

Item 16

Supreme Court

Commission on Uniform State Laws—Continued

Table 1

State Contribution, Interest Income, and Total Benefits Paid Retirees and Beneficiaries of the Legislators' Retirement System

<i>Fiscal year</i>	<i>1964-65</i>	<i>1965-66</i>	<i>1966-67</i>	<i>1967-68</i>
Retirees and beneficiaries ----	67	68	96	99
Deaths during year -----	6	3	4	2
State contribution -----	\$350,000	\$360,000	\$370,000	\$510,000
Interest income -----	27,803	32,349	41,031	51,118
Total benefits paid -----	\$338,696	\$321,339	\$411,392	\$473,182

SUPREME COURT

Item 16 from the General Fund

Requested 1969-70 -----	\$1,725,037
Estimated 1968-69 -----	1,518,026
Actual 1967-68 -----	1,328,717

Requested increase \$207,011 (13.6 percent)

Total recommended reduction -----	None
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GENERAL PROGRAM STATEMENT

The Supreme Court is the highest tribunal in the California judicial system. The court, consisting of the Chief Justice and six associate justices, is empowered to hear appeals from the lower courts and all death sentence cases which are subject to automatic appeal. The court has original jurisdiction of and may therefore hold initial hearings on writs of habeas corpus, mandamus, prohibition and certiorari. In addition, the court reviews all executive clemency matters referred by the Governor wherein the petitioner has previously been convicted of two or more felonies.

Due to the constitutional limitation on the membership of the court and in order to manage its ever-increasing workload, the Supreme Court is empowered by the State Constitution to transfer matters to the five courts of appeal for determination. The Supreme Court is headquartered in San Francisco but holds periodic sessions at Los Angeles and Sacramento.

ANALYSIS AND RECOMMENDATIONS

We recommend approval of this item.

The court is requesting a total appropriation of \$1,725,037 to carry out its functions for fiscal 1969-70. This represents an increase of \$207,011, or 13.6 percent, over the current year's estimated expenditures and is composed of \$132,630 in personal services and \$74,381 in operating expense and equipment.

The increase in personal services results from a combination of above-minimum hiring authorization for entry level legal classes (\$15,048), six proposed new positions totaling \$58,140, a reduction of \$10,886 in salary savings and increases in staff benefits and merit salary adjustments.

Supreme Court—Continued

The above-minimum hiring authorization was approved by the Personnel Board because of the difficulty experienced by the state in hiring and retaining entry level legal positions in competition with private law firms. This special authorization applies also to the courts of appeal and other state agencies.

Workload Factors and Proposed New Positions

During the 11-year period 1957-58 to 1967-68 total filings in the Supreme Court increased 140 percent, from 1,245 to 2,990.

Eliminating from total filings those matters transferred to the courts of appeal results in a caseload increase for the period in question from 980 to 2,971, an increase of 203 percent. The court estimates that filings will increase to 3,300 cases in 1968-69 and 3,600 in 1969-70 based on the historical rate of increase. On a per-justice basis, this is a workload increase from 140 cases per annum in 1957-58 to an estimated 514.3 cases per annum in 1969-70.

In order to provide relief to the justices for this constantly increasing workload, the court has established a senior legal research unit from existing legal staff. The court anticipates this will be a more efficient and effective utilization of staff rather than having the positions assigned to individual justices.

The court is requesting four additional legal research positions and two secretarial positions to be assigned to this new research unit. The six proposed new positions represent an increase in salary costs of \$73,188. The four additional attorneys for legal research are the first staff added for this function since 1957-58. The added attorneys represent an increase of 57 percent in legal research staff as compared to a 267.4 increase in case filings. We recommend approval of these positions on a workload basis.

Operating Expenses and Equipment

The total request of \$422,538 in this category represents an increase of \$74,381 or 21 percent over the current year. The entire increase is attributed to workload resulting primarily in a need to provide space alterations to accommodate the additional staff requested. We have reviewed the various items in this category and find them to be in line with agency needs.

JUDICIAL COUNCIL**Items 17 through 20 from the General Fund and Motor Vehicle Fund**

Requested 1969-70	\$827,485
Estimated 1968-69	738,533
Actual 1967-68	612,135
Requested increase \$88,952 (12 percent)	
Increase to improve level of service \$38,576	
Total recommended reduction	None

Judicial Council—Continued

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

1. Need for recordkeeping procedures study. We recommend approval of the proposed study to improve recordkeeping and procedures of the courts of appeal. (Analysis page 10.)

GENERAL PROGRAM STATEMENT

The Judicial Council and its staff in the Administrative Office of the California Courts is the centralized policy and service agency of the state judicial system. The council is established under Article VI, Section 6 of the Constitution of California. Its responsibilities include improving the administration of justice by surveying judicial business and making recommendations for improvements to the courts, the Governor and the Legislature. The council also adopts rules for court administration, practices and procedures, equalizes the work of the courts by the assignment of judges. The Chief Justice is authorized to reassign active judges as well as assign retired judges temporarily to courts that are congested or where judges are disqualified for particular cases or where vacancies exist.

