

Legislators' Retirement Fund—Continued

Statutes of 1963 increased the benefits payable to retired members by increasing allowances in proportion to the increase in the cost of living and increasing the allowances for members with more than 15 years of service. The funds made available for the 1963-64 fiscal year are inadequate to provide for the law changes. The \$35,000 increase thus provides the funds to pay for the increases due to law changes over the two-year period of 1963-64 and 1964-65.

We recommend approval as budgeted.

SUPREME COURT

ITEM 15 of the Budget Bill

Budget page 7

FOR SUPPORT OF THE SUPREME COURT FROM THE GENERAL FUND

Amount requested	\$1,026,031
Estimated to be expended in 1963-64 fiscal year.....	1,006,491
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Increase (1.9 percent).....	\$19,540
Increase to maintain existing level of service.....	\$19,540

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The State Supreme Court hears appeals initially in cases involving equity, real property, taxation, probate, and the death penalty. On petition it will review cases decided by the district courts of appeal. It has jurisdiction to issue writs of habeas corpus, mandamus, prohibition and certiorari. The Supreme Court admits applicants to the practice of law. It considers clemency applications in certain cases submitted by the Governor. It is the practice of the court to transfer to the appropriate district court of appeal cases which are not closely allied with its exclusive jurisdiction.

The Supreme Court consists of a chief justice, six associate justices, and an authorized staff of 63 technical and clerical positions. Its headquarters are in San Francisco. Calendars are heard also in Los Angeles and Sacramento.

During fiscal year 1964-65 the Supreme Court proposes to expend the sum of \$1,026,031 for its operations. This is an increase of \$19,540 or 1.9 percent over estimated expenditures for the current year.

Personal Services

1 Senior clerk (budget page 7, line 33)..... \$4,788

The court proposes to add a senior clerk to its staff with the full-time responsibility of operating document copying equipment. For several reasons, acceptable to the court, such as being indigent or confined, some appellants do not file the required number of copies of appeals or petitions with the court. The court now leases copying equipment which is used to increase the number of copies as provided in court rules and to copy such other documents as may be needed. All personnel in the office now use the machine. The court states that the process now requires a full-time machine operator position.

We recommend the proposed new position of senior clerk as budgeted.

Supreme Court—Continued

Counsel Fees for Indigent Appellants

As the result of a recent United States Supreme Court decision, indigent appellants from criminal judgments are now entitled to have counsel appointed by the court and paid by the court. The appellate courts no longer have discretion in the matter. Consequently, the item in the request for criminal proceeding fees has been increased.

Revenue increases anticipated in the budget year will result from fee increases provided in Chapter 873, Statutes of 1963.

JUDICIAL COUNCIL

ITEM 16 of the Budget Bill

Budget page 8

FOR SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested -----	\$386,990
Estimated to be expended in 1963-64 fiscal year -----	376,824

Increase (2.6 percent) ----- \$10,166

Increase to maintain existing level of service----- \$10,166

TOTAL RECOMMENDED REDUCTION----- None

ANALYSIS

The Judicial Council is composed of the Chief Justice of the California Supreme Court as chairman, 12 judges representing all court levels, 4 attorneys and 2 legislators. It is a constitutional agency. It has as its functions the surveying of court business as the basis for improvement of the administration of justice, the making of suggestions for expediting the conduct of court business, the making of recommendations to the Governor and to the Legislature, and the adopting of rules covering court procedures.

The council chairman has the personal responsibility of assigning judges to act where court calendars are congested, where judges are disqualified or where vacancies exist.

The council selects a director for the administrative office of the courts. The director, with his authorized staff of 27.2 persons, performs legal, managerial and clerical work for the council. This work includes assistance to council committees, the preparation of reports and the analysis of statistical material which the council collects from the courts.

The Judicial Council has budgeted \$386,990 for the general operations in fiscal year 1964-65, an increase of \$16,430 or 2.6 percent over estimated expenditures for the current year.

