



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 50-2 SEPTEMBER 2021**

**DATE:** September 23, 2021

**TO:** Members, Board of Trustees

**FROM:** Steve Mazer, Chief Administrative Officer

**SUBJECT:** Adoption of Judge Pay Schedule

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### **EXECUTIVE SUMMARY**

This item requests adoption of the State Bar Court judge pay schedule for state fiscal year 2021–2022 (retroactive to July 1, 2021), based on a notice of statutory judicial salaries issued by the California Department of Human Resources on August 11, 2021.

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### **BACKGROUND**

All compensation reported to CalPERS must be compliant with the California Public Employees' Retirement Law (PERL).

Government Code section 20636 requires that base pay rates must be set pursuant to publicly available pay schedules. California Code of Regulations section 570.5 clarifies the requirements of publicly available pay schedules, which include approval and adoption by the employer's governing body.

CalPERS has previously informed us that pay schedules for State Bar Court judges must be adopted by the Board in the same manner as those for regular employees, even though the judges' salaries are set by statute, with the Board having no discretion over them.

### **DISCUSSION**

Salaries for State Bar Court judges are set by statute. Business and Professions Code sections 6079.1(d) and 6086.65(a) set the salaries for the State Bar Court presiding judge and Review

Department judges at the same salary as superior court judges, and the salary for State Bar Court Hearing Department judges at 91.3225 percent of the salary of superior court judges. Between July and October of each year, the California Department of Human Resources sends an Exempt Pay Letter to the State Controller's Office and the Judicial Council of California, providing notice of adjustments to judicial officer salaries for the fiscal year, effective retroactively to July 1. The State Bar updates the salaries for State Bar Court judges based on that pay letter. Occasionally, the California Department of Human Resources sends updates to the original Exempt Pay Letter for that fiscal year.

The process for establishing the salaries of California judges is provided in Government Code sections 68202 and 68203. The formula for calculating salary increases for judges is based on the average percentage salary increase for State of California employees, as determined by the California Department of Human Resources.

On August 11, 2021, the California Department of Human Resources issued an Exempt Pay Letter providing notice of a 4.3 percent increase to judicial officer salaries for state fiscal year 2021–2022. The attached pay schedule for State Bar Court judges reflects this statutory salary increase, effective July 1, 2021.

## **FISCAL/PERSONNEL IMPACT**

Salary increases for State Bar Court judges are included in the annual budget.

## **AMENDMENTS TO RULES**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: None – core business operations

## **RECOMMENDATIONS**

**Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:**

**RESOLVED**, that the Board of Trustees adopts the State Bar Court judge pay schedule included as Attachment A, as described herein.

## **ATTACHMENT LIST**

- A. State Bar Court Judge Pay Schedule, July 1, 2021 to June 30, 2022**

**ATTACHMENT A**  
**The State Bar of California**  
**Annual Salaries for State Bar Court Judges, 7/1/2021 to 6/30/2022**

Classification Title	Unit	Effective Date*	Minimum Annual Salary**	Maximum Annual Salary**
Presiding Judge	Judge	7/1/2021	\$ 223,829	\$ 223,829
Review Judge	Judge	7/1/2021	\$ 223,829	\$ 223,829
Hearing Judge	Judge	7/1/2021	\$ 204,406	\$ 204,406

**\*7/1/2021:** Per 8/11/2021 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, providing notice of statutory judicial salaries effective 7/1/2021.

**\*\***The State Bar Court presiding judge and Review Department (appeals level) judges are paid the same salary as superior court judges; State Bar Court Hearing Department judges (trial level) are paid 91.3225 percent of the salary of superior court judges (Business and Professions Code Sections 6079.1(d) and 6086.65(a)). Salaries of superior court judges are set pursuant to Government Code Section 68203.