The administrative office surveys the need for additional judicial positions on a workload basis and reports such findings to the Judicial Council. These reports are utilized by the Legislature in determining the need for additional judicial positions in the superior and municipal courts. The council conducts institutes and workshops for judges in order to improve interchange of information in the judiciary and interaction between the judges and the council.

ANALYSIS AND RECOMMENDATIONS

We recommend approval of these items.

Total expenditure for the Judicial Council and related budget items for 1969-70 is \$897,630 consisting of the following fund requests.

<i>Item 18, General Fund for Judicial Council operations</i>	<i>\$562,340</i>
<i>Item 20, Motor Vehicle Fund (Highway Safety Program)</i>	<i>10,145</i>
<i>Federal Grant</i>	<i>10,145</i>
<i>Item, 19, General Fund for Extra Compensation, expenses, and Staff for Assigned Judges</i>	<i>235,000</i>
<i>Transfer from other appropriations for assigned judges program</i>	<i>60,000</i>
<i>Item 17, Recordkeeping Procedures Study</i>	<i>20,000</i>
<i>Total</i>	<i>\$897,630</i>

Judicial Council and Administrative Office

The General Fund amount of \$562,340 is to support the ongoing operations of the Judicial Council and the Administrative Office of the California Courts. This represents an increase of \$23,807 or 4.5 percent over the estimated expenditure level for the 1968-69 fiscal year and is justified on the basis of workload and price increases.

Commission on Judicial Qualifications**Item 21****Judicial Council—Continued****Proposed Traffic Court Coordination Programs**

1 Attorney IV ----- \$18,576

We recommend this position be approved.

The position is requested to implement and coordinate various programs for statewide uniformity and consistency of procedure in traffic courts. Programs contemplated for implementation and coordination by the proposed position are uniform bail schedules, traffic citations and other forms and procedures utilized by the traffic courts. The position is to be funded equally by \$10,145 from the Motor Vehicle Fund and a like amount of federal funds.

The agency is also requesting an additional 1.1 positions that are justified on a workload increase basis.

Assigned Judges Program

The funding for this program consists of a separate budget item of \$235,000 and an additional \$60,000 to be transferred from estimated salary savings in the budget item relating to the state's share of judicial salaries. The substantial increase in 1968-69 and 1969-70 fiscal years over the 1967-68 level of expenditure is due primarily to the salary increase for judges effective September 1, 1968 and to the continuing need of assigned judges due to workload increases.

Recordkeeping Procedure Study

As a separate budget item, the agency is requesting \$20,000 to contract for a recordkeeping and procedures study of the five courts of appeal.

The proposed study was previously approved by the Legislature and deferred by the agency to effect budgetary savings. The study would be conducted under contract by a consulting firm. The study is needed to improve the efficiency of recordkeeping and other procedures of the courts of appeal.

COMMISSION ON JUDICIAL QUALIFICATIONS**Item 21 from the General Fund**

Requested 1969-70 -----	\$39,222
Estimated 1968-69 -----	38,334
Actual 1967-68 -----	33,901
Requested increase \$888 (2.3 percent)	
Total recommended reduction -----	None

GENERAL PROGRAM STATEMENT

The commission is charged with the responsibility of receiving and investigating complaints against individual members of the judiciary relating to willful misconduct, habitual intemperance, serious disability and other causes prejudicial to the administration of justice.

Commission on Judicial Qualifications—Continued

The commission was established by Article VI, Section 8 of the California Constitution, and its duties are otherwise indicated in Article IV, Section 18. The nine members must include five judges appointed by the Supreme Court, two attorneys appointed by the State Bar and two public members appointed by the Governor.

ANALYSIS AND RECOMMENDATIONS

We recommend approval of this item.

The total amount requested to carry out the duties of the commission including staff, operating expenses, and equipment is \$39,222. This is an increase of \$888 or 2.3 percent over the estimated expenditure for 1968-69.

COURTS OF APPEAL**Items 22 through 26 from the General Fund**

Requested 1969-70	\$4,886,495
Estimated 1968-69	4,320,239
Actual 1967-68	3,259,025
Requested increase \$566,256 (13.1 percent)	
Total recommended reduction	None

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**1. Workload Needs by Weighted Case Units.**

We recommend tentative approval of this workload measurement pending future validation of accuracy in meeting court needs. (Analysis page 12.)

GENERAL PROGRAM STATEMENT

The five courts of appeal are authorized under Article VI of the Constitution of California to review all appeals, except death penalty cases, flowing from the superior courts and as prescribed by statute. It is an intermediate appellate step between the Supreme Court and the trial courts.

The courts of appeal consist of one or more divisions of three or four justices and are located as shown in Table 1.

