

Judicial Council
EXTRA COMPENSATION AND EXPENSES OF ASSIGNED JUDGES

ITEM 22 of the Budget Bill

Budget page 20
Budget line No. 8

For Additional Support of the Judicial Council From the General Fund

Amount requested	\$20,000
Estimated to be expended in 1949-50 Fiscal Year.....	24,131
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Decrease (17.1 percent)	\$4,131

RECOMMENDATIONS

Amount budgeted	\$20,000
Legislative Auditor's Recommendation.....	20,000
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Reduction	None

ANALYSIS

The Legislature added 19 judges to 14 superior court benches in 1949 at an annual cost to the State of \$109,250. This increase of 10 percent in the number of superior court judges without a corresponding increase in number of cases should decrease the need for assignments.

There are now 22 percent more judges in superior courts than there were in 1946. Filings in superior courts reached a peak in 1945-46 and have since shown a gradual decline. Filings in 1948-49 were 2.3 percent below 1945-46.

GENERAL SUMMARY

The Constitution provides that the Judicial Council shall equalize the work of the judges and expedite judicial business. This provision for assignment of judges between the courts constitutes the means for integrating the entire system of superior courts into a single system.

During the 1948-49 Fiscal Year 681 assignments were issued covering all courts. Of this number 334 were customary annual interchange assignments between judges of neighboring counties to meet emergency situations as they might arise throughout the year. A total of 347 assignments were made to equalize and expedite the work. There still exists great inequality in the number of cases disposed of by superior court judges. An extreme example in 1947-48 was one judge who disposed of six cases per year, and one who handled 1,882.

Assignment of judges to different courts provides a procedure to equalize the work of superior court judges. The average number of dispositions per judge for the entire State for the 1948-49 Fiscal Year was 1,035. The Senate Judiciary Committee adopted 1,100 dispositions per judge as a standard before recommending additional superior court judges at the 1949 General Session. If all 203 judges handled 1,084 dispositions per year, the superior courts would dispose of all cases filed.

FIRST DISTRICT COURT OF APPEAL

ITEM 23 of the Budget Bill

Budget page 21
Budget line No. 11

For Support of the First District Court of Appeal From the General Fund

Amount requested	\$178,409
Estimated to be expended in 1949-50 Fiscal Year.....	179,298
Decrease (0.5 percent)	\$889

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages.....	—\$639	—\$639	---	21	23
Operating Expenses	50	50	---	21	24
Equipment	—300	—300	---	21	25
Total Decrease	—\$889	—\$889			

RECOMMENDATIONS

Amount budgeted	\$178,409
Legislative Auditor's Recommendation	174,629
Reduction	\$3,780

ANALYSIS

Salaries and wages for the 24 authorized positions are scheduled to decrease from \$168,613 in 1949-50 to \$167,974 in 1950-51. This is a decrease of \$639. Normal salary adjustments amount to an increase of \$291. The decrease is due to a nonrecurring lump sum payment of \$930 for salary adjustment to clerks and bailiffs made in 1949.

We recommend deletion of the position of one bailiff, effecting a saving of \$3,780, Budget page 21, line 36. The Second District Court of Appeal with three divisions operates with one bailiff. We believe this court with two divisions should operate with one bailiff. The district courts should be staffed as uniformly as possible, taking into account the volume of work.

The principal task of a bailiff is to call sessions of the court to order, maintain order in court and adjourn it, and perform various secretarial duties. Since a division of the court is seldom in session more than three days a month and both divisions are never in session on the same day, one bailiff would be able to function for both divisions.

Request is made for \$600 for miscellaneous office equipment which is the same as the 1949-50 Budget. This agency has again failed to present any detail of this proposed expenditure, whereas other district courts have submitted itemized schedules for equipment. We recommend that in future budget requests, the court should present an itemized equipment schedule.

The amount of \$3,200 is requested for law library. This is an increase of \$1,985, or 163 percent above the actual expenditure of \$1,215 in 1948-49. The proposed expenditure is \$300 less than the \$3,500 budgeted for 1949-50. This request amounts to \$266 per district court justice and

research attorney which compares with the expenditure of \$222 per district court justice and research attorney of the Second District Court. In connection with this expenditure we have recommended a study be made by the Judicial Council on the possible saving that would result from consolidation of library facilities.

