

**LEGISLATORS' RETIREMENT SYSTEM—Continued**

fully funded basis. As stated above, such recommendations are expected on or before February 1, 1974.

**JUDICIAL**

Item 17 from the General Fund  
and 18 from the Motor Vehicle Account, State Transportation Fund

Budget p. 3 Program p. I-9

Requested 1974-75 .....	\$11,730,646
Estimated 1973-74.....	11,110,087
Actual 1972-73 .....	9,710,301
Requested increase \$620,559 (5.6 percent)	
Increase to improve level of service \$109,775	
Total recommended reduction .....	\$61,775

**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**

*Analysis  
page*

1. *Court of Appeals, Third District. Reduce \$109,775.* Delete two associate justices, two senior attorneys II and two judicial secretaries. 15
2. *Court of Appeals, First District. Augment \$48,000.* Add two senior attorneys II for increased workload. 16

**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 and employer contributions to the Judges' Retirement Fund for superior and municipal court judges (which costs are paid by the state), the remaining courts are supported by the counties and by fees and costs collected by the courts.

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

The state-supported courts hear appeals alleging errors in procedure or interpretation of law in the trial courts; resolve conflicting interpretations of law between trial courts; interpret the provisions of the State Constitution when appropriate constitutional issues are raised on appeal; hold hearings on and grant or deny writs of habeas corpus, mandamus, etc.; and process other motions and orders authorized by law. The law also provides for appeals from decisions of the justice and municipal courts to the superior court.

The state-supported portion of the court system consists of five courts of appeal, each of which serves a distinct geographic area and hears appeals from superior courts within its district, and a Supreme Court, which is the final arbiter on the interpretation and application of state law except in cases involving the U.S. Constitution and federal laws, in which case the final decision is made by the U.S. Supreme Court.

Including reimbursements, the total state judicial budget proposed for 1974-75 is \$12,715,108, an increase of \$463,000 or 3.8 percent over estimated current-year expenditures. This expenditure program is proposed to be funded as follows:

<i>Item No.</i>	<i>Amount</i>	<i>Source</i>
17.....	\$11,704,964	General Fund
18.....	25,682	Motor Vehicle Fund
	984,462	Reimbursements (other)
Total.....	\$12,715,108	

## ANALYSIS AND RECOMMENDATIONS

### I. SUPREME COURT

#### Program Description

As California's court of final appeal, the Supreme Court is responsible for deciding important questions of law and maintaining uniformity of decisions. Its specific functions and powers include the following:

1. Holds hearings on writs of habeas corpus, mandamus, prohibition, and certiorari.
2. Hears appeals in all cases involving death sentences.
3. Hears appeals from decisions of the courts of appeal in civil and criminal cases involving interpretation of state law.
4. Transfers cases to the courts of appeal to relieve its workload pressures.
5. Hears executive clemency applications of persons who have had two or more felony convictions.
6. Admits qualified applicants to the practice of law.
7. Passes on disciplinary recommendations of the Board of Governors of the State Bar.
8. Appoints counsel for indigent criminal appellants.
9. Provides for the filing of cases and preparation of case records.
10. Ascertains, through its office of "reporter of decisions," that its decisions (and those of the courts of appeal and superior courts deemed of sufficient importance to be published) have been accurately printed. The decisions are published by a private printer.

The Supreme Court, consisting of the Chief Justice and six associate justices, is assisted by a clerk of the court and 69 staff members including attorneys, deputy court clerks, a reporter of decisions and various technical and clerical personnel.

The court's workload is measured by the number of cases and other matters which are filed with it for review and disposition. Table 1 summarizes this workload experience for the most recent four-year period and projects for the current and budget years the number of petitions to

**JUDICIAL—Continued**

review cases which have been decided by the courts of appeal.

**Table 1**  
**California Supreme Court**  
**Summary of Filings**  
**Fiscal Years 1969-70 Through 1974-75**

Detail	Fiscal year					
	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75
Total filings.....	3,400	3,179	3,238	3,139	N/A	N/A
Criminal appeals.....	17	38	11	0	N/A	N/A
Original Proceedings						
Civil.....	84	108	178	160	N/A	N/A
Criminal.....	1,235	835	632	593	N/A	N/A
Petitions to review cases decided by courts of appeal.....	2,064	2,198	2,417	2,386	2,600	2,800

As shown in Table 1, there was a decrease of 99 in total filings in 1972-73 below 1971-72 and also 261 filings below the 3,400 total filing level of 1969-70. While there has been a continuing decline in criminal original proceedings, this has been partially offset by increases in civil original proceedings and petitions to review decisions of the courts of appeal.

