

Court Perks All Over the Map

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SACRAMENTO — Faced with staggering budget cuts and multimillion-dollar cost overruns, California's judiciary leaders this spring will consider employee layoffs, furloughs and cutbacks to traditionally sacrosanct programs like courthouse security.

But for judges in 19 courts across the state, the scenario won't be nearly so bleak. Court executives there will dip into their operating budgets and spend a combined \$3 million on judicial perks ranging from car allowances to family gym memberships.

And no matter how bad the judiciary's cash crunch grows, no one — save a reluctant Legislature — can strip away the judges' court-provided benefits.

It's the law.

Adopted amid a contentious, marathon budget-fixing session in February, Senate Bill 11XX authorized counties to continue paying employee benefits to judges on top of the full range of extras the state already offers. Most of the public scrutiny focused on Los Angeles County, which offers local jurists an extra \$46,000 in benefits annually.

Less noticed was a provision in the bill that also requires courts that provide supplemental judicial benefits to continue doing so. And unlike counties, courts can't opt out of the payments.

"When bills come up for a floor vote without a lot of committee review, they're often passed off as routine," said Assemblyman Chuck DeVore, R-Irvine, one of only a handful of legislators to vote against SB 11XX.

"And lawmakers are not in the habit of doing a lot of oversight of the judiciary," DeVore said.

California pays all trial court judges \$178,789 a year plus a benefit package that includes health, dental and vision coverage, life insurance, a pension plan and a self-funded retirement account. Los Angeles and 11 other counties pay for

additional perks . Of the 19 courts that offer their own supplemental benefits, many provide more generous health plans that include more local doctors. Others match what county executives receive, even if it appears to duplicate what the state already offers.

The benefits provided by small courts are often limited and relatively inexpensive. Mariposa County Superior Court, for example, pays less than \$500 a year for life insurance policies for its two judges. Placer offers its judges life and disability coverage for just under \$1,000 a year.

But the perks in other courts can be substantial. San Diego pays each of its judges \$572 a month for car expenses. Medical care subsidies run up to \$855 a month per judge. The court's total bill for judicial extras is \$1.9 million annually.

In Nevada County, the court pays \$50 a month toward each judge's pension. Judges also receive life insurance and a stipend for cell phones and personal digital assistants like BlackBerrys.

In Napa, the court picks up the extra cost — about \$232 per month per judge — of enrolling in the county's health insurance instead of the state's. Judges there also receive extra "management pay," a life insurance policy and, if they meet certain criteria, half the cost of their gym memberships.

"Currently, four of our judges are members of a local health club and receive the benefit due to their regular attendance and participation in the health club activities," Napa Court Executive Officer Stephen Bouch said in an e-mail. "This may be a significant contributor to our extraordinarily low incidence of judicial absence due to sickness."

Tulare County Superior Court offers gym memberships to its judges, too, and it also covers health club costs for judges' family members.

The benefits' combined cost of just under \$3 million is a tiny fraction of the judiciary's \$2 billion annual budget. And eliminating the extras would hardly make a dent in the \$100 million in spending that state leaders are asking the judiciary to cut this year.

But their continued cost comes at a time when judicial leaders have said they don't have the money to launch a long-awaited case management system or to expand oversight of the state's historically troubled conservatorship caseload.

"That doesn't pass the smell test," DeVore said.

Many of the court benefits are legacies of the days when counties, not the state, ran local courthouses.

"For whatever reason, in some cases the funding for the payment of benefits that existed when the courts were with the counties was written into courts' budgets and remained there," said William Vickrey, the Administrative Office of the Courts' administrative director. "There's a legacy of these very piecemeal benefits around the state, and the state hasn't provided any pattern for us to determine what is and is not a reasonable level of benefits."

That piecemeal legacy has created a de facto multi-tier salary structure that bears no relation to a judge's caseload, experience or cost of living. Nor does it reflect the notion that all judges serve equally in one unified state branch.

It means that Kings County judges receive a deferred compensation plan, medical cost reimbursements and disability coverage while their counterparts in Santa Cruz do not.

Alex Calvo, executive officer of the Santa Cruz County Superior Court, said bench officers there "made a conscious decision" to accept only state-provided benefits when the state assumed funding for all courts after 1997.

"It's never been an issue here," Calvo said. "One of the characteristics of the Santa Cruz legal community is a real sense of public service."

The lack of extra perks, from either the county or the court, hasn't hurt judicial recruitment efforts, either, Calvo said, despite the region's high cost of living.

"When we've had openings, we've always had a large pool of attorneys who have expressed an interest in wanting to become a judge," he said.

Vickrey said any attempt to eliminate court-paid benefits would unfairly target judges who took the bench expecting to receive them.

And, in reality, it's unlikely any legislator would try to take away the extra perks. News that Los Angeles County Superior Court leaders spent \$10,000 a month in taxpayer money on a lobbyist to draft and secure votes for SB 11XX hardly raised an eyebrow in the Legislature. The California Judges Association employs a lobbyist to promote its legislative interests, and its members can be counted on to pigeonhole local lawmakers.

While DeVore served on a subcommittee that reviews the judiciary budget, "I certainly was on the receiving end of some friendly visits by judges," he said.

Legislators, DeVore added, are often willing to defer to judges on running the courts.

"It's kind of the last bastion of unquestioned governance," he said. "They like to jealously guard their prerogatives. I think they're often in a position of saying, 'Look, let us oversee our own house.'"

So what's to stop a local bench that doesn't receive benefits now from setting aside some of the court's budget for, say, judicial car allowances or gym memberships? The new law, Vickrey said.

"There is nothing that provides constitutional or statutory authority to the courts to provide any new benefits," he said. "That was clearly understood at the time [SB 11XX] was passed."

Changes to the disparate benefits system may be coming, though. The Legislature has asked the Judicial Council to report back on "benefits inconsistencies" by the end of the year.

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