

LAWYERS' COMMITTEE FOR CIVIL
RIGHTS OF THE SAN FRANCISCO BAY AREA

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

Debt Collective;
Community Legal Services in East Palo Alto;
Anthony McCree; and
Lorena Gonzales Baes

Plaintiffs/Petitioners,

v.

Superior Court of California, County of San Mateo;
Neal I. Taniguchi, in his official capacity as Court
Executive Officer;
Hugo Borja, in his official capacity as Court
Commissioner;
Rosendo Padilla Jr., in his official capacity as Court
Commissioner;
Cristina Mazzei, in her official capacity as Court
Commissioner;
County of San Mateo;
Judicial Council of California; and
Martin Hoshino, in his official capacity as
Administrative Director of the Judicial Council

Defendants/Respondents.

Case No. 22CV006393

**FIRST AMENDED VERIFIED
PETITION FOR WRIT OF MANDATE,
CODE CIV. PROC., § 1085, AND
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF, CODE
CIV. PROC., § 526A**

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INTRODUCTION

1. This action seeks to enjoin and declare unlawful San Mateo Superior Court's civil assessment program. The civil assessment is a hidden \$300 charge the Court regularly assigns in traffic infraction cases to purportedly punish people who miss a payment or response deadline. But it in fact operates as a way for the Court and the California Judicial Council to make up for funding shortfalls—raising court revenues from those who can least afford to pay. In violation of the California Constitution and California law, the Court has automatically imposed this \$300 charge every time an individual misses a payment or deadline in a traffic infraction case.

2. The California Penal Code requires that both the imposition and amount of these assessments are discretionary. Judges must decide what fee, if any, is appropriate based on the facts and circumstances in an individual case. But San Mateo Superior Court has indiscriminately imposed the entire \$300 charge—the maximum amount allowed under Penal Code section 1214.1(a)—without considering individual case circumstances or whether good cause existed for missing the payment or deadline. See Pen. Code, § 1214.1(a).

3. In San Mateo Superior Court, the automated \$300 charge has been a forgone conclusion. It has been imposed through a computer system without the involvement of a judge—much less the exercise of any judicial discretion—in violation of not only Penal Code section 1214.1(a) but also the California Constitution. See Cal. Const., art. VI, § 22.

4. The Court's \$300 charge has also been hidden. Notices to traffic defendants have not adequately explained that individuals have a right to challenge this charge or the many reasons why they may do so. This lack of meaningful notice violates the due process safeguards enshrined in the California Constitution, Penal Code, and Court Rules. See Cal. Const., art. I, §§ 7(a), 15; Pen. Code, § 1214.1(b)(1); Cal. Rules of Court, rule 4.106(c)(1).

5. The Court has earned substantial revenue through this unlawful civil assessment program. It has charged the full \$300 in more than 80,000 cases in the past three years, sending more than 100,000 cases to civil debt collection and exacting more than \$9 million in revenues from traffic defendants for

1 an illegally-imposed charge.¹ The Court itself has amassed \$3.4 million in net revenue over the past
2 three years as a result of its civil assessment program.² That ongoing direct financial incentive to collect
3 as many fees as possible is a conflict of interest that violates the California Constitution’s fundamental
4 guarantee of due process and impartial judicial decision making. See Cal. Const., art. I, §§ 7(a), 15.

5 6. These unlawful fees, which the Court continues to impose and collect for the express
6 purpose of revenue generation, disproportionately impact those who can least afford them. The \$300
7 charge is often six to eight times greater than the base fine for a traffic infraction in California.³ Many
8 Bay Area residents simply cannot afford the charge: a recent study showed that nearly one in five Bay
9 Area residents had less than \$400 in savings.⁴ The Court’s \$300 charge only worsens the situation for
10 those who already cannot afford to pay or appear to challenge their traffic citations.⁵ The Court’s

