

CONTRIBUTION TO LEGISLATORS' RETIREMENT FUND

ITEM 18 of the Budget Bill

Budget page 16
Budget line No. 61

FOR SUPPORT OF STATE'S CONTRIBUTION TO THE LEGISLATORS' RETIREMENT FUND FROM THE GENERAL FUND

Amount requested	\$58,000
Estimated to be expended in 1956-57 Fiscal Year	50,000
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Increase (16.0 percent)	\$8,000

RECOMMENDATIONS

Amount budgeted	\$58,000
Legislative Auditor's recommendation	58,000
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Reduction	None

ANALYSIS

Section 9358 of the Government Code provides that the State shall contribute annually to the Legislators' Retirement Fund an amount, estimated by the Board of Administration, State Employees' Retirement System, equal to so much of the benefits to be paid from the fund during that year as is not provided by the accumulated contributions of the members.

We recommend approval of the amount requested as the estimate of that which will be required under the law.

SUPREME COURT

ITEM 19 of the Budget Bill

Budget page 17
Budget line No. 7

FOR SUPPORT OF SUPREME COURT FROM THE GENERAL FUND

Amount requested	\$634,126
Estimated to be expended in 1956-57 Fiscal Year	614,039
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Increase (3.3 percent)	\$20,087

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$17,505	\$17,505	---	17 52
Operating expense	3,278	3,278	---	17 71
Equipment	-696	-696	---	17 78
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Total increase	\$20,087	\$20,087	---	17 80

RECOMMENDATIONS

Amount budgeted	\$634,126
Legislative Auditor's recommendation	634,126
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Reduction	None

Item 20

Judicial Council

Supreme Court—Continued

Table of Increases 1945-46 to 1953-54

	1945-46	1953-54	Percent increase
Work index:			
Appeals:			
By written opinion	287	295	10.5
Without opinion (by dismissal, affirm- ance or reversal, on stipulation, mo- tion, etc.)	51	6	-88.2
Original proceedings (including habeas corpus):			
By written opinion	84	50	-28.6
Without opinion	141	250	323.7
Motions (miscellaneous) denied or granted	16	6	-62.5
Hearings:			
Granted	229	263	14.8
Denied	570	974	70.9
Rehearings:			
Granted	9	6	-33.3
Denied	116	140	20.7
Resubmissions (or vacation of submission not on petition for rehearing)	50	--	--
Orders:			
Transfers and retransfers	752	832	10.6
Miscellaneous	--	249	--
Executive clemency applications *	--	73	--
Totals	2,285	3,144	14.5
Numbers of employees	47	49.6	5.5
Total expenditures	\$282,643	\$476,068	68.4

* Art. VII, Sec. 1, California Constitution.

ANALYSIS

The increase in salaries and wages is caused by normal salary adjust-ments and salary adjustments of additional positions of research attor-neys and research assistants approved by the Legislature in the 1956-57 Fiscal Year. The only major increase in operating expense occurs in attorneys' fees for criminal appeals in the amount of \$2,000.

We recommend approval of the amount budgeted.

JUDICIAL COUNCIL

ITEM 20 of the Budget Bill

Budget page 18
Budget line No. 7

FOR SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested	\$157,867
Estimated to be expended in 1956-57 Fiscal Year	136,182
Increase (15.9 percent)	\$21,685

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$20,965	\$20,965	--	18 52
Operating expense	-3,413	-3,413	--	18 69
Equipment	4,133	4,133	--	18 76
Total increase	\$21,685	\$21,685	--	18 78

Judicial Council—Continued

RECOMMENDATIONS

Amount budgeted	\$157,867
Legislative Auditor's recommendation	157,867
Reduction	None

ANALYSIS

The Judicial Council consists of 11 members of various state courts appointed by the Chief Justice to serve for two-year terms. The council studies court procedures with the aim of simplifying and standardizing them and equalizes the load on the judges by assigning judges to the courts with heavy dockets.

The activities of the Judicial Council have increased primarily due to a widespread interest in good judicial administration in California. The council is engaged in the development of a program to modernize the judiciary.

Proposals for immediate reforms have been prepared and presented to the Senate Interim Judiciary Committee for consideration. Some of the most significant proposals are as follows:

1. *The pretrial conference system.* Under rules adopted by the council effective January 1, 1957, a conference is required between the lawyers and a judge in contested civil actions in the superior courts before the trial of the case.

2. *The modern discovery procedures.* This subject has been under study by the Judicial Council for a long time in connection with its pretrial project, and a draft of such a measure has recently been prepared by the State Bar. Simplified discovery procedures go hand in hand with the new pretrial system.

3. *The conferring of complete rule-making power on the Judicial Council as to the practice and procedure of the several courts.* This will be the most sweeping reform to be presented at the next session. It empowers the council to provide, by rule, for a modern and simplified procedure in the trial and appellate courts in place of the present statutes. The system should relieve the Legislature of the large number of bills on this subject now introduced at each general session.