Last year, the Supreme Court estimated that petitions to review cases decided by the courts of appeal would total 2,600 in fiscal year 1972-73 and increase to 2,800 in fiscal year 1973-74. The court advised that without additional attorneys it would be necessary to deny hearings to a greater number of petitions. On that basis, we recommended the addition of two research attorneys which would have enabled the court to handle the projected number of petitions with a caseload of 85 cases per attorney, including the two new attorneys and the 31 existing attorney positions. The Legislature approved the two attorney positions but the Governor deleted them.

In reviewing the Supreme Court's revised estimates of petition filings recently supplied to our office, we note that the 1972-73 estimate of 2,600 petitions was overstated, the actual number being reported as 2,386. The previous estimate of 2,800 petitions for the current year has been reduced to 2,600, and the 2,800 figure is now projected for the budget year.

On the basis of this workload experience and due to the decline in total filings reflected in Table 1, we are not recommending approval of any staff increase in the budget year.

**Budget Request**

To support its operations in the budget year, the Supreme Court is requesting a program expenditure level of \$2,279,029, which represents an increase of \$35,395 or 1.6 percent over estimated current-year expenditures of \$2,243,634. This increase consists of judicial and employee salary increases, and normal price increases in operating expenditures. The budget proposes continuation of the court's currently authorized staff of 69 positions.

Table 2 shows that the slight increase in total actions handled by the Supreme Court in 1972-73 over 1971-72 is still below the level of accomplishment for 1969-70. The major increase in total transactions has been

in the category of hearings denied, which has increased from 1,716 denials in 1968-69 to 2,205 in 1972-73.

**Table 2**  
**California Supreme Court**  
**Business Transacted**

<i>Detail</i>	<i>Fiscal years</i>				
	<i>1968-69</i>	<i>1969-70</i>	<i>1970-71</i>	<i>1971-72</i>	<i>1972-73</i>
Total actions .....	4,124	4,772	4,637	4,673	4,691
Appeals .....	142	114	127	93	119
Original proceedings (including habeas corpus)					
Written opinions .....	66	91	86	76	62
Nonwritten opinions .....	1,180	1,121	911	802	588
Hearings					
Granted .....	158	191	204	230	181
Denied .....	1,716	1,873	1,994	2,187	2,205
Rehearings					
Granted .....	5	0	1	1	2
Denied .....	93	95	87	55	62
Orders					
Transfers and retractions ....	157	177	169	198	231
Miscellaneous .....	551	997	948	940	1,161
Other actions .....	56	113	110	91	80

Source: Annual report of the Judicial Council.

## II. COURTS OF APPEAL

### Program Description

Each of the five courts of appeal has appellate jurisdiction over all cases filed in the trial courts within its district. Subject to final appeal to the Supreme Court, each has original jurisdiction (i.e., cases may be initiated in these courts without prior adjudication in the superior, municipal and justice courts) over certain criminal matters (writs of habeas corpus) and civil causes (writs of mandamus, prohibition, and administrative review). Mandamus is an order directing performance of a generally affirmative nature, whereas prohibition is usually negative in form. Under procedures adopted in 1969, all original civil appeals are referred to the courts of appeal by the Supreme Court.

### Organization and Workload

Each court of appeal consists of one or more divisions. Except for one division which has five judges, each division has three or four judges who sit as a single court to hear cases and issue opinions. While the cases are heard and decided en banc (that is, by the full court), the opinions are usually written by one judge with the concurrence of the remaining judges or a majority of them. There may be written dissenting opinions when the decision of the court is not unanimous.

Each judge is assisted by a research attorney and a secretary. Centralized staffs of research attorneys have been provided all appellate districts, except the fifth, to provide an initial screening of matters brought before the courts. This added staffing was authorized in 1970 as a means of handling the increasing workload and improving the efficiency of these courts.

## JUDICIAL—Continued

The workload of the courts of appeal, represented by the number of cases filed on a weighted unit basis, is shown in Table 3.