15 ¹ San Mateo Superior Court’s Oct. 29, 2021 Response to Court Records Request (hereafter “Response
16 to Court Records Request”) (Q: “The number of civil assessments that the Court has imposed under
17 Penal Code 1214.1”; A: “From 1/1/2018 to 9/30/2021, the court imposed civil assessment on 83,592
18 cases.” Q: “The number of accounts the Court has referred to the Franchise Tax Board or a debt-
19 collection company ... from the imposition of civil assessments pursuant to Penal Code 1214.1”; A:
20 “103,198”; Q: “The amount of money that the Court has received as a result of imposition of civil
21 assessments under Penal Code 1214.1”; A: “The court retained \$1,620,077, \$1,075,035, and \$742,666
in FY 2018-19, 19-20, and 20-21, respectively, net of cost of collections and the county buyout amount
of \$2,105,536, which is remitted to the TCTF.” The county buyout amount applies as a threshold for
each year of collections before the Court can retain the balance. This means that the Court raised
approximately \$3 million in civil assessment revenues each year—and likely more given that these
numbers are net the cost of collections.

22 ² Response to Court Records Request, *supra*.

23 ³ See Cal. Uniform Bail and Penalty Schedules, Traffic Infraction Fixed Penalty Schedule (2021),
24 http://www.sanmateocourt.org/documents/criminal/uniform_bail_and_penalty_schedule.pdf
(identifying \$35 as the amount appropriate to charge as the base penalty for a traffic infraction).

25 ⁴ Taking Count: A Study on Poverty in the Bay Area, Tipping Point Community (2020) p. 2,
26 <https://tippingpoint.org/wp-content/uploads/2020/05/Taking-Count-Executive-Summary-2020.pdf>.

27 ⁵ Ben-Menachem, *New York Ends a Punishment that Traps People in Poverty*, The Appeal (Jan. 05,
28 2021), <https://theappeal.org/politicalreport/new-york-law-drivers-licence-suspensions/> (“But a failure to
appear in court is connected to poverty as well. People who can’t pay a traffic ticket may also not be
able to take time off work to go to court, or may be unable to arrange child care. Those who can afford
it can pay off their fines without the need to show up in traffic court.”).

1 unlawful charges also disproportionately impact Black and Brown people—who are already overpoliced
2 and subject to traffic stops at astronomical rates before being hit with this charge.⁶

3 7. The Court continues to collect civil assessments that have been illegally imposed without
4 judicial exercise of discretion and without adequate notice. The County of San Mateo has operated as
5 the Court’s debt collector—and is directly compensated by the Court for collecting its unlawful civil
6 assessment debts. The Court and the County make every effort to “maximize revenue collection” and
7 the County subjects those who cannot afford to pay their \$300 charge to wage garnishment, property
8 liens, and bank liens—including potential referral to private collections agencies.⁷ This system of court
9 debts is devastating to low-income Californians.

10 8. San Mateo Superior Court’s civil assessment practices became even worse during the
11 COVID-19 pandemic. On or before September 2021, the Court began automatically adding a \$300
12 charge for missing a court appearance even in cases where it had already ruled that the person did not
13 have to appear by deeming the defendant to have opted for a trial in absentia and resolving the citation
14 in their absence. This illogical practice lays bare that the Court’s civil assessment scheme is
15 fundamentally about revenue-generation. Once the Court has resolved a citation, all ordinary methods
16 of enforcing a judgment become available to the Court, including wage garnishment, tax intercept, or
17 any other lawful means to enforce a judgment.⁸ Instead of utilizing these ordinary methods, the Court