Principal items of increase in proposed expenditures for the budget year are merit salary increases for currently filled positions and salaries for other positions which are being filled on a full time basis.

We recommend approval of this item as budgeted.

Items 17-18

Judicial Council

ADDITIONAL SUPPORT OF THE JUDICIAL COUNCIL

ITEM 17 of the Budget Bill

Budget page 8

FOR ADDITIONAL SUPPORT OF THE JUDICIAL COUNCIL FROM THE GENERAL FUND

Amount requested	\$70,000
Estimated to be expended in 1963-64 fiscal year	42,000
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Increase (66.7 percent)	\$28,000
Increase to maintain existing level of service	\$28,000

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

Under provisions of the State Constitution, the Chairman of the Judicial Council must seek to expedite judicial business and equalize judges' workload by the assignment of judges from other courts to assist a court or a judge whose calendar is congested, or where a judge is disqualified or where there is a vacancy. Such assignments must be accepted.

In addition to travel and other expenses, assigned judges receive the same compensation as the judges of the court to which the assignment is made. The funds requested by the Judicial Council in this budget item are required to pay the State's share of higher salaries when assignments of judges are made to courts or counties where there is a higher salary level.

Expenditures proposed to defray added salaries for assigned judges for fiscal year 1964-65 total \$70,000, an increase of \$28,000 or 66.7 percent over \$42,000, an amount which is identical with estimated expenditures for this purpose in the current year.

We recommend approval of this item as budgeted.

COMMISSION ON JUDICIAL QUALIFICATIONS

ITEM 18 of the Budget Bill

Budget page 9

FOR SUPPORT OF THE COMMISSION ON JUDICIAL QUALIFICATIONS FROM THE GENERAL FUND

Amount requested	\$33,370
Estimated to be expended in 1963-64 fiscal year	32,219
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Increase (3.6 percent)	\$1,151
Increase to maintain existing level of service	\$1,151

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The Commission on Judicial Qualifications is a constitutional agency consisting of five judges appointed by the Supreme Court, two attorneys selected by the State Bar and two citizens appointed by the Governor with the consent of the Senate.

The commission is authorized to hear charges against any judge and to recommend to the Supreme Court the removal of a judge for willful

Judicial Qualifications

Item 18

Commission on Judicial Qualifications—Continued

misconduct in office, persistent failure to perform his duties, or for habitual intemperance. Recommendation as well may be made for retirement of a judge for a permanent disability which seriously interferes with the performance of his duties.

The commission proposes expenditures in fiscal year 1964-65 totaling \$33,370, an increase of \$1,151 or 3.6 percent over estimated expenditures for the current year.

The principal portion of the increase is for annual merit salary increases for the two authorized employees of the commission.

By way of workload the commission's annual report shows that as of October 1, 1963 there were 927 authorized judicial positions within its jurisdiction. These positions were distributed as follows:

Supreme Court -----	7
District courts of appeal-----	30
Superior courts -----	346
Municipal courts -----	253
Justice courts -----	291

Since there is some turnover in judgeships it is estimated that during 1963 approximately 1,000 persons were subject to commission jurisdiction.

During 1963 a total of 114 complaints were lodged with the commission. Some inquiry was made into 40 of these complaints involving:

- 13 Superior court judges
- 13 Municipal court judges
- 16 Justice court judges

When the commission's information was presented to the judge in question, 10 of the 40 complaints were sufficiently well founded to cause resignations or retirement of:

- 1 Superior court judge
- 4 Municipal court judges
- 5 Justice court judges

Underlying causes necessitating removal from the bench in the 10 cases noted above were disabling illness or weakening of mental faculties.

Some criticisms leveled at judges in the complaints were: undue participation in cases, taking sides, talking privately to one party in absence of the other, insufficient industry, too much attention to personal affairs on court time, unwarranted displays of temper. Such practices were corrected by transmitting the commission's report to the offending judge in many cases.

We recommend approval of this item as budgeted.