**Table 3**  
**California Courts of Appeal**  
**Filings on a Weighted-Unit Basis**

<i>Filings per district</i>	<i>Fiscal year</i>				
	1970-71	1971-72	1972-73	1973-74 <sup>a</sup>	1974-75 <sup>a</sup>
First district					
Weighted units.....	19,973	22,502	24,331	27,300	28,900
Average per judge .....	1,664	1,875	2,028	2,275	2,408
Second district					
Weighted units.....	33,418	31,473	31,497	33,100	34,800
Average per judge .....	1,671	1,574	1,575	1,655	1,740
Third district					
Weighted units.....	6,196	6,341	8,479	8,700	9,400
Average per judge .....	1,549	1,585	2,120	1,740 <sup>b</sup>	1,446 <sup>b</sup>
Fourth district					
Weighted units.....	11,253	12,546	13,911	14,600	16,500
Average per judge .....	1,250	1,394	1,546	1,622	1,833
Fifth district					
Weighted units.....	3,751	4,329	4,325	5,000	5,300
Average per judge .....	1,250	1,443	1,442	1,667	1,767
Total all districts					
Weighted units.....	74,591	77,191	82,543	88,700	94,900
Average per judge .....	1,554	1,608	1,720	1,810	1,898

<sup>a</sup> Estimated.

<sup>b</sup> To reflect the effective dates of newly authorized judgeships, our computation is based on the equivalent of five judges in 1973-74 and the equivalent of 6.5 judges in 1974-75.

Source: Administrative Office of the Courts.

The weighted-unit approach to workload measurement shown in Table 3, which involves the assigning of a weight factor to each court filing based on the complexity of the case and the time normally required to complete it, provides a more meaningful basis for comparing and evaluating workload among the courts of appeal. Both the filings for the last completed fiscal year (1972-73) and the estimated filings for the current and budget years reflect continuing workload increases in these courts. The estimated total filings of 94,900 weighted units in 1974-75 compare to 88,700 units in 1973-74 and 82,543 units in 1972-73. Average workload per individual judge also is increasing to an estimated 1,898 units in 1974-75 compared to 1,810 units in 1973-74 and 1,720 units in 1972-73.

The workload growth reflected in Table 3 has been handled in recent years by the more economical method of increasing the legal research staff and improving operating procedures rather than by creating new judgeships as was done previously. This policy was modified in 1973 by the adoption of Chapter 1124, Statutes of 1973, which provided two additional judges to the third district in 1973-74 and an additional judge for the same district effective January 15, 1975, thus giving this district a total of seven judges. The new positions are discussed under a separate heading below.

**Budget Request (Courts of Appeal)**

The courts of appeal propose a budget-year program expenditure level of \$8,000,536, which is an increase of \$370,506 or 4.9 percent over 1973-74 estimated expenditures. The increase consists of judicial and merit salary increases, increases in staff benefits and higher operating costs caused by price increases and the following 11 proposed new positions: three associate justices and their related staff of three senior attorneys II and three judicial secretaries II, as well as a deputy clerk I for the third district plus a deputy clerk I for the fourth district. The deputy clerk positions and one associate justice with related staff attorney and secretary are recommended for approval on a workload basis.

**New Judicial Positions—Third District**

*We recommend the deletion of two associate judges, two senior attorneys II and two judicial secretaries II for a saving of \$109,775, exclusive of staff benefits.*

It should be noted that one of each of these position classifications will not be effective until January 15, 1975, under the provisions of Chapter 1124, Statutes of 1973, which authorized the additional judges. Therefore, this budget would fund those three positions for only five and one-half months of the 1974-75 fiscal year.

As previously indicated in Table 3, the workload of the courts of appeal has continued to increase from a low of 1,554 weighted units per judge in 1970-71 to an estimated 1,898 weighted units per judge in 1974-75. No new positions are proposed in the Governor's Budget to handle the increasing workload except for the third district, although this district would have the lowest average caseload per judge for 1974-75 considering only part-year input from the seventh judge authorized as of January 15, 1975.

Prior to the 1969-70 fiscal year, as noted above, workload increases in the courts of appeal were met by the appointment of additional judges and related staff. Since that time, workload growth has been handled by adding research attorneys instead of judges. The use of legal positions as centralized legal research staff, combined with procedural changes in the courts, has proved to be a substantially more economical way of responding to the increase in filings.

In furtherance of the program of adding research staff in lieu of increasing the number of judges, 12 new attorney positions were authorized in 1970-71, two more in 1971-72, and another two in 1972-73, bringing the total number of authorized research attorneys to 79.

The purpose of the central research staff is to screen all criminal appeals and original writ applications and to prepare staff memoranda prior to discussion of these matters by the court in conference, and prior to the assignment of the cases to an individual judge. The staff screening process saves judicial time by identifying cases that the court might be able to dispose of by memorandum opinion after conference consideration and oral argument. No new justices have been added since the establishment of the central research staff in 1970.