18 ⁶ See Sanchez, *Stanford Study Finds Bias in Police Searches*, Mercury News (June 19, 2017),
19 [https://www.mercurynews.com/2017/06/19/police-stop-black-and-latino-drivers-more-often-than-](https://www.mercurynews.com/2017/06/19/police-stop-black-and-latino-drivers-more-often-than-whites-stanford-study-finds/)
20 [whites-stanford-study-finds/](https://www.mercurynews.com/2017/06/19/police-stop-black-and-latino-drivers-more-often-than-whites-stanford-study-finds/) (Stanford University database reveals that police pulled over Black drivers
21 twice as often as white drivers in San Mateo County); Stats. 1996, ch. 217, § 2 (stating that “[i]n order
22 to ease the fiscal crises” faced by the courts “it is necessary that this act take effect immediately”); see
23 also Sances & You, *Who Pays for Government? Descriptive Representation and Exploitative Revenue*
24 *Sources* (Sept. 12, 2016) 79 J. of Politics 1090 (“[T]he use of fines as revenue is both commonplace
25 and robustly connected to the proportion of residents who are black.”); Back on the Road California,
26 *Stopped, Fined, and Arrested: Racial Bias in Policing and Traffic Courts in California* (2016) pp. 4-6,
http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf (identifying that
in major cities across California “Black and Latino drivers are pulled over more often by police, and
White drivers are pulled over less, each at rates that are disproportionate to their shares of the
population ... Black and Latino drivers are disproportionately pulled over without a good reason, as
evidenced by the rate of citations for non-observable offenses”).

27 ⁷ See Memorandum of Understanding, Ex. 1, at pp. 8, 12.

28 ⁸ Pen. Code, § 1214(a) (“If the judgment is for a fine ... the judgment may be enforced in the manner
provided for the enforcement of money judgments generally.”).

1 also upcharges every person \$300 for the sole purpose of funding itself. This practice has resulted in
2 thousands of Californians paying an additional \$300 charge in their traffic court case without any basis
3 to justify the charge.

4 9. The Judicial Council of California has actively encouraged San Mateo Superior Court—
5 and all trial courts across California—to impose civil assessments at the maximum amount in all traffic
6 infraction cases for the express purpose of raising revenues, thereby facilitating the Court’s violation of
7 California law.⁹ The Judicial Council also sends million-dollar incentive payments directly to San Mateo
8 Superior Court as a reward for imposing and collecting as many civil assessments as possible from low-
9 income traffic defendants.¹⁰ These incentive payments drive the Court’s financial motivation to collect
10 and, in doing so, create a conflict of interest for the Court in violation of the California Constitution’s
11 due process guarantees.

12 10. California courts provide vital services and deserve adequate funding. The Governor of
13 California has projected an unprecedented budgetary surplus of \$100 billion for this upcoming fiscal
14 year.¹¹ California could be providing its courts with adequate funding so that courts need not resort to
15 unlawfully extracting late fees from low-income Californians.

16 11. Plaintiffs/Petitioners request an end to San Mateo Superior Court’s unlawful civil
17 assessment practices—and seek to preclude the California Judicial Council and the County of San Mateo
18 from facilitating the Court’s unlawful civil assessments program.

22 ⁹ Judicial Council of California, Criteria for a Successful Civil Assessments Program (2005),
23 [https://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-](https://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf)
24 [Program.pdf](https://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf) (urging trial courts that they “should consider imposing civil assessment[s] on all eligible
cases” and that “[a] \$300 civil assessment should be imposed on each appropriate case”).

25 ¹⁰ See, e.g., Judicial Council of California, 2018-19 Allocations and Reimbursements to the Trial Courts
- Trial Court Trust Fund (2019) p. 9,
26 [jcc.legistar.com/View.ashx?M=F&ID=7818718&GUID=90AD8DF6-D899-463D-B9FC-](https://jcc.legistar.com/View.ashx?M=F&ID=7818718&GUID=90AD8DF6-D899-463D-B9FC-EA66D737C836)
27 [EA66D737C836](https://jcc.legistar.com/View.ashx?M=F&ID=7818718&GUID=90AD8DF6-D899-463D-B9FC-EA66D737C836) (identifying a civil assessment incentive payment to San Mateo Superior Court of
\$1,620,078 in FY 2018-19).

28 ¹¹ Hubler, *California Expects a Record Budget Surplus of Nearly \$100 Billion*, NEW YORK TIMES (May
13, 2022), <https://www.nytimes.com/2022/05/13/us/california-budget-surplus.html>.

JURISDICTION AND VENUE

12. This Court has jurisdiction under Article VI, section 10 of the California Constitution and California Code of Civil Procedure section 410.10.

