

Each State Commission on Uniform State Laws pays to the National Commission on Uniform State Laws a share of the expenses of that organization, based on the population of the State. The amount which California is scheduled to pay to the national commission has been increased from \$350 to \$750. The Legislature has authorized expenditures for the support of the National Commission on Uniform State Laws in Chapter 311, Statutes of 1947. Traveling expenses are scheduled to increase \$575 because two meetings of the national commission are to be held in the next fiscal year rather than the one usually scheduled.

Recommendation

We recommend that Item 18 be approved in the amount of \$2,775, as requested.

SUPREME COURT OF CALIFORNIA

For Support of the Supreme Court of California from the General Fund

Item 19 of the Budget Bill and pages 5 and 6 of the Budget. The amount requested is \$379,664 for support, from the General Fund. This is an increase of \$42,343 or 12.6 percent over actual and estimated expenditures of \$337,321 for the 1947-48 Fiscal Year.

This increase is composed of increased salaries and wages of \$13,535; operating expenses of \$11,290 which includes \$3,000 for the operation of six new automobiles; and equipment of \$17,518 which includes \$14,820 for the purchase of an automobile for each one of the associate justices and \$1,000 for the purchase of new robes. No new positions are requested.

The Budget of the Supreme Court has not been reviewed critically by the Department of Finance as has been the case with the budgets of other state departments and agencies. This is on the theory that there are three independent divisions of the State Government. However, the Governor, by including the request of the Supreme Court in his budget, has recommended the approval of such budget in its entirety. We do not believe that this was the intent of the people when they passed the amendment to the State Constitution providing for the Executive Budget, nor is it the intent expressed in the constitutional provision for the Executive Budget. This Executive Budget is provided for in Article IV, Section 34, of the Constitution, which reads as follows: The Governor shall, within the first 30 days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, a budget *containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period. (Italics ours.)*

Recommendations

We recommend that Item 19 be approved in the amount of \$359,816. This is a reduction of \$19,848, or 5.2 percent from the request of \$379,664. The reduction of \$19,848 recommended is made up of \$14,820 for the purchase of six new automobiles, \$3,000 for the operation of these

automobiles, \$1,000 for the purchase of new judicial robes, and a reduction of \$1,028 for the purchase of additional office equipment.

We also recommend that the Legislature review the policy established by the Department of Finance in allowing each justice \$1,250 per month for secretarial and legal assistance. We see no reason for such a uniform amount.

Salaries and Wages

No new positions are requested. The salaries and wages of the statutory employees were increased by Chapter 1354 Statutes of 1947 to allow these employees an increase similar to that received by other state employees. *The increase was provided for one year only and the provisions of Chapter 1354 expire June 30, 1948.* The continuation of the salaries at the present level for the employees affected by Chapter 1354 Statutes of 1947 will require legislative authorization.

The Supreme Court has reached an agreement with the Department of Finance that each justice of the Supreme Court shall be allowed \$1,250 per month for clerical and research assistance. The \$4,620 increase for salary adjustments is to make available an amount necessary to bring the total salaries of the employees assigned to each justice to the maximum of \$1,250 per month. There should be a legislative review of such an arrangement.

Operating Expenses

Operating expenses are scheduled to increase from \$17,550 in 1947-48 to \$28,840 in 1948-49, an increase of \$11,290 or 64.3 percent. The following items of expenses have been added: \$3,000 for automobile operation, \$3,000 for accounting services and \$2,000 for library expenses.

We recommend that the \$3,000 for automobile operation not be allowed as we also recommend that the request for six additional cars not be approved.

The \$3,000 for accounting services is in line with the recommendations made in the audit report of the Division of Audits, Department of Finance, for the period July 1, 1944, to June 30, 1947. *We recommend that this arrangement for accounting services be approved.*

The request for \$2,000 for library expenses is for the purpose of oiling and repairing the calfskin bound volumes in the library. This request is in order and the work should be performed on the basis of bids. The State Printing Plant should be allowed to bid on the work but only receive the contract if they submit the lowest bid.

Equipment

Requests for equipment are scheduled to increase from \$10,290 to \$27,808 in 1948-49, an increase of \$17,578.

The court requests six new automobiles costing \$14,820. Each justice of the court is to be allowed an automobile. The argument supporting the request is that court sessions are held in San Francisco, Los Angeles and Sacramento, and that the justices are required to attend conferences and meetings in their official capacities. The associate justices have never heretofore been allowed automobiles. The reasons given are not sufficient

to warrant the purchase by the State, of a car for each justice and paying for its operation.