4. *The securing of better qualified judges,* equally essential, along with a sound procedure, to secure an efficient judicial process.

5. *The placing of the State Bar in the Constitution* in recognition of its activities and participation in judicial reforms.

We recommend approval of the amount budgeted.

EXTRA COMPENSATION AND EXPENSES OF ASSIGNED JUDGES

ITEM 21 of the Budget Bill

Budget page 18

Budget line No. 21

FOR ADDITIONAL SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested	\$25,000
Estimated to be expended in 1956-57 Fiscal Year	25,000
Increase	None

Item 22

Courts

Assigned Judges—Continued

RECOMMENDATIONS

Amount budgeted -----	\$25,000
Legislative Auditor's recommendation -----	25,000
Reduction -----	None

ANALYSIS

The Judicial Council has the constitutional responsibility of equalizing the work of judges of the various courts and expediting judicial business. The assignment of judges between the courts constitutes a means for integrating the entire system of superior courts into a single system.

The additional compensation which is necessary when judges are assigned to courts of higher salary is charged against this account. The amount proposed for 1957-58 for this purpose is budgeted at the same level as the current year, \$25,000. Actual expenditures for the past three years have been: \$17,133 for 1953-54; \$16,873 for 1954-55 and \$23,137 for 1955-56.

Approval of the amount budgeted is recommended.

**District Court of Appeal
FIRST APPELLATE DISTRICT**

ITEM 22 of the Budget Bill

Budget page 20
Budget line No. 8

FOR SUPPORT OF DISTRICT COURT OF APPEAL, FIRST APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested -----	\$272,692
Estimated to be expended in 1956-57 Fiscal Year -----	262,642
Increase (3.8 percent) -----	\$10,050

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages -----	\$6,490	\$6,490	--	20 42
Operating expense -----	1,095	1,095	--	20 56
Equipment -----	2,465	2,465	--	20 63
Total increase -----	\$10,050	\$10,050	--	20 65

RECOMMENDATIONS

Amount budgeted -----	\$272,692
Legislative Auditor's recommendation -----	272,692
Reduction -----	None

First Appellate District—Continued

Table of Increases 1945-46 to 1953-54

	1945-46	1953-54	Percent increase
Work index:			
Appeals:			
By written opinion -----	339	575	69.6
Without opinion (by dismissal, affirmance or reversal, on stipulation, motion, etc.)---	100	195	95.0
Original proceedings (including habeas corpus):			
By written opinion -----	24	61	154.2
Without opinion -----	85	213	150.6
Motions (miscellaneous) denied or granted--	33	75	127.3
Rehearings:			
Granted -----	9	4	-55.6
Denied -----	116	225	94.0
Resubmissions (or vacation of submission, not on petition for rehearing) -----	6	--	--
Orders (miscellaneous) -----	--	243	--
Totals -----	712	1,591	123.5
Number of employees -----	22	23	4.5
Total expenditures -----	\$140,400	\$220,931	57.4

ANALYSIS

The superior courts in the following counties are under the jurisdiction of the court: Santa Cruz, Santa Clara, San Mateo, San Francisco, San Benito, Monterey, Marin, Contra Costa, Alameda. It also handles certain original proceedings and appeals transferred from the Supreme Court. The court consists of six justices, sitting in two divisions.

Normal salary adjustments and an increase of \$1,000 in attorney's fees for criminal appeals are the principal items of increase.

We recommend approval of the amount requested.

District Court of Appeal
SECOND APPELLATE DISTRICT

ITEM 23 of the Budget Bill

Budget page 21
Budget line No. 7

FOR SUPPORT OF DISTRICT COURT OF APPEAL, SECOND APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested -----	\$415,205
Estimated to be expended in 1956-57 Fiscal Year -----	404,360
Increase (2.7 percent) -----	\$10,845

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages -----	\$9,065	\$9,065	--	21 41
Operating expense -----	-275	-275	--	21 52
Equipment -----	2,055	2,055	--	21 60
Total increase -----	\$10,845	\$10,845	--	21 62

RECOMMENDATIONS

Amount budgeted -----	\$415,205
Legislative Auditor's recommendation -----	415,205
Reduction -----	None

Item 24

Courts

Second Appellate District—Continued

Table of Increases 1945-46 to 1953-54

Work index	1945-46	1953-54	Percent increase
Appeals:			
By written opinion -----	702	947	34.9
Without opinion (by dismissal, affirmation or reversal, on stipulation, motion, etc.) -----	137	318	132.1
Original proceedings (including habeas corpus):			
By written opinion -----	35	48	37.1
Without opinion -----	151	239	58.3
Motions (miscellaneous) denied or granted	74	101	36.5
Rehearings:			
Granted -----	14	10	-28.6
Denied -----	194	382	96.9
Resubmissions (or vacation of submission, not on petition for rehearing) -----	20	--	--
Orders (miscellaneous) -----	--	134	--
Totals -----	1,327	2,179	64.2
Number of employees -----	28	33.2	18.6
Total expenditures -----	\$187,846	\$330,960	76.2

ANALYSIS

The court has jurisdiction over appeals from superior courts in Los Angeles, San Luis Obispo, Santa Barbara, and Ventura Counties, and also handles appeals transferred from the Supreme Court. This court consists of three divisions of three justices each.