Table 1
Courts of Appeal

<i>Appellate district</i>	<i>Location</i>	<i>Number of divisions</i>	<i>Justices per division</i>
1	San Francisco	4	3
2	Los Angeles	5	4
3	Sacramento	1	4
4	San Diego/San Bernardino	2	3
5	Fresno	1	3

ANALYSIS AND RECOMMENDATIONS

We recommend approval of these items in the amounts budgeted.

The amounts requested for operation of the five courts of appeal are reflected in Table 2.

Courts of Appeal—Continued

Table 2
Summary of Expenditures—Courts of Appeal

Appellate district	Actual 1967-68	Estimated 1968-69	Proposed 1969-70	Increase over prior year	
				Amount	Percent
1-----	\$869,426	\$1,033,789	\$1,096,725	\$62,936	6.1
2-----	1,306,290	1,990,955	2,219,309	228,354	11.5
3-----	302,865	421,992	536,713	114,721	27.2
4-----	527,003	584,886	723,215	138,329	23.7
5-----	253,441	288,617	310,533	21,916	7.6
Totals-----	\$3,259,025	\$4,320,239	\$4,886,495	\$566,256	13.1

This table reflects an increase of 13.1 percent in overall expenditures in 1969-70 over 1968-69. These increases range from a low of 6.1 percent in the first district to a high of 27.2 percent in the third district and are primarily related to workload and price increases as well as merit salary adjustments. It is noted that all 45 appellate judges received a 22.289-percent salary increase effective September 1, 1968, which accounts for a major portion of the overall increase in expenditures.

Workload Needs by Weighted Case Units

We recommend tentative approval of this workload measurement, pending future validation of accuracy in meeting court needs.

The courts of appeal have adopted a new weighted unit system for determining workload of the courts. Heretofore, total filings were used which did not give proper consideration of the workload involved in the different types of cases. The weighting system established is based on the courts' conclusion that the average civil case requires approximately 1.75 times the effort of the average criminal case. Thus, a disproportionate increase in criminal filings, as has occurred in recent years, would distort the actual workload increase based on filings alone.

The result of this method of compilation is a standard of 3,600 weighted units for each three judge division per year. The 3,600 units would provide that each judge would average one civil or 1.75 criminal written opinions per week for 48 weeks per year. The weighted units are based on a survey of the experience of the courts of appeal in handling the various matters presented to them.

Workload increases on a weighted unit basis are projected from a low of 1.3 percent for the Third District to a high of 11.1 percent and 11.0 percent in the First and Second Districts respectively. The overall workload increase for the courts of appeal is 8.9 percent, as compared to a 13.1-percent requested increase in expenditures.

On a weighted case unit basis as projected by the agency, there will be a need for 56.6 judicial positions to handle the 1969-70 workload. This would represent an increase of 11.6 judicial positions over the 45 appellate court judges currently authorized.

In addition the agency advises that there was, as of July 31, 1968, a backlog of cases equivalent to 17.8 judge-years of work on a weighted

Courts of Appeal—Continued

unit basis. The backlog of cases has continued to increase in spite of new judicial appointments and utilization of assigned judges. For instance, the backlog was 13 percent higher on June 30, 1966, than one year prior and increased an additional 15 percent by June 30, 1967. The backlog of cases, while indicative of increasing workload, contains cases in various stages of preparation, and all are not ready for hearing. The actual backlog of cases ready to be heard on June 30, 1966, was 937 out of the total backlog of 3,081 cases. This increased to 949 cases ready and awaiting hearing on June 30, 1967, out of a total backlog of 3,545 pending cases.

Therefore, even if the 17.8 judges were provided, the entire backlog of cases could not be eliminated. Since the period for which these statistics were gathered, six additional judicial positions have been authorized. Still the projected increases in the actual backlog and filings will require the use of assigned judges in addition to the regularly appointed judges, according to the agency.

Need for Proposed New Positions

We recommend approval of 10.5 positions as requested.

In order to provide services to assigned judges required because of caseload increases, to provide for staffing deficiencies and to relieve some of the backlog of cases, the agency is budgeted positions as follows.

1	attorney III	\$14,556
3	research assistant I	28,872
4	judicial secretary II	35,000
1	judicial secretary I	6,852
1	senior clerk	6,282
0.5	temporary help	3,450
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10.5	positions	\$95,012

These positions are requested on the basis of previously approved staffing standards for regularly appointed judges. We are in accord with this request to provide research and secretarial staff for temporarily assigned judges which should improve their efficiency. The extent of assignment of judges will be determined by caseload buildup in the various courts and the availability of funds and personnel.

Second District Librarian

We recommend approval of one assistant librarian at a cost of \$7,728.

This position is requested to provide supervision of the Second District library which is to be expanded and relocated. The position is justified on a workload basis.

Operating Expenses and Equipment

The total amount requested for these combined expenditure categories is \$1,285,594 and is in line with the workload need of these courts.