While the projected workload increase for the third district would justify seven judges in the 1974-75 fiscal year if no central research attorneys

**JUDICIAL—Continued**

were provided, the addition of three judges for this court places it in a better workload position than the other districts. Workload projections for the remaining four districts would support a need for 27 additional judges if a centralized legal research staff was not provided. However, in lieu of adding the additional judges, these courts (excluding the third district) can show a workload need for 14 additional research attorneys, but such were not included in the Governor's Budget for the 1974-75 fiscal year because a task force appointed by the Governor reportedly is evaluating the workload needs and organization of the courts of appeal. The Administrative Office of the Courts advises that the Judicial Council will urge approval of only two of the 14 needed attorney positions for the 1974-75 fiscal year until the expected task force report on workload needs and court organization has been received and evaluated by the council. The council anticipates that legislation will be introduced at the 1974 legislative session to augment the 1974-75 judicial budget as needed if the report is not completed in time for consideration by the Legislature prior to final action on the Budget Bill. The remaining two attorney positions, which we are recommending for approval, are discussed hereinafter.

When a judgeship is created, legislatively approved staffing standards provide a research attorney and a secretarial position to support the judgeship. If an attorney is added to a centralized research staff in lieu of appointment of an additional judge, the result is the addition of one instead of three positions at a salary savings of \$53,384. We believe that the third district should not be placed in a substantially better workload position than the other courts and that the Legislature should review carefully proposed increases in judgeships when the workload could be more economically accomplished by adding to centralized research attorney staff.

Due to the heavy workload increase, we are recommending approval of the funding for one additional judge and related staff to provide workload relief to the third district rather than funding for the three additional judges authorized in the 1973 legislative session.

**Need Research Staff for Assigned Judges—First District**

*We recommend that two senior attorneys II plus related operating costs and equipment totaling \$48,000 be approved for the first district to provide legal research staff to assigned judges on a workload basis.*

As noted in Table 3, the first district has substantially greater workload as measured by average weighted units per judge. In order to provide some workload relief to the court and prevent an intolerable buildup in backlog and trial delay, the Judicial Council will temporarily assign retired judges to this court. The positions recommended in augmentation of the proposed staffing level would provide needed assistance to permit the most efficient use of the assigned judges.

The accomplishments of the courts of appeal are summarized in Table 4.

Table 4 shows that the courts of appeal handled a total of 17,375 matters in 1972-73, which was a significant increase over the levels of previous years. The largest increase occurred in the number of orders disposed of,

**Table 4**  
**California Courts of Appeal**  
**Business Transacted**

<i>Detail</i>	<i>Fiscal years</i>				
	<i>1968-69</i>	<i>1969-70</i>	<i>1970-71</i>	<i>1971-72</i>	<i>1972-73</i>
Total matters (all causes) .....	12,808	14,500	15,891	16,482	17,375
Appeals .....	4,386	4,834	5,310	5,492	5,504
Original proceedings (writs of habeas corpus, manda- mus, prohibition, etc.) .....	2,674	3,118	3,244	3,223	3,351
Motions (miscellaneous) .....	324	317	382	396	436
Orders (miscellaneous) .....	4,647	5,446	6,090	6,378	7,086
Rehearings .....	827	785	862	993	998

which rose from 4,647 in 1968-69 to 7,086 in 1972-73. On a per-judge basis (excluding assigned judges), the courts disposed of an average of 362 matters in 1972-73 compared to 343.4 in 1971-72 and 331 in 1970-71.

### III. JUDICIAL COUNCIL

#### Program Description

The Judicial Council consists of the Chief Justice as chairman; one other judge of the Supreme Court; five superior, three municipal, and two justice court judges; four members of the State Bar; and one member of each house of the Legislature. The purpose of the council, as set forth in Section 6, Article VI, of the California Constitution is as follows:

"To improve the administration of justice, the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and the Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute."

Section 6 provides that the chairman of the council shall seek to expedite judicial business and equalize the work of judges. He may assign judges from one court to another, but not to a lower court without the consent of the judge. He may also appoint retired judges to temporary judicial duties.

The council appoints the Administrative Director of the Courts who heads the Administrative Office of the Courts. This administrative office provides the staff to carry out the functions of the council.