DISTRICT COURT OF APPEAL, FIRST APPELLATE DISTRICT

ITEM 19 of the Budget Bill

Budget page 10

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

Amount requested	\$547,317
Estimated to be expended in 1963-64 fiscal year	536,913
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Increase (1.9 percent)	\$10,404
Increase to maintain existing level of service.....	\$10,404

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The District Court of Appeal, First Appellate District, consists of three divisions of three justices each and a supporting staff authorized at 27.7 positions. The court holds its sessions in San Francisco.

This court has jurisdiction over certain appeals from the superior, municipal and justice courts located in the following counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. It has original jurisdiction to issue writs of habeas corpus, mandamus, prohibition and review.

Expenditures proposed by the court for fiscal year 1964-65 total \$547,317, an increase of \$10,404, or 1.9 percent, over estimated expenditures for the current year.

The budget year request increases the amount provided for payment of fees to counsel assigned to indigent appellants in criminal cases. Revenue to the court is expected to increase substantially as the result of fee increases provided by Chapter 873, Statutes of 1963.

We recommend approval of the item as budgeted.

DISTRICT COURT OF APPEAL, SECOND APPELLATE DISTRICT

ITEM 20 of the Budget Bill

Budget page 11

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

Amount requested	\$772,040
Estimated to be expended in 1963-64 fiscal year	778,366
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Decrease (0.8 percent)	\$6,326

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The second district court of appeal consists of four divisions of three judges each. The clerical and legal research staff consists of 40 authorized positions. This court holds its sessions in the City of Los Angeles. It has jurisdiction over certain appeals from the superior, municipal and justice courts located in Los Angeles, San Luis Obispo, Santa Barbara and Ventura Counties. It also has jurisdiction to issue writs of habeas corpus, mandamus, prohibition and review.

Expenditures proposed by this court for fiscal year 1964-65 amount to \$772,040, a decrease of \$6,326 or 0.8 percent from estimated expenditures for the current year.

District Court of Appeal, Second Appellate District—Continued

One secretarial position is budgeted for abolition as being unnecessary for workload. The budget request contains merit salary increases and a substantial amount to cover increased fees for counsel appointed to defend indigent appellants in criminal cases. However, the overall reduction in expenditures results from a reduction in such counsel fees as compared to the substantial amount currently budgeted and which current amount covers past year cases reopened by the court as well as current year cases.

We recommend approval as budgeted.

DISTRICT COURT OF APPEAL, THIRD APPELLATE DISTRICT

ITEM 21 of the Budget Bill

Budget page 12

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

Amount requested	\$205,572
Estimated to be expended in 1963-64 fiscal year	204,851
Increase (0.4 percent)	\$721
Increase to maintain existing level of service.....	\$721

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The District Court of Appeal, Third Appellate District, consists of one division of three justices and an authorized staff of 12.1 positions. The court sits in Sacramento. It has jurisdiction over certain appeals originating with the superior, municipal, and justice courts from the following counties: Alpine, Amador, Butte, Calaveras, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba. It also has jurisdiction to issue writs of habeas corpus, mandamus, prohibition and certiorari.

Expenditures proposed for the Third District Court of Appeal amount to \$205,572, an increase of \$721 or 0.4 percent over estimated expenditures for the current year.

Provision has been made in the budgeted amount for additional fees for counsel appointed to defend indigent appellants in criminal cases. It is anticipated that revenue to the court will be increased as the result of fee increases required by Chapter 873, Statutes of 1963.

We recommend approval as budgeted.

