



The State Bar of California

OPEN SESSION AGENDA ITEM 50-3 MARCH 2023

DATE: March 16, 2023

TO: Members, Board of Trustees

FROM: Steve Mazer, Chief Administrative Officer

SUBJECT: Adoption of State Bar Court Judge Pay Schedule

EXECUTIVE SUMMARY

This item requests adoption of revised State Bar Court judge pay schedule for state fiscal year 2022–2023 (retroactive to July 1, 2022), based on an adjustment to statutory judicial salaries announced by the California Department of Human Resources on December 2, 2022.

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 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 regular employee pay schedules, 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 September 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 December 2, 2022, the California Department of Human Resources issued an Exempt Pay Letter providing notice of adjustments to judicial officer salaries for state fiscal year 2022–2023; this pay letter updated the original pay letter for fiscal year 2022–2023 that was issued on July 19, 2022. The new adjustment provides an additional 0.894 percent increase to the salaries of California Superior Court judges. The attached salary schedule reflects the corresponding increase to the salaries of State Bar Court judges.

FISCAL/PERSONNEL IMPACT

The 0.894 percent salary increase will increase salary and benefits costs by approximately \$22,000, and have been included in the 2023 adopted budget.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

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 approves 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, 2022, to June 20, 2023

The State Bar of California
Annual Salaries for State Bar Court Judges, 7/1/2022 to 6/30/2023

Classification Title	Unit	Effective Date*	Minimum Annual Salary**	Maximum Annual Salary**
Presiding Judge	Judge	7/1/2022	\$ 231,174	\$ 231,174
Review Judge	Judge	7/1/2022	\$ 231,174	\$ 231,174
Hearing Judge	Judge	7/1/2022	\$ 211,114	\$ 211,114

***7/1/2022:** Per 12/01/2022 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, providing notice of statutory judicial salaries effective 7/1/2022 (update to previous Exempt Pay Letter issued on July 19, 2022).

******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.