GENERAL SUMMARY

The First District Court of Appeal consists of six justices elected for 12-year terms. The court is divided into two divisions located in San Francisco. The district includes nine counties. Appellate jurisdiction covers cases at law originating in the superior courts; original jurisdiction of habeas corpus, mandamus, etc. The Supreme Court may confer jurisdiction on this court by ordering cases transferred for disposition.

Filings and Transactions

The following tabulation indicates a 4 percent increase in cases for disposition in 1948-49 over 1947-48.

	1946-47	1947-48	1948-49
Filings	236	324	342
Transfers from Supreme Court.....	119	108	108
Total cases for disposition.....	355	432	450
Total business transacted.....	512	464	570

The salary of justices amounts to 53.6 percent of total salary payments.

The research staff of six lawyers cost \$28,142 in 1948-49. The court disposed of 301 cases during this period, or a unit cost for research of \$93.50 per case. The average unit cost for the three district courts with research staffs was \$75.73.

SECOND DISTRICT COURT OF APPEAL

ITEM 24 of the Budget Bill

Budget page 22
Budget line No. 11

For Support of the Second District Court of Appeal From the General Fund

Amount requested	\$265,974
Estimated to be expended in 1949-50 Fiscal Year.....	259,414
Increase (2.5 percent).....	\$6,560

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages.....	\$6,174	\$1,470	\$4,704	22	23
Operating Expenses	30	30	---	22	24
Equipment	356	---	356	22	25
Total Increase	\$6,560	\$1,500	\$5,060		

RECOMMENDATIONS

Amount budgeted	\$265,974
Legislative Auditor's Recommendation	256,774
Reduction	\$9,200

ANALYSIS

Salaries and wages for the 33 authorized positions are scheduled to increase from \$248,482 in 1949-50 to \$254,656 in 1950-51. This is an increase of \$6,174. This court employs three full-time phonographic reporters, Budget page 22, line 38. The Clerk of the First District Court in a reply to our request for information concerning vacant positions wrote:

“Under Section 759 of the Political Code, we are authorized to appoint a phonographic reporter for each division of the court @ \$4,500 per annum, each. We have found that this expenditure of \$9,000 per annum is entirely unnecessary, since we are able to employ phonographic reporters on the outside at \$15 per day. They are used approximately two days per month in each division or a total of \$60 per month, \$720 per annum, a very considerable saving, and have proven even more satisfactory than a regular reporter. The above positions have not been filled by regular reporters for several years.”

The total cost of the three full-time phonographic reporters is \$14,400 in 1950-51. If these positions were replaced by three senior legal secretaries, the total salary cost in 1950-51 would be \$9,180. Based on the experience of the First District, outside reporter help would cost \$1,080 in 1950-51. Since the First District Court has expressed its satisfaction with this system, we recommend a similar saving of \$4,140 be made in this budget.

One new position of deputy clerk is requested at a cost of \$4,512, Budget page 22, line 47. This position was proposed in the 1949-50 Budget but was deleted by the Legislature.

We again recommend deletion of the proposed new position of deputy clerk effecting a saving of \$4,512 in salaries and wages. This is an increased service.

Present staffing provides for one clerk and two deputies. This number is sufficient to provide one clerk or deputy for each division of the court. The argument given to justify this position is based on the need for a deputy clerk for each division. The clerk now handles the routine work of one division. Since each division is, for practical purposes, a separate tribunal, the amount of general administrative work does not appear to justify the addition of one deputy to relieve the clerk from the routine work of one division.

The activity of the court may, in a measure, be evaluated by the number of filings in the court and transfers from the Supreme Court. An examination of these factors discloses that the work load increased from 658 filings and transfers in 1947-48 to 705 in 1948-49, or 7 percent. In 1946-47, however, the total filings and transfers was 753, or 6.8 percent higher than in 1948-49. This demonstrates the ability of the court to handle an increased volume of activity without the proposed new position.