The mileage traveled on official business, if any, would be so low that it would be below the minimum where the State should furnish automobiles. The justices should be allowed mileage on their own cars when an official business or continue to secure state pool cars, as they are doing at the present time.

The court also requested \$1,000 for the purchase of new robes for the justices. The justification given is that the present robes are worn and patched; that robes have become necessary to the dignity of the court. This money will be used to purchase an additional set of robes to be kept in the Los Angeles office. *Previously robes were purchased by the individual judges and we feel that there should not be a departure from this policy.*

This request for robes at state expense, and that for an automobile for each justice, we believe is beneath the dignity of the Supreme Court, which should be looked upon with honor and esteem not because of the trappings of the office but because of its high regard, which is exerted through the excellence of the minds and characters of the justices of the Supreme Court and the translation of their intellectual attributes to a logical and just interpretation of the law.

If the policy were established of purchasing automobiles and robes for the Supreme Court Justices, then the Legislature could with equal propriety appropriate money for the purchase of an automobile and a business suit for each member of the Legislature. The State then on the same ground should furnish work clothes and an automobile for each employee of the State.

A request is made for \$1,528 for additional office equipment. No breakdown or satisfactory justification for the expenditures has been provided. Some further explanation should accompany a request of this size. We recommend that the request for additional equipment be reduced to \$500, a reduction of \$1,028.

JUDICIAL COUNCIL

For Support of the Judicial Council from the General Fund

Item 20 of the Budget Bill and page 7 of the Budget. The amount requested is \$74,022 for support from the General Fund.

This is an increase of \$10,602, or 16.72 percent over actual and estimated expenditures of \$63,420 for 1947-48. No new positions are requested. The increase is composed of increases in operating expenses \$5,300, equipment \$500, and increased salaries for existing positions \$4,802.

Operating expenses requested include \$800 for automobile operation, an increase of \$100. The cost of operation of the one car of the Judicial Council is excessive and the mileage driven on official business is lower than the minimum where it is economical for the State to own and operate cars. In 1946-47 only \$455 was spent for gas and oil, storage and washing, out of a total of \$1,157 for all operational costs. The car should be disposed of and the provision for operation of a state-owned automobile should be deleted from the budget and approval given for operation of a private car on mileage basis for state business.

Travel expenses for 1948-49 are doubled due to a heavy schedule of surveys and meetings.

Provision has been made for accounting service on a contract basis at an estimated cost of \$750.

Recommendation

We recommend that Item 20 be approved in the amount of \$73,222, a reduction of \$800 in automobile operation, due to a recommended disposal of the automobile now operated by the Judicial Council.

We further recommend that the statistics kept by the Judicial Council on the cases handled by the judges be improved particularly in regard to the reasons for transfers of judges from one court to another, and the reasons which make such transfers necessary. These statistics would assist in a proper evaluation of any future request for additional superior court judges and would be of value if the compulsory features of the Judges Retirement System are put into operation.

Compensation and Expenses of Judges Assigned to Courts Other than Those in Which They Regularly Sit

Item 21 of the Budget Bill and page 7 of the Budget. The amount requested is \$15,000 from the General Fund. This is the same amount as was allowed in the 1947-48 Budget.

Recommendation

We recommend that Item 21 be approved in the amount of \$15,000, as requested.

DISTRICT COURTS OF APPEAL

Items 22-25 of Budget Bill. On page 141 of the analysis of the 1947-48 Budget by the Legislative Auditor, recommendation was made that a survey be conducted to establish uniform classifications and salary ranges for the personnel employed by the district courts of appeal.

At that time each court had different classifications and pay scales for employees doing the same type of work, and the recommendation of the Legislative Auditor was made in an attempt to correct this condition. Subsequently, the Assembly Ways and Means Committee passed a resolution on April 14, 1947, which incorporated this suggestion and requested the Judicial Council to conduct a survey to determine such uniform classifications and salary ranges. On May 19, 1947, three members of the Judicial Council, who are justices of the courts of appeal, made a report setting forth suggested salaries for legal secretaries and research attorneys. The salaries and titles of these positions were reviewed by the Department of Finance and the suggested salaries were approved for the 1947-48 Budget.

