

Legislators' Retirement—Continued

General Fund. Table 1 below, taken from the Board of Administration of the Public Employees' Retirement System's annual reports for the past five years, reflects the 1967 increase in annual salaries and the increased number of retirements due to reapportionment as well as the cost-of-living increases granted annuitants since 1964.

Table 1
Selected Data, Legislators' Retirement System

Detail	1964-65	1965-66	1966-67	1967-68	1968-69
Active members -----	129	126	129	131	127
Inactive members -----	65	64	68	64	66
Retirees and beneficiaries -----	67	68	96	99	101
Deaths during year -----	6	3	4	2	6
State contribution -----	\$350,000	\$360,000	\$370,000	\$510,000	\$540,000
Interest income -----	27,803	32,349	41,031	51,118	61,395
Total benefits paid -----	\$338,696	\$321,339	\$411,393	\$473,182	\$555,633
Investments (book value) as of June 30 -----	\$557,035	\$607,616	\$740,273	\$873,406	\$960,594

JUDICIAL

Item 18 from the General Fund

Item 19 from the Motor Vehicle Fund

Budget page 8

Requested 1970-71 -----	\$7,821,885
Estimated 1969-70 -----	7,939,325
Actual 1968-69 -----	6,487,378
Decrease \$117,440 (1.5 percent)	
Total recommended increase -----	\$352,044

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

Analysis
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Recommend addition of 12 research attorneys and 7 related clerical positions, \$352,044 (Item 18). 9

GENERAL PROGRAM STATEMENT

Section 1, Article VI of the California Constitution vests the judicial power of the state in the Supreme Court, courts of appeal, superior, municipal, and justice courts. The Supreme Court and courts of appeal are wholly state supported. Except for the major portion of the superior court judges' salaries, the remaining courts are county supported.

Section 6 of Article VI created the Judicial Council and provided for its membership and duties. The purpose of the council is to improve the administration of justice by surveying judicial business and making appropriate recommendations; adopting rules for court administration, practice and procedure, not inconsistent with statute; and performing other duties as prescribed by statute.

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ANALYSIS AND RECOMMENDATION

The budget requests for the Supreme Court, courts of appeal and Judicial Council are included in this single budget item. Previously each constituted a separate budget item. The total state support requested consists of \$7,810,029 from the General Fund and \$11,856 from the Motor Vehicle Fund, for a total of \$7,821,885. This represents a decrease of \$117,440 or 1.5 percent below the 1969-70 estimated total of \$7,939,325 from the same two funds in approximately the same proportion.

I. SUPREME COURT

The total requested for operation of this court in fiscal year 1970-71 is \$1,759,241, which is a decrease of \$19,011 or 1.1 percent below projected expenditures for the current fiscal year. This decrease is due to a one-time expenditure of \$63,560 for space alterations in the current year which is not included in the budget year. This gross reduction in expenditures is partially offset by increases in personal services and operating expenses resulting in the net expenditure decrease in 1970-71. The increases referred to are largely due to authorized salary adjustments and price increases.

Workload Factors

During the 11-year period from 1957-58 to 1967-68, total filings in the Supreme Court increased 140 percent from 1,245 to 2,990 cases. Filings continued to increase and in 1968-69 totaled 3,322 as compared to the 3,300 filings for that year previously estimated by the court. The court now estimates there will be 3,650 cases filed in the current year and 4,000 in the budget year. The number of filings per justice in 1957-58 was 178 cases as compared to an estimated 571 cases per justice in 1970-71.

As the number of Supreme Court justices does not increase with the workload, the court had to provide means to dispose of cases in excess of what could be handled by the established number of justices. One means at the court's disposal was to transfer certain cases to the courts of appeal. This method has been and is being utilized. Other methods have been to provide additional staff and improve procedures for more efficient utilization of judicial time. Four additional research attorney positions were authorized for the current year, which was the first such staff increase since 1957-58. These positions together with research staff previously assigned to each justice will provide research services to the court. This arrangement plus procedural changes permitting disposition of some cases by memorandum rather than fully drawn opinions should aid the court in coping with its ever increasing workload.

There are no new positions or programs requested for this court in the 1970-71 budget.

II. COURTS OF APPEAL

There are five courts of appeal each serving a distinct geographic district. The courts consist of from one to five divisions of three and four judges each. The courts of appeal provide an intermediate ap-

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pellate level between the superior courts and the Supreme Court. All appeals, except death penalty cases and causes over which the Supreme Court has original jurisdiction, i.e. habeas corpus, mandamus, prohibition and certiorari, must be determined by the courts of appeal subject to final appeal to the Supreme Court.