Two legal secretary positions were authorized in 1948 but never filled by the court. This would appear to indicate that the court has had an excessive staffing from an over-all standpoint. These positions have

now been deleted due to Section 16.3 of the Budget Act of 1949, which required approval of the Director of Finance for retention of positions continuously vacant.

Reclassification of one legal research aide to legal research assistant is requested at a cost of \$192. In a statement justifying the position, the court states that the present legal research aide is planning to resign. If the aide position is reclassified, the court will be without the beginner class for legal research work. We believe the policy that new recruitments be made in the lowest class should be continued. We recommend that the reclassification not be granted, saving \$192.

Equipment costs are forecast at \$6,118 for 1950-51, an increase of \$356, or 6.1 percent above the 1949-50 figure of \$5,762. We recommend reduction of \$356 in this category. The court requests \$1,274 for five typewriter replacements and three additional typewriters. The court now has 23 typewriters but only 22 positions which need machines. The request is for a total of 26. One of the justices requests a typewriter for his own use. We have recommended as a matter of policy that the State not supply typewriters in connection with positions which are furnished clerical assistance. We recommend deletion of the three additional typewriters at a saving of \$356.

The sum of \$4,000 is requested for law library. This is an increase of \$800 or 25 percent over 1948-49, and a decrease of \$200 from the amount budgeted for 1949-50.

GENERAL SUMMARY

Second District Court of Appeal is located at Los Angeles. It consists of three divisions with nine justices elected for 12-year terms. The Second District consists of four counties. Appellate jurisdiction covers cases at law originating in the superior courts, original jurisdiction of habeas corpus, mandamus, etc. The Supreme Court may confer jurisdiction on this court by ordering cases transferred for disposition.

Filings and Transactions

The following tabulation indicates an increase of 7 percent in 1948-49 over 1947-48 in cases for disposition, but a decrease of 6.8 percent below 1946-47.

	1946-47	1947-48	1948-49
Filings -----	481	414	525
Transfers -----	272	244	180
Total -----	753	658	705
Total business transacted -----	851	893	963

The salaries of justices amount to 54 percent of total salary payments.

The salary cost of the research staff of nine lawyers was \$50,016 in 1948-49. The court disposed of 711 cases during this period, or a unit cost for research of \$70.35 per case. The average unit cost for the three district courts in the research staffs was \$75.73.

THIRD DISTRICT COURT OF APPEAL

ITEM 25 of the Budget Bill

Budget page 23
Budget line No. 11

For Support of the Third District Court of Appeal From the General Fund

Amount requested -----	\$95,512
Estimated to be expended in 1949-50 Fiscal Year -----	94,316
Increase (1.3 percent) -----	\$1,196

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages -----	\$708	\$171	\$537	23	23
Operating Expenses -----	—5	—5	---	23	24
Equipment -----	493	43	450	23	25
Total Increase -----	\$1,196	\$209	\$987		

RECOMMENDATIONS

Amount budgeted -----	\$95,512
Legislative Auditor's Recommendation -----	93,145
Reduction -----	\$2,367

ANALYSIS

In line with our recommended policy that court reporters should be employed on a daily basis in lieu of full-time court reporters and the position filled with a senior legal secretary, we recommend a reduction of \$1,380 in salaries and wages.

The authorized position of bailiff is presently unfilled. The budget provides for filling this position at the top of the salary range, Budget page 23, line 36. It should be the policy to fill vacant positions at the beginning salary range. This will effect a saving of \$537. Total recommended reduction in salaries and wages is \$1,917.

Equipment costs are forecast at \$2,850 for 1950-51, an increase of \$493, or 20.9 percent above the 1949-50 budget estimate of \$2,357. The court requests \$250 for replacement of two typewriters on the basis of the age of the machines. We have inspected these machines and find them to be in satisfactory condition. We recommend deletion of this item.

Law Library request of \$2,400 is an increase of \$400, or 20 percent above 1949-50. This amounts to \$800 per justice, which appears to be excessive when compared with the Fourth District Court of Appeal with the same number of justices which has an expenditure of \$723 per justice. This court also has available the extensive library facilities of the State Law Library. In 1948-49 the actual expenditure was \$1,823. In 1947-48 it was \$1,523. We recommend that the request be reduced \$200 to \$2,200, which is comparable to the Fourth District Court's request.