In addition to setting up salaries and classifications, however, the report of the Judicial Council went much further and contemplated a policy whereby ultimately each justice of the appellate courts would have a legal secretary and research attorney assigned to work for him. The Legislature should review the advisability of establishing such a policy and the need for the additional personnel recommended by the Judicial Council. The resolution requesting the survey of salaries and

classifications did not contemplate that the Judicial Council would set forth such a policy, and the recommendations of the Legislative Auditor which prompted the resolution did not contain this inference. We do not believe in such a hard and fast rule, but a staff to fit the ability and personal needs of the several justices.

Budgeted requests for new personnel in the appellate courts are based on that part of the report made by the Judicial Council which recommended allowing a legal secretary and a research attorney for each justice. However, not all justices have requested the positions permitted by this policy. Although Districts I, II, and III have made budget requests for research attorneys, there has been none requested for District IV. Likewise, one justice in each of Districts II, III, and IV have not budgeted legal secretaries.

Salaries of some of the statutory employees of the courts were increased by Chapter 1354, Statutes of 1947. The increase was operative for one year only, and if not extended by approval of the amounts requested in the budget, the salaries of these employees will be reduced to that provided in the statutes creating the positions.

We recommend that the additional legal secretaries and research attorneys be not allowed until such time as the need for assistance is demonstrated on a workload basis and not merely based on a uniform policy unrelated to actual needs.

Two positions of legal secretary and two positions of research attorney in the Second District Court of Appeal should be allowed based on such workload data as are available. The addition of the four positions would make the workload of filings per employee more nearly comparable to the other district courts. However, not only are the positions of legal secretaries and research attorneys different in the various courts, but this is true also with respect to statutory positions. For example, the First District Court of Appeal with two divisions has three clerks and two bailiffs, while the Second District Court of Appeal, which has three sections, has three clerks and one bailiff. The Third District Court of Appeal has one division and employs two clerks and one bailiff and the Fourth District Court of Appeal, a traveling court, has four clerks with no bailiffs provided.

The workload data supplied by the Department of Finance, based on the number of filings per employee in the courts show that the workload per employee in the district courts, with the exception of the Fourth District, is below that of 1940-41. When compared to the workloads of the courts in 1931-32, the decrease is even more marked. This decline in workload will be even greater with the additional personnel requested. A comparison with 1940-41 and 1931-32 is shown in the table below.

For example, the workload for the First District Court of Appeal was 20.5 filings per employee in 1931-32. This was reduced to 17.2 in 1940-41 and would be 12.1 in 1948-49 with the existing number of positions, or 11.6 with the additional position requested.

The workload in the Second District Court of Appeal decreases from 33.2 filings per employee in 1931-32 to 24.6 in 1940-41 and 21.6 in 1948-49, with existing personnel, or 17.9 if the proposed new positions are allowed.

The Third District Court of Appeal had a workload of 20.7 filings per employee in 1930-31; this was reduced to 15.7 in 1940-41 and would

be 15.4 in 1948-49 without the addition of any new personnel. Allowing proposed new personnel would reduce the workload to 14.2 filings per employee in 1948-49.

The Fourth District Court of Appeal had a workload of 27.3 filings per employee in 1931-32. This was reduced to 13.5 in 1940-41 and will be 14.4 in 1948-49 without any additional personnel. The court has requested none.

TABLE I

Number of Filings Per Employee in the District Courts of Appeal in 1931-32, 1941-42 and Estimated 1948-49

	1931-32	1940-41	1948-49	1948-49	1948-49
			<i>with</i>	<i>as</i>	<i>recom-</i>
			<i>existing</i>	<i>requested</i>	<i>mended</i>
			<i>personnel</i>		
First District Court of Appeal.....	20.5	17.2	12.1	11.6	12.1
Second District Court of Appeal.....	33.2	24.6	21.6	17.9	19.6
Third District Court of Appeal.....	20.7	15.7	15.4	14.2	15.4
Fourth District Court of Appeal.....	27.3	13.5	14.4	14.4	14.4

A comparison for the same years of filings per legal employee, considering only the justices and legal assistance available in the courts results in a somewhat similar picture.

As shown in line 1 of Table II, the workload in the First District Court of Appeal has decreased from 65.8 filings in 1931-32 to 40.9 in 1940-41 and to 25.4 in 1948-49 with the existing personnel allowed. If the additional legal assistance is allowed in 1948-49, the workload will be 23.3 filings per technical employee.

