



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 3.5 FEBRUARY 2025 BOARD OF TRUSTEES**

**DATE:** February 21, 2025

**TO:** Members, Board of Trustees

**FROM:** Justice Israel, Director of Human Resources, Office of Human Resources

**SUBJECT:** Adoption of State Bar Court 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 2024–2025 (partially retroactive to July 1, 2024, and partially retroactive to January 1, 2025), based on an adjustment to statutory judicial salaries announced by the California Department of Human Resources on November 14, 2024, and AB 3279, respectively.

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 the State Bar 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.

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### **RECOMMENDED ACTION**

This report requests the Board of Trustees to approve the 2024–2025 State Bar Court judge pay schedule as outlined in Attachment A.

## **DISCUSSION**

Salaries for State Bar Court judges are set by statute within Business and Professions Code sections 6079.1(d) and 6086.65(a). Historically, Business and Professions Code section 6079.1(d) set the compensation for the State Bar Court presiding judge and Review Department (appeals level) judges at the same level as superior court judges, and the compensation for State Bar Court Hearing Department judges (trial level) 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. Occasionally, the California Department of Human Resources sends updates to the original Exempt Pay Letter for that fiscal year.

On November 14, 2024, the California Department of Human Resources issued an Exempt Pay Letter providing notice of adjustments to judicial officer salaries for state fiscal year 2024–2025. The updated letter provides a 2.62 percent increase to the salaries of California Superior Court judges. On September 12, 2024, California Governor Gavin Newsom signed AB 3279, which amended Business and Professions Code sections 6079.1(d) to state the following, in pertinent part:

“...Hearing judges shall be paid the salary of a superior court judge. The presiding judge shall be paid the same salary as a justice of the court of appeal.”

Because AB 3279 went into effect on January 1, 2025, there are two separate increases for State Bar Court judges to account for in this fiscal year:

- The 2.62 percent increase identified by the California Department of Human Resources, which accounts for the period beginning July 1, 2024, through December 31, 2024; and
- The changes pursuant to AB 3279, which accounts for the period beginning January 1, 2025, through June 30, 2025.

## **PREVIOUS ACTION**

None

## **FISCAL/PERSONNEL IMPACT**

The 2.62 percent salary increase was in effect from July 1, 2024, through December 31, 2024 (applied retroactively in 2025), amounts to an increase in salary and benefits costs of approximately \$45,000. This has been included in the State Bar Court's 2025 budget.

The changes pursuant to AB 3279, which went into effect on January 1, 2025, and will continue

through June 30, 2025, amount to an increase in salary and benefits costs of approximately \$115,000 (\$230,000 annually) assuming full staffing of the State Bar Court judges. This initial realignment to superior court judge and justice of the court of appeals will be funded from salary savings. Any compensation increase for State Bar Court judges on or after January 1, 2025, resulting from salary increases for superior court judges or justices of the court of appeal shall be funded by license fees only up to the amount that would have been applied prior to the implementation of AB 3279.

## **AMENDMENTS TO RULES**

None

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

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

None – core business operations

## **RESOLUTIONS**

**Should the Board of Trustees concur, it is:**

**RESOLVED**, the Board of Trustees approves the 2024–2025 State Bar Court judge pay schedule, included as Attachment A.

## **ATTACHMENT LIST**

- A.** State Bar Court Judge 2024–2025 Pay Schedule

## ATTACHMENT A

### The State Bar of California Annual Salaries for State Bar Court Judges, 7/1/2024 to 6/30/2025

Classification Title	Unit	Effective Date*	Salary	AB 3279 effective January 1, 2025**	Difference
Presiding Judge	Judge	7/1/2024	\$244,727	\$280,052	\$35,325
Review Judge	Judge	7/1/2024	\$244,727	\$280,052	\$35,325
Hearing Judge	Judge	7/1/2024	\$223,491	\$244,727	\$21,236

**\*7/1/2024–12/31/2024:** Per 11/14/2024 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, providing notice of statutory judicial salaries effective 7/1/2024 (update to previous Exempt Pay Letter issued on 8/19/2024).

**\*\*1/1/2025–6/30/2025:** Pursuant to AB 3279, the State Bar Court Hearing judges shall be paid the salary of a superior court judge. The presiding judge shall be paid the same salary as a justice of the court of appeal. Salaries of superior court judges are set pursuant to Government Code Section 68203.