GENERAL SUMMARY

The Third District Court of Appeal located at Sacramento consists of one division with three justices elected for 12-year terms. The third district includes 35 counties in Northern California. The court exercises appellate jurisdiction in cases at law originating in the superior courts;

original jurisdiction of habeas corpus, mandamus, etc. Supreme Court may confer jurisdiction on this court by ordering cases transferred for disposition.

Filings and Transactions

The following tabulation indicates an increase of 33 percent in 1948-49 over 1947-48 in cases for disposition.

	1946-47	1947-48	1948-49
Filings	151	151	194
Transfers from Supreme Court.....	71	45	66
Total	222	196	260
Total business transacted	309	327	277

Salary of justices amounts to 49.6 percent of total salary payments. The salary cost of the research staff of three lawyers was \$13,329 in 1948-49. The court disposed of 196 cases during this period, or a unit cost for research of \$68 per case. Average unit cost for district courts with research staff was \$75.73.

FOURTH DISTRICT COURT OF APPEAL

ITEM 26 of the Budget Bill

Budget page 24
Budget line No. 12

For Support of the Fourth District Court of Appeal From the General Fund

Amount requested	\$100,252
Estimated to be expended in 1949-50 Fiscal Year.....	100,287
Decrease (0.03 percent)	\$35

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages.....	—\$504	—\$504	---	24	25
Operating Expenses	395	395	---	24	26
Equipment	74	74	---	24	27
Total Decrease	—\$35	—\$35			

RECOMMENDATIONS

Amount budgeted	\$100,252
Legislative Auditor's Recommendation.....	98,872
Reduction	\$1,380

ANALYSIS

The budgeted decrease of \$504 in salaries and wages is due to a non-recurring lump sum payment for salary adjustment to clerks made in 1949.

In line with our recommended policy that court reporters should be employed on a daily basis in lieu of full-time court reporters and the position filled with a senior legal secretary, we recommend a reduction of \$1,380 in salaries and wages.

Operating expenses are scheduled to increase \$395, going from \$14,705 in 1949-50 to \$15,100 in 1950-51, an advance of 2.6 percent. Printing expense has increased from \$375 to \$800. This is due to the printing of registers of actions, which is done only once each four or five years.

Law library expenditures have increased \$264 from \$1,906 in 1949-50 to \$2,170, or 13.8 percent. Normal expansion of current sets of law books accounts for 86 percent of library costs.

GENERAL SUMMARY

The Fourth District Court of Appeal consists of one division of three justices elected from the Fourth Judicial District for a 12-year term. This district covers 10 counties. Court sessions rotate every four months between San Diego, San Bernardino, and Fresno. Twenty-five percent of the filings are in San Diego, 36 percent in San Bernardino, 39 percent in Fresno.

The annual cost to the State for the added service to litigants of holding sessions in three cities is approximately \$25,000. Travel expense amounts to \$13,990, and additional clerks cost \$11,000.

This is the only district court that does not have a research staff of lawyers. Salaries of justices amount to 54.7 percent of total salary payments.

The following tabulation indicates an increase of 18.4 percent in work load in 1948-49 over 1947-48 :

	1946-47	1947-48	1948-49
Filings	118	110	156
Transfers from Supreme Court.....	91	69	56
Total	207	179	212
Total business transacted	240	263	255

GOVERNOR

ITEM 27 of the Budget Bill

Budget page 25
Budget line No. 18

For Support of the Governor's Office From the General Fund

Amount requested	\$251,409
Estimated to be expended in 1949-50 Fiscal Year.....	243,377
Increase (3.3 percent)	\$8,032

Summary of Increases

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and Wages.....	\$9,032	\$9,032	---	25	33
Operating Expenses	---	---	---	25	34
Equipment	-1,000	-1,000	---	25	35
Total Increase	\$8,032	\$8,032	---		

RECOMMENDATIONS

Amount budgeted	\$251,409
Legislative Auditor's Recommendation.....	251,409
Reduction	None