Increase is due to normal salary adjustments and a slight increase in equipment expenditures.

Approval of the amount budgeted is recommended.

**District Court of Appeal
THIRD APPELLATE DISTRICT**

ITEM 24 of the Budget Bill

Budget page 22
Budget line No. 7

FOR SUPPORT OF DISTRICT COURT OF APPEAL, THIRD APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested -----	\$157,904
Estimated to be expended in 1956-57 Fiscal Year -----	149,326
Increase (5.7 percent) -----	\$8,578

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages -----	\$1,503	\$1,503	--	22 40
Operating expense -----	185	185	--	22 54
Equipment -----	6,890	6,890	--	22 61
Total increase -----	\$8,578	\$8,578	--	22 63

RECOMMENDATIONS

Amount budgeted -----	\$157,904
Legislative Auditor's recommendation -----	157,904
Reduction -----	None

Third Appellate District—Continued

Table of Increases 1945-46 to 1953-54

Work index	1945-46	1953-54	Percent increase
Appeals:			
By written opinion -----	179	269	50.3
Without opinion (by dismissal, affirmance or reversal, on stipulation, motion, etc.) -----	24	79	229.2
Original proceedings (including habeas corpus):			
By written opinion -----	24	18	—25
Without opinion -----	46	173	276.1
Motions (miscellaneous) denied or granted -----	28	27	—3.5
Rehearings:			
Granted -----	4	4	0.0
Denied -----	52	78	50.0
Resubmissions (or vacation of submission, not on petition for rehearing) -----	8		
Orders (miscellaneous) -----		109	
Totals -----	365	757	107.4
Number of employees -----	12	12.4	3.3
Total expenditures -----	\$77,130	\$120,814	56.6

ANALYSIS

This court has jurisdiction over appeals from superior courts in 35 northern counties, and also handles appeals transferred from the Supreme Court. The court consists of one division of three judges.

Increase in equipment is caused mainly by the replacement of carpeting which is in extremely poor condition.

Approval of the amount budgeted is recommended.

District Court of Appeal
FOURTH APPELLATE DISTRICT

ITEM 25 of the Budget Bill

Budget page 23
Budget line No. 8

FOR SUPPORT OF DISTRICT COURT OF APPEAL, FOURTH APPELLATE DISTRICT, FROM THE GENERAL FUND

Amount requested -----	\$183,666
Estimated to be expended in 1956-57 Fiscal Year -----	179,980
Increase (2.0 percent) -----	\$3,686

Summary of Increase

	Total Increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages -----	2,229	2,229	--	23 36
Operating expense -----	1,070	1,070	--	23 50
Equipment -----	387	387	--	23 57
Total increase -----	\$3,686	\$3,686	--	23 59

RECOMMENDATIONS

Amount budgeted -----	\$183,666
Legislative Auditor's recommendation -----	183,666
Reduction -----	None

Fourth Appellate District—Continued

Table of Increases 1945-46 to 1953-54

	1945-46	1953-54	Percent increase
Work index			
Appeals:			
By written opinion -----	189	353	86.8
Without opinion (by dismissal, affirmance or reversal, on stipulation, motion, etc.) -----	39	100	156.4
Original proceedings (including habeas corpus):			
By written opinion -----	3	10	233.3
Without opinion -----	14	54	285.7
Motions (miscellaneous) denied or granted	14	22	57.1
Rehearings:			
Granted -----	2	0	--
Denied -----	50	115	130.0
Resubmissions (or vacation of submission, not on petition for rehearing) -----	3	--	--
Orders (miscellaneous) -----	--	161	--
Totals -----	314	815	159.6
Number of employees -----	11	11	--
Total expenditures -----	\$92,634	\$123,162	33.0

ANALYSIS

This court has jurisdiction over appeals from superior courts in 10 counties and also handles appeals transferred from the Supreme Court. The court consists of one division of three justices. The court meets in Fresno, San Bernardino, and San Diego for four months each year.

The slight increase is due primarily to normal salary adjustments.

We recommend approval of the amount budgeted.

GOVERNOR

ITEM 26 of the Budget Bill

Budget page 25
Budget line No. 8

FOR SUPPORT OF GOVERNOR FROM THE GENERAL FUND

Amount requested -----	\$461,260
Estimated to be expended in 1956-57 Fiscal Year -----	449,897
Increase (2.5 percent) -----	\$11,363

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages -----	4,463	4,463	--	25 56
Operating expense -----	3,700	3,700	--	25 70
Equipment -----	3,200	3,200	--	26 6
Total increase -----	\$11,363	\$11,363	--	26 8

RECOMMENDATIONS

Amount budgeted -----	\$461,260
Legislative Auditor's recommendation -----	461,260
Reduction -----	None