13. Venue is appropriate in any county where Defendants' actions as public officials have an impact. Code Civ. Proc., § 393(b); *Stoneham v. Rushen* (1982) 137 Cal.App.3d 729, 733 ("It is where the shaft strikes [a citizen], not where it is drawn, that counts." (citation omitted)); see also O'Connor's California Practice (2019) § 4. Venue is proper in this Court because both San Mateo Superior Court and the County of San Mateo have sent civil assessment notices to and sought collections on civil assessment debts from Plaintiff Anthony McCree in Alameda County. Upon information and belief, both the Court and County charge, send notices to, and attempt to collect civil assessment debts from hundreds of residents in Alameda County.

14. The Judicial Council of California is a state agency that maintains an office in the State's Capitol at 2860 Gateway Oaks Drive, Ste 400 in Sacramento, California. Venue is therefore appropriate in Sacramento County because it is one location where the Judicial Council of California resides. See Code Civ. Proc., § 395. Where venue is proper against a state agency in Sacramento County, venue is also proper in any county where the California Attorney General has an office. Code Civ. Proc., § 401(1). The California Attorney General has an office in Alameda County at 1515 Clay Street in Oakland, California. Venue is therefore also proper against the Judicial Council and its staff in Alameda County.

PARTIES

A. Plaintiffs/Petitioners

1. Debt Collective

15. Plaintiff/Petitioner Debt Collective is an unincorporated nonprofit association created to fight unjust debts and help cancel debt for millions of Americans. Debt Collective is a membership-based union of debtors and their allies. Through policy advocacy, grassroots organizing, and creative use of technology and the media, Debt Collective leads campaigns to eliminate debt. Historically, Debt Collective has focused particularly on debts resulting from student loans and housing. Recently, however, the Debt Collective has assigned staff to address carceral debts in California—in recognition

1 of the outsized economic harms that criminal justice fines and fees force on low-income Californians
2 struggling to make ends meet.

3 16. The Debt Collective has interviewed and worked with dozens of Californians with carceral
4 debts, including individuals who have civil assessment debts. Debt Collective has paid state taxes
5 assessed by the State of California within the past year, including state sales taxes. Debt Collective also
6 has at least 200 members who are residents of the State of California—many of whom have paid state
7 taxes assessed by the State of California within the past year, including income taxes and sales taxes.
8 See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215
9 Cal.App.4th 1013, 1031-1033.

10 **2. Community Legal Services in East Palo Alto**

11 17. Community Legal Services in East Palo Alto (“CLSEPA”) is a non-profit offering free
12 legal services to low-income and working-class populations, predominantly communities of color, in the
13 areas of immigration, housing, employment, consumer, and reentry law. CLSEPA serves low-income
14 families throughout East Palo Alto and the surrounding region. The vast majority of CLSEPA’s clients
15 are below 50% of the median income in San Mateo County. CLSEPA utilizes community education,
16 individual legal advice and representation, legal assistance to community groups, policy advocacy, and
17 impact litigation to achieve its mission.

18 18. CLSEPA’s legal services include: (1) assisting clients who have experienced consumer
19 fraud or identity theft, (2) representing clients in housing preservation cases, (3) filing affirmative
20 immigration petitions for victims of crime and/or domestic violence survivors; and (4) assisting clients
21 with civil assessments imposed by San Mateo Superior Court through CLSEPA’s Economic
22 Advancement Program (“EAP”). The EAP strives to help low-income community members maximize
23 their earning potential and access opportunities for their families by protecting their income from wage
24 theft, scams, or fraud and improving their chances for future employment. EAP prioritizes cases where
25 it is difficult for clients to find or afford legal representation and cases involving immigrant workers and
26 the reentry population, who face barriers due to their criminal records.

1 19. In 2021, CLSEPA’s EAP assisted a number of clients with civil assessments imposed by
2 San Mateo Superior Court. CLSEPA finds that mounting court debt hinders its clients’ abilities to
3 achieve economic security for themselves and their families.

4 20. Fifteen of CLSEPA’s employees reside in and pay taxes to the County of San Mateo and
5 the State of California—and have paid such taxes within the past year, including county and state sales
6 tax and state income tax. CLSEPA has also directly paid taxes assessed by the County of San Mateo and
7 State of California within the past year, including county and state sales taxes. CLSEPA also owns its
8 office building in San Mateo County and pays property taxes to the County of San Mateo.

