

This is a commission of three nonpaid members of the California Bar which must meet once every two years and attend national meetings looking toward the standardization of and uniformity in state laws. (Government Code, Ch. 3.)

Recommendations

We recommend that Item 17 be approved as submitted.

Supreme Court

Analysis of Proposed Expenditures for the 1947-48 Fiscal Year

For Support of the Supreme Court

Item 18, page 3 of the Budget Bill and pages 8 to 9 of the Budget. Amount requested, \$305,800 for support—from the General Fund.

This represents an increase of \$23,157 or 8.2 percent over expenditures of \$282,643 for the Fiscal Year 1945-46; and an increase of \$14,337 or 4.9 percent over the amount of \$291,463 allowed for expenditure in the 1946-47 Fiscal Year.

Statistical Summary

The statistical summary below shows the distribution of increases as requested, totaling \$14,337 by object of expenditure.

<i>Object</i>	<i>1946-47</i>	<i>1947-48</i>	<i>Increase or decrease</i>	
			<i>Amount</i>	<i>Percent</i>
Salaries and wages -----	\$269,280	\$279,960	\$10,680	4.0
Operating expenses -----	15,433	15,550	117	.8
Equipment -----	6,750	10,290	3,540	52.4
Totals -----	\$291,463	\$305,800	\$14,337	4.9

Salaries and Wages

No new positions are requested, but merit salary adjustments accounted for increases in salaries and wages amounting to \$6,120.

Operating Expenses

Operating expenses show an increase of \$117 or .8 percent. The increases are in office expenses \$600, and travel \$2,000, and telephone and telegraph \$500. To offset this is the fact that no requests are made for referees' services which totaled \$2,983 in 1946-47. The large increase in travel, \$2,000, from \$4,000 to \$6,000, an increase of 50 percent, is justified on the basis of increased travel by the court due to generally increasing litigation. The increase seems large, but should be allowed. Any money not used for travel should be returned to the General Fund.

Equipment

Increases in equipment amounting to 52.4 percent, or \$3,540, are mainly for the library.

Revenues

Estimates of revenues are the same as for 1946-47, \$6,500.

Recommendations

We recommend that Item 18 be approved as submitted.

Judicial Council

Analysis of Proposed Expenditures for the 1947-48 Fiscal Year

Item 19, page 3 of the Budget Bill and pages 10 to 11, inclusive, of the Budget. Amount requested \$59,670 for support—from the General Fund.

This represents an increase of \$37,371, or 100.2 percent over expenditures of \$37,299 for the Fiscal Year 1945-46; and an increase of \$20,452, or 37.7 percent over the amount of \$54,218 allowed for expenditures in the 1946-47 Fiscal Year.

Statistical Summary

The statistical summary below shows the distribution of increases as requested, totaling \$20,452, by object of expenditures.

<i>Object</i>	<i>1946-47</i>	<i>1947-48</i>	<i>Increase or decrease</i>	
			<i>Amount</i>	<i>Percent</i>
Salaries and wages -----	\$34,218	\$52,720	\$18,502	54.1
Operating expenses -----	4,500	5,950	1,450	32.2
Equipment -----	500	1,000	500	100.0
Total -----	\$39,218	\$59,670	\$20,452	37.7

Salaries and Wages

The requested increase in salaries and wages of \$18,502, or 54.2 percent, is caused by the addition of four new positions, an increase of 50 percent in the number of personnel (two research attorneys, two research assistants, and 1 stenographer), and by merit salary adjustments of \$1,000.

The request for new personnel is based on a contemplated schedule of work on the traffic courts and inferior courts of California. The council expects to complete the study of the superior courts in January, 1947, then transfer the personnel to a study of the Penal Code which should take approximately six months. For the Fiscal Year 1947-48, there is remaining the requested study of the traffic courts and inferior courts. This study should not require additional personnel. *It is recommended that the request for additional personnel be denied. The saving will amount to \$15,900, a reduction of 26.6 percent.*

Operating Expenses

Operating expenses are increased \$1,450, or 32.2 percent. The study of the traffic and inferior courts will involve additional travel, so that an increase in the amount allowed for travel and automobile expense should

be approved. However, four positions are recommended deleted, two of which would use some of the money set aside for this purpose. There should be a corresponding reduction in travel expenses. It is recommended that automobile operating expenses be approved as submitted, but that traveling expenses be reduced by \$500, to \$2,000, a reduction of 20 percent.

