

SUPREME COURT OF CALIFORNIA

Mandel v. Myers

29 Cal. 3d 531 (Cal. 1981) · No. S.F. 24217 · Decided June 18, 1981

SUMMARY

The Supreme Court of California held that a trial court could order the State Controller to pay a final \$25,000 attorney-fee judgment from an existing Department of Health Services operating-expense appropriation. The court concluded that doing so did not violate separation-of-powers principles because the order did not compel a new legislative appropriation. It further held that the Legislature could not exclude this particular fee award based on a case-by-case legislative re adjudication of the merits of a final court judgment.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Tobriner, J.; Mosk, J.; Newman, J.; Reynoso, J.; Grodin, J.; Richardson, J.; Bird, C.J.
JURISDICTION	California
DECIDED	June 18, 1981
DOCKET	S.F. 24217
DISPOSITION	affirmed
PROCEDURAL POSTURE	Third appeal in a proceeding to enforce a final judgment awarding plaintiff \$25,000 in attorney fees against state agencies and officials. Defendants appealed from a trial court order directing the State Controller to pay the award, plus interest, from the Department of Health Services' general operating-expense appropriation.
STANDARD OF REVIEW	De novo review of the constitutional and statutory authority for the trial court's enforcement order and interpretation of the applicable appropriation.
PRECEDENTIAL VALUE	Published and precedential California Supreme Court opinion.
PARTIES	Beverlee Myers, as Director of the Department of Health Services, et al., Department of Health Services of the State of California, Kenneth J. Cory, State Controller, State of California v. Shelley Mandel

TOPICS

establishment clause

separation of powers

attorney fees

remedies

constitutional law

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a court may order the State Controller to pay a final attorney-fee judgment from funds already appropriated by the Legislature without violating separation of powers.
2. Whether the Department of Health Services' general operating-expense and equipment appropriation was legally available to pay the court-awarded attorney fees.
3. Whether the Legislature could exclude this particular final attorney-fee award from an otherwise available general appropriation by readjudicating the merits of the final judgment on a case-by-case basis.

HOLDINGS

1. The separation-of-powers doctrine does not bar a court from directing the State Controller to pay a final judgment from funds already appropriated by the Legislature, because the order does not compel the Legislature to enact an appropriation or perform a legislative act.
2. The 1978-1979 Budget Act appropriation for Department of Health Services operating expenses and equipment was reasonably available to pay the court-awarded attorney fees.
3. The Legislature may not exclude a particular attorney-fee award from an otherwise available appropriation when the exclusion rests on a case-by-case legislative reassessment of the merits of a final court judgment.

KEY QUOTATIONS

“The Legislature is not a supercourt that can pick and choose on a case-by-case basis which final judgments it will pay and which it will reject.” (552)

“If, in the absence of such invalid restriction, appropriated funds are reasonably available for the expenditures in question, the separation of powers doctrine poses no barrier to a judicial order directing the payment of such funds.” (542)

FACTUAL BACKGROUND

Mandel, a Department of Health Services employee, challenged the state's practice of granting employees three hours of paid leave on Good Friday. The trial court found the practice unconstitutional, enjoined payment for the leave, and awarded \$25,000 in attorney fees based on the substantial benefit conferred on the plaintiff's class and the public. Although the judgment and fee award became final, state officials did not pay them; after two proposed specific appropriations were rejected, the trial court ordered payment from the department's existing operating-expense and equipment appropriation.

PROCEDURAL HISTORY

Mandel prevailed in an action challenging the Department of Health Services' paid Good Friday leave policy as an unconstitutional establishment of religion and received a \$25,000 attorney-fee award in the 1973 judgment. The Court of Appeal affirmed the judgment and fee award in *Mandel v. Hodges*, and the California Supreme Court denied a hearing, making the judgment final. After the Legislature twice declined to provide a specific appropriation for the fee, the trial court directed payment from an existing general operating-expense appropriation. The Supreme Court affirmed that enforcement order.

DISPOSITION

affirmed

CASES CITED

- *Mandel v. Hodges*, 54 Cal. App. 3d 596, 619-624 (1976)
- *Myers v. English*, 9 Cal. 341, 349 (1858)
- *Westinghouse Electric Co. v. Chambers*, 169 Cal. 131, 135 (1915)
- *California State Employees' Assn. v. State of California*, 32 Cal. App. 3d 103, 108-109 (1973)
- *Veterans of Foreign Wars v. State of California*, 36 Cal. App. 3d 688, 697 (1974)
- *Shapiro v. Thompson*, 394 U.S. 618 (1969)
- *Purdy & Fitzpatrick v. State of California*, 71 Cal. 2d 566 (1969)
- *Memorial Hospital v. Maricopa County*, 415 U.S. 250 (1974)
- *Califano v. Goldfarb*, 430 U.S. 199 (1977)
- *State Board of Education v. Levit*, 52 Cal. 2d 441, 466 (1959)
- *United States v. Lovett*, 328 U.S. 303, 318 (1946)
- *United States v. Nixon*, 418 U.S. 683, 704 (1974)
- *Denny v. Mattoon*, 84 Mass. (2 Allen) 361, 378-379 (1861)
- *Chadha v. Immigration & Naturalization Service*, 634 F.2d 408, 430-431 (9th Cir. 1980)
- *United States v. Klein*, 80 U.S. (13 Wall.) 128, 144-147 (1872)
- *Newland v. Board of Governors*, 19 Cal. 3d 705, 711-713 (1977)
- *Mandel v. Lackner*, 92 Cal. App. 3d 747 (1979)
- *Jarvis v. Cory*, 28 Cal. 3d 562 (1980)
- *Olson v. Cory*, 27 Cal. 3d 532 (1980)
- *Payne v. Superior Court*, 17 Cal. 3d 908, 920 n.6 (1976)
- *Bixby v. Pierno*, 4 Cal. 3d 130, 141 (1971)
- *Brydonjack v. State Bar*, 208 Cal. 439, 444 (1929)
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 87, 103 (1803)