The total amount requested for all five courts in fiscal 1970-71 is \$5,160,722, a decrease of \$74,554 or 1.4 percent below the estimated expenditures for the current year. The decrease results even though there is a significant workload increase reflected by increased case filings. The net reduction results from a more substantial reduction in the space alterations category, which is budgeted at \$303,880 in 1969-70 and only \$45,000 in 1970-71. The remainder of the total reduction is largely offset by price and workload increases.

The equivalent of 0.6 of a position divided between two courts for temporary help workload increases is the total proposed new positions requested for the courts of appeal for 1970-71.

Workload Factors and Court Needs

The courts of appeal have adopted a weighted caseload unit work measurement to project anticipated workload and judgeship needs as reflected in Table 1.

Table 1
Courts of Appeal—Weighted Caseload Units and Judges Needed

<i>Fiscal year</i>	<i>Total units</i>	<i>Increase over prior year</i>		<i>Judges required</i>	<i>Judges authorized</i>
		<i>Amount</i>	<i>Percent</i>		
1965-66	48,246	—	—	40.2	33
1966-67	51,832	3,586	7.4	43.2	39
1967-68	57,406	5,574	10.8	47.8	39
1968-69	60,487	3,000	5.2	50.4	45
1969-70 ¹	64,600	4,113	6.8	53.8	48
1970-71 ²	69,100	4,500	7.0	57.6	48

¹ Estimated, based on first four months actual and last six months average of three of last five years.

² Projected.

Based on prior experience the projected workload in Table 1 appears reasonable and it reflects the need for 57.6 judges or 9.6 more than are currently authorized. No new judicial or full-time staff positions are requested in the budget. Without additional judicial positions, the workload will have to be assumed by the existing justices assisted by judges temporarily assigned to the courts. Based on current trends in appellate court workload, the Administrative Office of the Courts has projected a need for 96 justices by fiscal 1974-75, which is double the number presently authorized. In 1968-69, assigned judges filed 411 opinions, which is equivalent to more than the output of one four-judge court.

An alternative to the continual increase in judges is the addition of research staff and procedural modifications which would reduce the need for fully drafted and documented case opinions in those cases not actually warranting such complete response. The courts of appeals have considered these alternatives and concluded that adding additional research staff, fixing administrative responsibility on one presiding justice

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of each court district, and utilizing short-form memorandum opinions would be the method to cope with the increasing workload demands on the courts.

Where the use of central research attorneys have been employed in other states, such as in the Michigan Court of Appeals, the increase in productivity has been dramatic. It has been found that centrally directed research attorneys are much more effective than additional attorneys assigned to individual judges. In view of the growing problem of court delay related to the rapidly increasing number of appeals from trial court decisions, we believe that an increase of \$352,044 in Item 18 to provide for the employment of 12 research attorneys and 7 related clerical positions to be assigned to the San Francisco, Los Angeles and Sacramento courts is fully justified. We believe that savings in the salaries and related fringe costs of additional judges will pay for the increase. The Governor's budgets have historically failed to anticipate and fund the need for added judges and separate bills have been introduced by legislators for this purpose. We recommend that this item be augmented and believe that no additional appeal court judges need be approved in this session. We also concur in the opinion of the Judicial Council that this action will make additional judges unnecessary for some time to come. We are recommending elsewhere in this analysis statutory changes in the Judges Retirement System which will reduce costs of retirement benefits.

While the courts are primarily relying on the weighted unit workload measurements there are other data available reflecting workload factors for the courts. For instance, appeals filed in 1968-69 totaled 3,877, and increase of 207 over the 3,670 filed in 1967-68. Appeals do not include other matters brought before the courts and do not differentiate the varying workload requirements of the different matters as does the weighted case unit formula.

Appeals pending on June 30, 1969, totaled 3,675 cases, a slight decrease from the 3,707 appeals pending June 30, 1968. Of the total pending appeals, those procedurally ready to be placed before the judges for consideration have increased from 1,012 on June 30, 1968, to 1,540 on June 30, 1969. Therefore, additional judicial effort could reduce the number of pending appeals and thereby reduce the time period between the appeal filing date and issuance of the final judgment. This time lag has increased for civil appeals from an average of 15.1 months for opinions filed in July, 1964, to 21.5 months for opinions filed in the first quarter of 1969. Criminal appeals take precedent over civil and the time lag has remained relatively constant, averaging 12.8 months in July 1964 and 13.1 months in the first quarter of 1969.

