

Montgomery, Pamela

From: Paul Mast [REDACTED]
sent: Friday, August 03, 2007 4:18 AM
to: Montgomery, Pamela
Subject: Paul Mast - pension accounting

Dear Pamela,

It is getting on towards a year since I sent you the corrected accounting regarding the payment deficiencies on my pension. I know that this is a burdensome project for you. You have inherited it, and it never would have developed, except your predecessors did not seem to understand what had to be done, so just put it aside until it blossomed into a huge accounting nightmare.

The accounting I sent you last year is correct, and I tried to assist you by projecting the results forward to the end of 2006. Unfortunately, that has long past, and it has gotten more complex, as another adjustment time has come and gone.

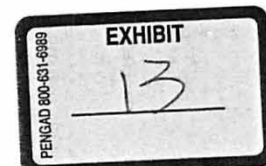
I understand that you and your office think that I am some oddity as I am the only retired Judge having his pension calculated in this manner. I would like to give you the background, so that you can see that I did not choose to be the only one in this position, that was the choice of your office.

In the 1970's, the Legislature passed a law adjusting Judge's salaries by eliminating cost of living increases, as well as other adjustments that are not material here. This resulted in two successive lawsuits, both entitled Olsen v. Cory. The result of these suits was that three classes of judges were created based upon the date of the judges' election/appointment. The bases of this is the provision of the Constitution that a judges salary may not be decreased during his/her term of office. This was held by the decisions to apply to retired and retiring judges. That is, for retirement purposes, it applies to any judge elected/appointed to a term of office before the effective date of the new law, who retires during that term of office. That is the category I fall into. The law also applies to all judges who retired before the effective date of the law.

The obvious question is, if that is the case, why am I the only retired judge receiving a retirement pension that is being adjusted as mine is, as there must thousands of other judges in this category. The answer to that is, as hard as this is to believe, I apparently am the only one of the judges who read and understood the law.

I retired in January, 1979, and was still serving a term that fell within the above provisions. When I was appointed in 1966, at the age of 33, I was the youngest judge, up to that time, ever appointed in California. When I retired in 1979, I was still relatively young and did not begin receiving the pension until 1995.

In 1995, when I retired and presented the proposition to your office as to what the basis for my pension calculations should be, their was an initial rejection as no one, as now, had ever made this claim before. I started the administrative procedure, and as part of that I briefed the cases and pointed out to your attorneys what the law was. There was no disagreement about the law, and we entered into a settlement agreement wherein my pension was to be based upon the



decision in the Olsen v. Cory cases.

As part of that agreement I entered into a Confidentiality Agreement. Someone in your office estimated that if they were to apply the law retroactively to all the retired judges whose pensions had been calculated erroneously, that the amount of arrearages at that time would be \$400,000,000. I don't know if this number is correct, but it would have been a lot. I am not proud of entering into the Confidentiality Agreement, but I have lived up to it. It was an immoral thing for me to do and it was an immoral thing for the State (your office) to do. Interestingly, the Statute of Limitations does not apply to such debts, and the amount of underpayments is still owed, although most of the judges in this category have died.

Your predecessor in office, several times removed - from the late 1990's, who last I heard was working for the Judicial Council, was well aware of this situation and probably would remember it.

I have written this to show you that I am not some avaricious ogre unfairly taking money from the State of California. Moral or immoral, the agreement I entered into with the State has saved the State hundreds of millions of dollars.

Please review my accounting and bring the matter up to date.

Thank you,

Paul Meast