Equipment

It is recommended, on the basis of the disapproval of four positions, that the request for equipment be reduced by \$500, a reduction of 50 percent.

Recommendations

In summary we recommend that the following reductions in the Budget request be made:

1. Salaries and wages from \$52,720 to \$36,820, a reduction of \$15,900, or 26.6 percent.
2. Operating expenses, \$500 from \$2,500 to \$2,000, or 20 percent.
3. Equipment \$500, or 50 percent.

Total reductions we recommend amount to \$16,900, or 23.3 percent, reducing Item 19 from \$59,670 to \$42,770. The recommended Budget will increase the Budget for 1947-48 by \$3,052, or 6.5 percent over 1946-47.

We further recommend that the Judicial Council undertake a study looking toward the establishment of standard specifications and salaries for positions in the Supreme and Appellate Courts of California.

We recommend that Item 19 be approved for the amount of \$42,770.

For Compensation of Judges Assigned by the Judicial Council to other Courts, Other Than Ones in Which They Regularly Sit

Item 20, page 3 of the Budget Bill and page 11 of the Budget. Amount requested, \$15,000 from the General Fund for other current expenses to be used for compensation and expenses of judges assigned by the Judicial Council to courts other than the ones in which they regularly sit.

This represents an increase of \$6,148, or 69.4 percent over expenditures of \$8,852 for 1945-46; and no increase over the amount of \$15,000 allowed for expenditure in the Fiscal Year 1946-47. *We recommend this item for the amount in the Budget Bill.*

We further recommend that permanently incapacitated and ailing judges be retired as is provided for and contemplated by the Retirement Act which provides a method for the retirement either voluntary or involuntary of judges who cannot discharge efficiently the duties of their offices by reason of mental or physical disability. Retirement should be made mandatory if not done voluntarily when it becomes apparent that a judge has become permanently incapacitated. Adequate provision has been made to prevent the State from being required to support judges who cannot carry out their duties, and we recommend that it be made effective.

District Courts of Appeal

Analysis of Proposed Expenditures for the 1947-48 Fiscal Year

For Support of First District Court of Appeal

Item 21, page 3 of the Budget Bill and page 12 of the Budget. Amount requested \$152,530 for support—from the General Fund.

This represents an increase of \$12,130 or 8.6 percent over expenditures of \$140,400 for the Fiscal Year 1945-46; and an increase of \$5,660 or 3.7 percent over the amount of \$146,870 allowed for expenditures in the 1946-47 Fiscal Year.

Statistical Summary

The statistical summary below shows the distribution of increases as requested, totaling \$5,660 by object of expenditures.

Object	1946-47	1947-48	Increase or decrease	
			Amount	Percent
Salaries and wages.....	\$141,420	\$145,380	\$3,960	2.8
Operating expenses	3,450	4,150	700	20.29
Equipment	2,000	3,000	1,000	50.00
Total	\$146,870	\$152,530	\$5,660	3.7

Salaries and Wages

No new positions are requested. The increase in salaries and wages is due to special salary adjustments of \$3,960.

The special salary adjustments of \$3,960 involve increases in salaries of four law clerks from \$300 to \$375 a month and one chief law secretary from \$370 to \$400 a month.

These increases would not be out of line with comparable positions now existing in the court system. The position of Law Clerk in the First Appellate District is comparable to Law Secretary in the Second District at a salary of \$350. The Chief Law Secretary in the Second District receives a salary of \$435 at the present time. However, the Second District is requesting a reclassification of the positions of Law Secretary and Chief Law Secretary to Research Attorney \$400 and \$500 a month, and Chief Research Attorney to \$500 a month. The reclassification of these positions in the Second District thus creates a further separation in salaries of comparable positions.

Each court has its own terminology for positions and any comparisons from one to another are almost impossible to make. *Standard classifications and salaries should be established throughout the court system.*

Operating Expenses

Operating expenses are increased 20.29 percent. Office expenses are increased from \$2,000 in 1946-47 to \$2,500 in 1947-48 or 25 percent; telephone and telegraph from \$700 in 1946-47 to \$850 in 1947-48, or 21.43 percent; and postage from \$450 in 1946-47 to \$500 in 1947-48 or 11.11 percent. Printing expenses show no increase.