The Judicial Council engages in the following activities:

1. Conducts continuous statistical surveys of court operations to determine court needs.
2. Publishes an annual report containing recommendations for improvement of court administration and statistical data on court workload and accomplishments.
3. Reports to the Legislature on the need for additional judges in specific courts.
4. Conducts studies relating to changes in statutes or the California Rules of Court to improve court operations and administration.
5. Conducts institutes and workshops for judges as a means of providing continuous education and improvement.



**JUDICIAL—Continued**

6. Conducts studies and develops recommendations for improvement in the organization of county courts.

7. Administers qualifying examinations to candidates for justice court judgeships.

8. Conducts studies of court and court-related problems utilizing federal funds.

9. Improves workflow of the courts by temporary assignments of active or retired judges to courts having a vacancy or to relieve the caseload burden of the court.

The Judicial Council is proposing a total expenditure program of \$2,384,801, which is \$56,159 or 2.4 percent more than estimated expenditures for the current year. The increase reflects merit salary increases and higher operating costs partially offset by a decrease of \$157,559 in federal reimbursements. In other respects, the request represents continuation of the existing program level for the Judicial Council and its Administrative Office of the Courts.

**Federally Supported Project Positions**

The budget for the Judicial Council contains 10 new positions as follows:

<i>Position</i>	<i>Salary</i>
1 Director, education center .....	\$29,100
2 Senior attorney III .....	49,133
1 Project manager II .....	22,730
1 Project manager I .....	17,868
1 Administrative assistant I .....	12,372
2 Judicial secretary I .....	15,984
1 Accounting technician .....	5,571
1 Clerk-typist II .....	6,582

These 10 positions, most of which were established in the current year, are assigned to various federally funded court study projects relating to such matters as trial court coordinators, trial calendar management, needs of non-English-speaking litigants, court automation and information coordinator, and a center for judicial education and research.

**IV. COMMISSION ON JUDICIAL QUALIFICATIONS****Program Description**

The Commission on Judicial Qualifications is authorized by Section 8, Article VI, of the State Constitution and consists of nine members: five judges appointed by the Supreme Court, two attorneys appointed by the State Bar, and two public members appointed by the Governor. The commission's duties, set forth in Section 18 of Article VI, include receiving, investigating, and hearing complaints concerning the qualifications and conduct of the judiciary. It may recommend to the Supreme Court that a judge be retired for disability, censured, or removed from office for any of the causes set forth in Section 18.

During 1973, the commission received 197 complaints concerning the judiciary. Most of these complaints were disposed of as being unfounded or involving matters not within the jurisdiction of the commission. In 40

instances, however, the complaint resulted in a formal inquiry or investigation, 32 of which involved discussions and communication with the accused judge. Two of these investigations resulted in the retirement and resignation of the judges involved.

The commission held formal hearings relating to three judges which resulted in the censure of two of the judges by the Supreme Court. The third hearing resulted in a recommendation by the commission to the Supreme Court for removal of the judge from office, which recommendation is currently under consideration by the Supreme Court.

The \$50,742 requested for this function in 1974-75 is an increase of \$940 over estimated current-year expenditures. The amount requested is to continue the previously authorized program and expenditure level, adjusted for merit salary increases which are partially offset by a minor reduction in other operating costs.

### Judicial SALARIES OF SUPERIOR COURT JUDGES

Item 19 from the General Fund	Budget p. L-7	Program p. I-41
Requested 1974-75 .....		\$13,624,970
Estimated 1973-74 .....		13,533,559
Actual 1972-73 .....		12,807,939
Requested increase \$91,411 (0.7 percent)		
Total recommended reduction .....		None

#### GENERAL PROGRAM STATEMENT

Under the provisions of Government Code Section 28206, the state and the counties share the salary cost of each superior court judge in the following proportions determined by county population.

County population	State share	County share	Total salary
250,000 or more .....	\$28,115	\$9,500	\$37,615
40,000 to 250,000 .....	30,115	7,500	37,615
40,000 or less .....	32,115	5,500	37,615

#### ANALYSIS AND RECOMMENDATIONS

##### *We recommend approval.*

The \$13,624,970 requested in this item is the state's share of the salaries of the 478 superior court judges authorized for fiscal year 1974-75. The increase of \$91,411 or 0.7 percent primarily represents the full-year cost of one additional judgeship authorized in the 1973 legislative session and a reduction in judicial vacancies. The current superior court judicial salary is \$37,615, which results from an automatic increase of 3.36 percent effective September 1, 1973, as authorized by Government Code Section 68203.