DISTRICT COURT OF APPEAL, FOURTH APPELLATE DISTRICT

ITEM 22 of the Budget Bill

Budget page 12

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

Amount requested	\$231,499
Estimated to be expended in 1963-64 fiscal year	228,880
Increase (1.1 percent)	\$2,619
Increase to maintain existing level of service.....	\$2,619

TOTAL RECOMMENDED REDUCTION..... None

**District Court of Appeal, Fourth Appellate District—Continued
ANALYSIS**

The District Court of Appeal, Fourth Appellate District, is composed of one division of three justices together with a supporting technical and clerical staff of 10 authorized positions. While this court has its headquarters in the City of San Diego, it sits on alternate months in the City of San Bernardino. It has jurisdiction over certain appeals from superior, municipal, and justice courts located in the Counties of Imperial, Inyo, Orange, Riverside, San Bernardino and San Diego. The court has original jurisdiction to issue writs of habeas corpus, mandamus, prohibition and review. This district court of appeal has one justice for each 17 superior court judges in the district. This is the highest ratio among the five district courts of appeal. Each superior court judge is a potential workload producer for an appellate court.

Expenditures proposed for this court during fiscal year 1964-65 amount to \$231,499, an increase of \$2,619 or 1.1 percent over estimated expenditures for the current year.

The amount provided in the fourth appellate district courts' request shows an increase in fees for counsel assigned to indigent appellants in criminal cases. Also shown by the request is an anticipated increase in revenue on the basis of increased court fees established at the 1963 legislative session by Chapter 873, Statutes of 1963.

We recommend approval of this item as budgeted.

DISTRICT COURT OF APPEAL, FIFTH APPELLATE DISTRICT

ITEM 23 of the Budget Bill

Budget page 13

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

Amount requested	\$192,459
Estimated to be expended in 1963-64 fiscal year.....	186,445
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Increase (3.2 percent).....	\$6,014
Increase to maintain existing level of service.....	\$6,014

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The District Court of Appeal, Fifth Appellate District, consists of one division of three justices and a supporting staff of eight persons. Its sessions are held in Fresno. This court has jurisdiction over certain appeals from superior, municipal, and justice courts originating in Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tuolumne, and Tulare Counties. It also has jurisdiction to issue writs of habeas corpus, mandamus, prohibition and review. The fifth district court has one justice to each eight superior court judges in the district which is the lowest workload producing ratio among the district appellate courts.

Expenditures proposed for this court during fiscal year 1964-65 total \$192,459, an increase of \$6,014 or 3.2 percent over estimated expenditures for the current year.

District Court of Appeal, Fifth Appellate District—Continued.

Provision is made in the proposed expenditures for temporary help to meet a problem of turnover in legal research positions. Another item of increased expense is that providing added fees for counsel assigned to indigent appellants in criminal cases made necessary by recent court decisions. Court revenues show a substantial increase due to fee increases made by Chapter 873, Statutes of 1963.

We recommend approval as budgeted.

GOVERNOR

ITEM 24 of the Budget Bill

Budget page 16

FOR SUPPORT OF THE GOVERNOR FROM THE GENERAL FUND

Amount requested	\$897,166
Estimated to be expended in 1963-64 fiscal year	880,511
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Increase (1.9 percent)	\$16,655
Increase to maintain existing level of service	\$16,655

TOTAL RECOMMENDED REDUCTION..... None

ANALYSIS

The Governor is the Chief Executive of the State. He is ultimately responsible for all matters within the jurisdiction of California's executive branch of state government. This budget item contains the proposed amount to support his executive offices in Sacramento, San Francisco and Los Angeles.

This budget totals \$897,166, which is an increase of \$16,655 (1.9 percent) over the estimated expenditure of \$880,511 for 1963-64. The 1964-65 budget includes a \$20,855 increase in salaries and wages, a \$3,800 increase in operating expenses, and a decrease of \$8,000 in equipment. In our opinion, this net increase of \$16,655 may be defined as increases to maintain the existing level of service.

During the current budget year the Governor's office created and filled a new staff position, assistant to the Governor for human rights, to serve as a personal adviser to the Governor in the field of civil rights. This \$17,365-per-year position will also be responsible for seeing that the Governor's Code of Fair Practices for state employment is carried out. The cost of the position, in effect, was offset by the abolishment of the \$17,365-per-year departmental secretary position. The responsibilities of the departmental secretary position were transferred to the cabinet secretary. The administrative assistant II position established during the current fiscal year will work under the direction of the cabinet secretary.

We recommend approval as budgeted.