III. JUDICIAL COUNCIL

The Judicial Council portion of the judicial budget includes General Fund moneys totaling \$890,066 for the operation of the Administrative Office of the Courts, expenses relating to judges' institutes, and expenses of the assigned judges program. In addition, this budget section includes a traffic court coordination program financed by funds from

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the federal government and the state Motor Vehicle Fund (\$11,856) and a study of the organization of California traffic courts (municipal and justice) financed by federal funds with in-kind services furnished by employees of the San Francisco Municipal Court representing the local share of the entire program. A federal grant of \$278,500 has been approved for the three-year study. No state funds are involved.

The Traffic Court Coordination Program is to implement and coordinate various programs for statewide uniformity and consistency of procedure in traffic courts. Programs to be considered for implementation on a uniform basis are bail schedules, traffic citations, and other forms and procedures utilized by traffic courts. This coordination program was first authorized in the current fiscal year.

The traffic court organization study grant was approved September 26, 1969 for the study period October 1, 1969, to October 1, 1972. The proposed new position of project director has been administratively established, and the study was commenced on November 10, 1969. The study has two basic components. One relates to the basic statewide organization of the lower courts. It must determine whether the present system of municipal and justice court districts established in each county by the board of supervisors is the most desirable system, and, if not, what changes should be made. The second part of the study concerns the determination of the ideal system for each of the 58 counties, i.e. how many courts, their location, etc. As a part of these determinations, the survey would include the condition and the nature of the court business, caseload, locations and facilities of the courts, population, geographic and climatic conditions, transportation and highway facilities and other factors.

COMMISSION ON JUDICIAL QUALIFICATIONS

Item 20 from the General Fund

Budget page 11

Requested 1970-71 -----	\$42,277
Estimated 1969-70 -----	40,842
Actual 1968-69 -----	35,160
Requested increase \$1,435 (3.5 percent)	
Increase to improve level of service \$600	
Total recommended reduction -----	None

GENERAL PROGRAM STATEMENT

The commission is authorized by Section 8, Article VI, of the California Constitution and consists of nine members. These include five judges appointed by the Supreme Court, two attorneys appointed by the State Bar and two public members appointed by the Governor.

The duties of the commission relating to judicial qualifications are set forth in Section 18 of Article VI. These include receiving, investigating and hearing complaints concerning the qualifications and conduct of the judiciary. The commission may recommend to the Supreme

Commission on Judicial Qualifications—Continued

Court that a judge be retired for disability or to censure or remove him from office for causes set forth in Section 18.

ANALYSIS AND RECOMMENDATIONS

We recommend approval.

The commission is requesting \$42,277 for its operations in fiscal 1970-71, an increase of \$1,435 or 3.5 percent over the current year's estimated expenditures. Included in the increase is \$600 for out-of-state travel. This would permit the chairman, a commission member and the executive secretary to participate in a national meeting on judicial qualifications.

During 1968-69, the commission disposed of 145 complaints against the judiciary and it estimates 160 complaints in 1969-70 and 175 in 1970-71. Most of these complaints were disposed of as being unfounded, but there was a recognition of fault by the judges in 35 instances and there were two resignations or retirements.

GOVERNOR'S OFFICE

Items 21-23 from the General Fund	Budget page 17
Requested 1970-71 -----	\$1,549,588
Estimated 1969-70 -----	1,626,733
Actual 1968-69 -----	1,528,300
Requested decrease \$77,145 (4.7 percent)	
Total recommended reduction -----	None

GENERAL PROGRAM STATEMENT

The supreme executive power of the State of California is vested in the Governor, who is responsible under the Constitution for seeing that the law is faithfully executed. He is invested with broad powers, among which are the following:

1. To plan, organize, reorganize and direct the activities of state agencies and to appoint various state officers and members of boards and commissions.
2. To prepare and present to the Legislature the state budget outlining programs and the means by which they are to be financed.
3. To report to the Legislature on the condition of the state and make proposals for legislation.
4. To approve or veto legislation adopted by the Legislature.
5. To act as required with reference to other responsibilities such as issuing pardons and commanding the militia.

The Governor maintains his principal office in Sacramento with additional facilities located in San Francisco and Los Angeles.

The Governor's responsibilities are administered under three budget categories: (1) Governor's office, (2) Governor's residence, and (3) contingent expenses, each of which is summarized below.