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Court shoots down judicial perks

added october 19, 2008 | 1 response

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In a practice critics called a waste of taxpayer money, Los Angeles County has violated the state constitution for years by paying judges perks and supplemental benefits over their state salaries, a state appeals court has ruled.

The justices wrote that the state constitution requires the Legislature to set judges' pay - and the Board of Supervisors' practice of paying judges an extra \$46,436 annually in cash benefits is "not permissible." They sent the matter back to Superior Court.

The case was filed by Judicial Watch, a conservative watchdog group based in Washington, D.C. The ruling was made Friday by a three-judge panel of the state's 4th District Court of Appeal.

Paul Orfanedes, litigation director for Judicial Watch, said Wednesday that the ruling means the Board of Supervisors had spent taxpayer dollars in a way "directly contrary to the California Constitution."

"It's a question of integrity for the court," Orfanedes said.

"Judges are in a very unique position. It's one of the most important positions from the standpoint of the public's trust and confidence, and the fact they are taking this money the constitution says they shouldn't take, I think, has some impact on the important role they play."

The county supervisors did not return calls for comment, and a Superior Court spokeswoman said judges are precluded from commenting on ongoing litigation.

But Assistant County Counsel Les Tolnai denied

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allegations that the payments had resulted in judicial bias, saying the claims didn't "merit a response." However, he pointed out that the justices found that the payments were not "gifts of public funds" as Judicial Watch had alleged.


"The Court of Appeal pointed out what has happened has not been a waste of public funds," Tolnai said. "What occurred here is a very technical interpretation of the constitutional language ... and frankly it's a decision that surprised everyone associated with this process."

Tolnai said the Board of Supervisors has not decided whether to appeal the ruling to the state Supreme Court. If the board decides not to appeal or is unsuccessful on appeal, Orfanedes said he planned to ask the lower court to issue an injunction ordering the county to stop making the payments.

The county began making the payments to more than 400 judges in the late 1980s. In 1997, the Legislature passed a law stating the state would assume the responsibility of funding court operations. But since 1998, the county has continued to pay at least \$120 million to the judges.

In 2007, each judge was eligible to receive \$46,436 in supplemental compensation from the county on top of the benefit package provided by the state and an annual salary of \$178,789. The judges are allowed to either purchase additional health, life, disability and other benefits from the county or keep the cash as taxable income.

Some attorneys have alleged that the county's payments to judges make it nearly

 **regjoeschmo**
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