increase in this budget are the two new proposed positions of legal research associate and legal research assistant. Presently, there is authorized one legal research assistant. The proposed positions would bring the research staff of this court into line with the other appellate courts, with a staffing pattern of one legal research attorney for each justice.

By granting the positions, there will not be an increase in the level of service of this agency, since the other appellate courts have attained



**Fourth Appellate District—Continued**

this level. The addition of these research attorneys will lend itself to a more adequate research of the cases and give the justices more time to review and write their decisions. We recommend approval of the two proposed positions.

The largest item of increase in operating expenses is for in-state traveling. This court holds sessions on a rotating basis of every four months at Fresno, San Bernardino and San Diego. With the addition of two new positions and the filling of one position currently unfilled, the cost of travel allowance has increased proportionately.

The increase in equipment items is primarily due to the addition of the new positions.

The 13.4 percent increase in this budget raises the Fourth Appellate District Court to the level of service of the other appellate courts. We recommend approval of this item as submitted.

**GOVERNOR****ITEM 23 of the Budget Bill**

Budget page 16

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

Amount requested .....	\$556,133
Estimated to be expended in 1958-59 Fiscal Year .....	506,199
Increase (9.7 percent) .....	\$49,934

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

**ANALYSIS**

The Constitution empowers the Governor to carry out the chief executive functions of the State of California. To assist him in his duties, he has a staff of 10 secretaries and 46 technicians and clerks.

The increase of \$49,934 is explained as follows:

	<i>Amount</i>
Proposed new positions:	
1 Co-ordinator of radiological activities .....	\$11,250
1 Secretary-stenographer .....	3,384
Salary adjustments .....	20,679
Operating expenses .....	5,686
Equipment .....	8,935
Total increase .....	\$49,934

We recommend approval of the budget as submitted.

**Governor****GOVERNOR'S RESIDENCE****ITEM 24 of the Budget Bill**

Budget page 16

**FOR SUPPORT OF THE GOVERNOR'S RESIDENCE FROM THE GENERAL FUND**

Amount requested .....	\$17,400
Estimated to be expended in 1958-59 Fiscal Year .....	17,400
Increase .....	None

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