Equipment

Increases of \$1,000 or 71.43 percent for the library are the only increases for equipment.

Revenue

Revenues of the court for 1947-48 are estimated at \$2,100. This is \$100 or 5 percent over revenues of \$2,000 in 1946-47.

Recommendations

We recommend that Item 21 be approved as requested, but that the money for special salary adjustments amounting to \$3,960 be segregated and no payments be made for such purposes until a study of the personnel and salaries of the Appellate Court System is made, so that comparable salaries are paid for comparable work.

For Support of the Second District Court of Appeal

Item 22, page 3 of the Budget Bill, and page 13 of the Budget. Amount requested, \$208,150 for support—from the General Fund.

This represents an increase of \$20,304 or 10.8 percent over expenditures of \$187,846 for the Fiscal Year 1945-46; and an increase of \$6,325 or 3.1 percent over the amount of \$201,825 allowed for expenditures in the 1946-47 Fiscal Year.

Statistical Summary

The statistical summary below shows the distribution of increases as requested, totaling \$6,625, by object of expenditures.

<i>Object</i>	<i>1946-47</i>	<i>1947-48</i>	<i>Increase</i>	
			<i>Amount</i>	<i>Percent</i>
Salaries and wages -----	\$193,575	\$199,200	\$5,625	2.9
Operating expenses -----	3,750	4,150	400	10.7
Equipment -----	4,500	4,800	300	6.7
Total -----	\$201,825	\$208,150	\$6,325	3.1

Salaries and Wages

No new positions are requested but requested reclassification of five positions involves a \$3,540 increase in wages and salaries. Special salary adjustments amount to \$900.

The reclassifications involve the following positions and increases in salaries.

<i>No.</i>	<i>Present class</i>	<i>Proposed class</i>	<i>Present salary</i>	<i>Proposed salary</i>	<i>Increase</i>
2	Chief Law Secretary	Chief Research Attorney	\$435/mo	\$500/mo	\$65/mo
2	Law Secretary	Research Attorney	350/mo	400/mo	50/mo
1	Chief Law Secretary	Research Attorney	435/mo	500/mo	65/mo

The establishment of the new class of Chief Research Attorney and the creation of three positions of Research Attorney is out of line with

the organization of the other District Courts of Appeal. It means an upgrading of personnel that will probably be followed by similar upgradings in the other district courts.

The Supreme Court has one position of Chief Research Attorney at a salary range of \$500 to \$600 per month, and eight positions of Research Attorney at a salary range of \$410 to \$510 per month. The Judicial Council has one position of Chief Research Attorney at a salary range of \$500 to \$600 a month, and three positions of Research Attorney at a salary range of \$410 to \$510. The third District Court of Appeal has one position of Research Attorney, at a salary of \$460, which is the only one in the entire Courts of Appeal organization. The salary ranges proposed for the Second District Court of Appeal coincide with those established for the Supreme Court and the Judicial Council.

The upgrading and reclassification requested should wait until a complete study of the entire appellate court system's personnel classification is made and becomes effective. There is no uniformity among the various courts. It is urged that this study be made by the Judicial Council and that uniform salary ranges be established. Until such time as the study is made, the money should be appropriated, but not expended, and then such money be used as will bring the classifications up to the ranges set by the study and any saving be returned to the General Fund.

Operating Expenses

Increases in operating expenses are \$400, or 10.67 percent over those of 1946-47.

Equipment

Expenditures for equipment have increased from \$4,500 in 1946-47 to \$4,800 in 1947-48. This is an increase of \$300 or 6.67 percent.

Revenue

Estimates of revenue show an increase of \$100 over the \$3,100 collected in 1946-47 or \$3,200 for 1947-48. This is an increase of .22 percent.

Recommendations

We recommend Item 22 be approved as submitted, with the exception that the reclassification and salary adjustments of the positions of Chief Law Secretary and Law Secretary be delayed until such time as a thorough study and analysis of the duties and remuneration of such positions is made and adjustments made to conform therewith. All money to be used for reclassification and salary adjustments, amounting to \$4,140, should be segregated until such a study has been made.

For Support of the Third District Court of Appeal

Item 23, page 3 of the Budget Bill and page 15 of the Budget. Amount requested, \$81,500 for support—from the General Fund.