In the Second District Court of Appeal the workload of filings for the justices and legal assistance decreases from 99.5 filings per employee for 1931-32 to 58.5 in 1940-41 and 44.9 in 1948-49 if no additional personnel are allowed. If the four positions of research attorney are allowed, the workload will be reduced to 34.9.

The workload of filings per justice and legal assistance in the Third District Court of Appeal shows a decrease from 51.7 in 1931-32, to 43.3 in 1940-41 and 37.0 in 1948-49 without the addition of any new positions. Allowance of the requested position would reduce the workload to 30 for each justice and legal assistance.

The Fourth District Court of Appeal, for which no new personnel is requested, shows a workload and filings per justice of 134.3 in 1931-32 and a decrease to 49.7 filings per justice in 1940-41 and an increase to 52.7 in 1948-49. *This is the heaviest workload of any of the circuit courts of appeal and yet no new personnel are requested.*

TABLE II

Number of Filings for Each Justice and Legal Research Assistance in the District Court of Appeal in the Years 1931-32, 1940-41, and 1948-49

	1931-32	1940-41	1948-49	1948-49	1948-49
			<i>with</i>	<i>as</i>	<i>recom-</i>
			<i>existing</i>	<i>requested</i>	<i>mended</i>
			<i>personnel</i>		
First District Court of Appeal.....	65.8	40.9	25.4	23.3	25.4
Second District Court of Appeal.....	99.5	58.5	44.9	34.9	39.2
Third District Court of Appeal.....	51.7	43.3	37.0	30.0	37.0
Fourth District Court of Appeal.....	134.3	49.7	52.7	52.7	52.7

This comparison shows that there is a difference of more than 100 percent between the workload based on the number of filings per justice and legal assistance in the Fourth District Court of Appeal and the First District Court of Appeal. *The First District Court of Appeal has requested that its workload, which is already the lowest of the courts, be reduced still further.* The workloads of the Second District Court of Appeal and the Third District Court of Appeal fall between those of the First and Fourth District Courts of Appeal.

Obviously, no valid standard of proper workload for courts exists at present. Nevertheless it is clear that when compared with earlier years, the workload to be performed by the courts on the basis of the 1948-49 budget request is extremely light while the pay has been materially increased. More valid workload data should be prepared during the ensuing year and presented with the next budget request of the District Courts of Appeal.

DISTRICT COURT OF APPEAL—FIRST APPELLATE DISTRICT

For Support of the First Appellate District from the General Fund

Item 22 of the Budget Bill and page 8 of the Budget. The amount requested is \$178,528 for support from the General Fund. This is an increase of \$11,642 or 6.9 percent over actual and estimated expenditures for support of \$168,886 in 1947-48.

One new position of research attorney is requested, which will allow one research attorney for each justice. At the present time one legal secretary is provided for each justice and five of the justices have research attorneys.

Recommendation

We recommend that Item 22 be approved in the amount of \$174,028, a reduction of \$4,800 composed of salaries and wages \$4,500 and additional office equipment \$300.

We recommend that the requested position of research attorney not be allowed on the basis that the workload as used by the Department of Finance, the number of filings per employee, shows a reduction from 17.2 filings per employee in 1940-41 and 20.5 in 1931-32 to an estimated 11.6 filings per employee in 1948-49, including the requested position of research attorney. If the new position is not allowed, the workload will be but 12.1 filings for each employee in 1948-49 compared to 17.2 in 1940-41 and 20.5 in 1931-32.

The First District Court of Appeal already appears to be over-staffed on a workload basis when compared historically with the workload of the same court, and when compared with the workloads of the other like courts at the present time.

The original budget of the First District Court of Appeal did not include a request for the additional research attorney and this request was added later and the justification for it is to reward the present bailiff.

The estimated workload of the court based on filings per justice and legal assistants is 25.4 filings per individual with existing personnel for 1948-49 compared to 40.9 in 1940-41 and 65.8 in 1931-32. The workload of 25.4 is less than half of the workload estimated for the Fourth District Court of Appeal for the year 1948-49.

DISTRICT COURT OF APPEAL—SECOND APPELLATE DISTRICT

For Support of the Second Appellate District from the General Fund

Item 23 of the Budget Bill and pages 8-11 of the Budget. The amount requested is \$264,108 for support from the General Fund. This is an increase of \$38,042 or 16.8 percent over estimated expenditures of \$226,066 in 1947-48.