An automatic salary increase provision for municipal, superior and appellate court judges was originally enacted in 1964 and provided for a quadrennial adjustment commencing on September 1, 1968, and each four

**SALARIES OF SUPERIOR COURT JUDGES—Continued**

years thereafter. This increase was to be based on the rise in California per capita income for the four calendar years prior to the year in which the increase was granted. The first such adjustment was made on September 1, 1968, and totaled 22.289 percent. In 1969, the quadrennial increase provision was changed to an annual adjustment based on the prior calendar year's increase in the California Consumer Price Index.

Funds for the automatic increase, effective September 1, 1974, are provided in Item 93, which contains \$862,000 for salary increases for appellate and superior court judges based on a projected 1973 California Consumer Price Index increase of 4.869 percent. The actual percentage increase had not been computed at the time this analysis was prepared.

Table 1 compares judicial salary increases to state civil service salary increases beginning with the year prior to implementation of the first automatic increase for judicial salaries.

**Table 1**  
**Salary Increases for Judges and State**  
**Civil Service Employees**

<i>Year</i>	<i>Judges</i>			<i>Civil service</i>	
	<i>Superior court</i>	<i>Municipal court</i>	<i>Percentage increase</i>	<i>Year</i>	<i>Percentage increase</i>
1967.....	\$25,000	\$23,000		1967-68	5.1%
9/1/68.....	30,572	28,126	22.289 <sup>a</sup>	1968-69	5.7
9/1/69.....	31,816	29,270	4.069	1969-70	5.6
9/1/70.....	33,407	30,734	5.0	1970-71	5.2
9/1/71.....	35,080	32,273	5.04	1971-72	—
9/1/72.....	36,393	33,481	3.74	1972-73	7.5
9/1/73.....	37,615	34,605	3.36	1973-74	7.8

<sup>a</sup> Initial quadrennial increase.

Table 1 shows that since enactment of the annual increase provision the percentages of increase in judicial salaries have approximated those extended to civil service employees, except for 1971 when no general salary adjustment was provided. This discrepancy was partially rectified by a 7.5 percent overall salary increase for state employees in 1972 compared to the 5.04 percent and 3.74 percent increases provided judges in 1971 and 1972, respectively. The judicial increase of 3.36 percent provided September 1, 1973, is significantly below the average percentage increase approved by the Federal Wage Board for state workers in general for the 1973-74 fiscal year.

## Judicial

## CONTRIBUTIONS TO JUDGES' RETIREMENT FUND

Items 20 and 21 from the General Fund

Budget p. 4 Program p. I-17

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Requested 1974-75 .....	\$1,455,693
Estimated 1973-74.....	982,973
Actual 1972-73 .....	499,154
Requested increase \$472,720 (48.1 percent)	
Total recommended reduction .....	None

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## ANALYSIS AND RECOMMENDATIONS

*We recommend approval.*

The state annually contributes to the Judges' Retirement Fund an amount equal to 8 percent (the same amount is contributed by the judges) of the salaries of the judges in all courts, except the justice courts, under the provisions of Section 75101 of the Government Code. This code section constitutes a continuing appropriation which will total \$2,815,075 in fiscal year 1974-75. In addition, the state is required under Section 75107 of the Government Code to appropriate funds to cover deficiencies in this fund arising from any disparity between benefit disbursements and fund revenues, which are derived from the 8 percent member-state contributions and a special \$3 filing fee on specified civil matters. The deficiency in this fund is estimated at \$982,973 in the current year and \$1,455,693 in the budget year, the latter figure being the basis for this budget item.

The substantial increase in the deficit in the Judges' Retirement Fund is caused by (1) increases in the incumbents' salaries which automatically increase the retirees' benefits and (2) growth in the number of retirees. The resultant costs to the retirement fund cannot be completely funded under the existing revenue provisions. Benefits for retirees were increased by 3.36 percent on September 1, 1973, and will be increased by approximately 4.869 percent on September 1, 1974. Net increases in retirees (new retirements less deaths) are projected for 15 judges and 12 widows in 1973-74 and for another 17 judges and 12 widows in 1974-75.

Chapter 582, Statutes of 1972 (SB 275), will partially alleviate the continuing deficit condition of this fund. Chapter 582 excludes from participation in the deferred retirement provisions of this retirement system judges who accept any lucrative office under the United States and thereby forfeit their offices under Section 28, Article VI of the California Constitution. The effect of Chapter 582 is to remove the retirement eligibility of an average of 2.4 judges per annum who leave the state bench to accept a federal office and who, over their normal life expectancies, would receive an estimated combined total of \$274,913 in benefits from the Judges' Retirement Fund.