This represents an increase of \$4,369 or 5.7 percent over expenditures of \$77,131 for the Fiscal Year 1945-46; and an increase of \$370 or .46 percent over the amount of \$81,130 allowed for expenditure in the 1946-47 Fiscal Year.

Statistical Summary

The statistical summary below shows the distribution of increases as requested, totaling \$370 by object of expenditures.

Object	1946-47	1947-48	Increase	
			Amount	Percent
Salaries and wages-----	\$77,200	\$77,250	\$50	.07
Operating expenses-----	1,430	1,550	120	8.39
Equipment-----	2,500	2,700	200	8.00
Total-----	\$81,130	\$81,500	\$370	.46

Salaries and Wages

There are no new positions requested and no special salary adjustments. The increase for salaries and wages amounts to \$50 or .07 percent for 1947-48 over 1946-47 and is an addition for temporary help.

Operating Expenses and Equipment

Operating expenses and equipment show increases of 8.39 percent and 8 percent, respectively. The actual amounts are very low—\$120 increase in operating expenses and \$200 increase in equipment in 1947-48 over 1946-47.

Revenues

No increase in revenue is expected.

Recommendations

We recommend that Item 23 be approved as submitted.

For Support of the Fourth District Court of Appeal

Item 24, page 3 of the Budget Bill and page 16 of the Budget. Amount requested, \$97,381 for support—from the General Fund.

This represents an increase of \$4,747 or 5 percent over expenditures of \$92,634 for the Fiscal Year 1945-46; and an increase of \$310 or .32 percent over the amount of \$97,071 allowed for expenditures in the 1946-47 Fiscal Year.

Statistical Summary

The statistical summary below shows the distribution of increases as requested totaling \$310 by object of expenditures.

Object	1946-47	1947-48	Increase	
			Amount	Percent
Salaries and wages-----	\$71,820	\$71,820	-	-
Operating expenses-----	23,772	23,772	-	-
Equipment-----	1,479	1,789	\$310	20.96
Total-----	\$97,071	\$97,381	\$310	.32

Salaries and Wages

No new positions nor special salary adjustments are requested so that salaries and wages for 1947-48 remain the same as for 1946-47, \$71,820.

Operating Expenses

Operating expenses are the same as in 1946-47, \$23,772, with no increase expected. This is a traveling court and the items for Travel (\$11,822) and Rent (\$10,500) are higher than the other courts, for they, in fact, maintain three courts.

Equipment

Items of equipment show an increase of 20.96 percent from \$1,479 in 1946-47 to \$1,789 in 1947-48.

Revenue

Estimates of revenue are the same for 1947-48 as for 1946-47, \$1,010.

Recommendations

We recommend that Item 24 be approved as submitted.

Executive Department

Analysis of Proposed Expenditures for the 1947-48 Fiscal Year

For Support of the Governor and Governor's Office

Item 25, page 3 of the Budget Bill and pages 18-19 of the Budget. Amount requested is \$181,730 from the General Fund.

This is an increase of \$18,397 or 10.1 percent over estimated expenditures in 1946-47. *The latter, however, includes a requested deficiency of \$52,217 supplementing the support appropriation made by Item 26 of the Budget Act of 1945, authorized by the Governor and the Director of Finance to provide added staff in the Governor's office.* The amount of this deficiency constitutes an increase of 44.1 percent over the amount budgeted by the Governor for Support of his office for the 1946-47 Fiscal Year as shown in the 1945-47 Biennial Budget.

The added staff includes a Research Secretary costing \$6,000, a Governor's Council Secretary at \$5,200, an Assistant Secretary at \$5,200, an Executive Clemency Unit Secretary, a Research Unit Secretary, and four additional clerical and stenographic positions. The obtaining of these new positions by the deficiency method is an invasion of the proper function of the Legislature. If this were done for all departments on the same percentage basis there would have been an increase of 44.1 percent over the cost of State Government as budgeted for 1946-47. The Governor, in requesting these research positions, has stated that the Governor's Office "should also have the responsibility of assembling the statistical information obtained by our various state departments and-integrating it with the research that is essential in evaluating economic trends."

There are those who will disagree with this and hold that this function should be reposed in a body that will be free from political necessity and control and will not be sponsoring controversial legislation. A review of