New positions requested include two legal secretaries, four research attorneys and one janitor. With the exception of the janitor, the new positions are requested on the basis of the report made by the Judicial Council whereby each justice would be allowed one research attorney and one legal secretary. This request brings the complement of research attorneys and legal secretaries up to the standard recommended by the Judicial Council. *Three of the four research attorneys are scheduled to start at the maximum salary rather than at the minimum.*

Recommendation

We recommend that the two positions of legal stenographer, two positions of research attorney and the position of janitor be allowed, but that both positions of research attorney start at the minimum.

The addition of the two legal secretaries and the two research attorneys allows eight positions of secretary and seven positions of research attorney for nine justices and reduces the workload for all employees to 19.6 filings per employee. This will make the workload more comparable to the other district courts which without the addition of new personnel show workloads of 12.1 in the First District Court of Appeal, 15.4 in the Third District Court of Appeal and 14.4 in the Fourth District Court of Appeal.

We recommend that two positions of research attorney not be allowed, a reduction of \$11,784, and that both research attorneys start at the minimum salary range, a reduction of \$1,866. This recommendation is based on the fact that although the workload for each justice and legal research assistant will be high compared to the First District Court of Appeal, it will be comparable to the workloads existing in the Third and Fourth District Courts of Appeal. The estimated workload in the Second District Court of Appeal with no additional legal assistance in 1948-49 would be 44.9 filings per justice and legal assistants, and with the two positions of research attorney allowed the workload in the Second District will be 39.2, compared to workloads of 37 filings per justice and legal assistants in the Third District Court of Appeal and 52.7 in the Fourth District Court of Appeal. The First District Court of Appeal has a workload of 25.4 on the same basis.

We recommend that Item 23 be approved in the amount of \$241,522, a reduction of \$14,214, consisting of salaries and wages \$13,650, and additional office equipment \$564. The additional equipment requested for the two new positions of research attorney which we have recommended not be allowed should be reduced accordingly.

DISTRICT COURT OF APPEAL—THIRD APPELLATE DISTRICT

For Support of the Third Appellate District from the General Fund

Item 24 of the Budget Bill and page 10 of the Budget. The amount requested is \$94,025 from the General Fund. This is an increase of \$5,433 or 6.13 percent, over expenditures of \$88,592 in 1947-48.

One new position of research attorney is requested which will allow one research attorney for each of the justices, as recommended by the Judicial Council. The court did not, however, request an additional legal secretary to bring these up to one for each justice, but retained the ratio of two for the three justices.

Recommendation

We recommend that Item 24 be approved in the amount of \$89,805, a reduction of \$4,220, composed of salaries and wages \$3,900 and office equipment additional \$320.

We recommend that the position of Research Attorney not be allowed as the estimated workload for 1948-49 based on filings per existing positions will be 15.4 compared to a workload of 15.7 in 1940-41 and 20.7 in 1931-32. Allowing the additional position would reduce the workload to 14.2.

Calculating the workload on estimated filings for each justice and legal assistant would give 37 filings per justice and legal assistant. This compares with 43.3 filings in 1940-41 and 51.7 in 1931-32. The Fourth District Court of Appeal estimates a workload of 52.7 filings per justice and legal assistant for 1948-49 and requests no additional help.

The equipment recommended deleted is that provided for the new positions we recommend not be approved.

We further recommend that more adequate attendance, vacation and sick-leave records be maintained by this court, in accordance with the recommendations made by the Audits Division of the Department of Finance in its report covering the period July, 1944 to June 30, 1947.

DISTRICT COURT OF APPEAL—FOURTH APPELLATE DISTRICT

For Support of the Fourth Appellate District from the General Fund

Item 25 of the Budget Bill and page 11 of the Budget. The amount requested is \$108,969 for support from the General Fund. This is an increase of \$2,080 or 1.9 percent over actual and estimated expenditures of \$106,889 in the 1947-48 Fiscal Year.

No new positions are requested and it is to be noted that in contrast to other districts, the Fourth District employs no research attorneys and but two legal secretaries for three justices.

A request is made for three additional typewriters so as to eventually have a typewriter for each legal secretary and the reporter attached to the court in all of the different offices, to eliminate the necessity of shipping the typewriters from one office to another when the court moves.

Recommendation

We recommend that Item 25 be approved for the amount of \$108,969 as requested.