9 **3. Anthony McCree**

10 21. Plaintiff/Petitioner Anthony McCree is a 29-year-old Black man who resides in Alameda
11 County. In April 2019, Mr. McCree was on his way to a job interview in San Mateo County when he
12 was cited for fare evasion on public transit. At the time, Mr. McCree was unhoused. Accordingly, if he
13 was sent a copy of his citation in the mail, he did not receive it.

14 22. When Mr. McCree missed his response/payment deadline—through no fault of his own—
15 San Mateo Superior Court automatically imposed a \$300 civil assessment against him. Mr. McCree first
16 learned about his outstanding citation in San Mateo County in August 2021, after he secured housing in
17 Alameda County. In August 2021 and again in October 2021, Mr. McCree received collections notices
18 at his residential address in Alameda County from the County of San Mateo’s Revenue Services
19 Department. The notices from the County indicated that Mr. McCree owed San Mateo Superior Court a
20 total of \$860, which included a \$300 civil assessment. The base fine for fare evasion is \$250 or less.
21 See Pen. Code, § 640(a).

22 23. Mr. McCree could not afford to pay the amounts that San Mateo Superior Court and
23 San Mateo County claimed he owed. He struggled to find employment during the COVID-19 pandemic
24 and was concerned that he would once again be at risk of losing his housing. San Mateo County’s debt
25 collection notices—sent at the behest of San Mateo Superior Court—caused Mr. McCree considerable
26 anxiety, particularly because he was behind on his rent and already struggling to find the money to make
27 payments. Mr. McCree still owed a \$300 civil assessment charge to San Mateo Superior Court at the
28 time this case was initially filed. Since that time, Mr. McCree managed to secure counsel *pro bono* and,

1 on April 12, 2022, had his underlying citation dismissed and his civil assessment charge vacated. By
2 simply having an attorney to navigate the Court’s obscure traffic processes, Mr. McCree was freed from
3 a \$860 debt he never should have owed in the first place.

4 24. Within the past year, Mr. McCree has paid state taxes to the State of California, including
5 state sales taxes.

6 **4. Lorena Gonzales Baes**

7 25. Lorena Gonzales Baes is a 40-year old Hispanic woman who resides in San Mateo County,
8 California. Ms. Baes was born and raised, and now works and resides, in San Mateo County. On June 3,
9 2015, Ms. Baes was pulled over because her vehicle registration was six months past due. Because she
10 was pregnant, Ms. Baes was advised by her doctor to remain on bed rest as much as possible. Ms. Baes
11 was thus unable to travel to and from the Department of Motor Vehicles (“DMV”) to wait in line to
12 register her vehicle. She also suffered a loss of income from missed work due to her pregnancy, which
13 made the registration fees even more financially inaccessible. Ultimately, Ms. Baes borrowed money to
14 pay the past-due registration fees in a timely fashion. But she was not able to inform the Court by the
15 deadline.

16 26. On December 11, 2015, San Mateo Superior Court charged Ms. Baes \$285 for her
17 unregistered vehicle. But it also assigned her a \$300 civil assessment late charge, and \$77 in other court
18 charges, for a total charge of approximately \$662—despite Ms. Baes having already promptly corrected
19 her registration issue. The San Mateo Superior Court sent her account to collections. The County of San
20 Mateo has been pursuing Ms. Baes’ debt on behalf of the Court now that it is in collections. Although
21 Ms. Baes has paid off some of the balance, she still allegedly owes \$437 on that account.

22 27. To keep her family isolated and safe during COVID-19, Ms. Baes took a temporary break
23 from her job and experienced income loss due to missed work. She struggled to afford basic necessities
24 like groceries and rent during that time. As a result, she could not feasibly pay her annual vehicle
25 registration fee on time. But she needed to begin driving to maintain any job or income. On August 28,
26 2021, Ms. Baes was cited again for an unregistered vehicle.

27 28. While Ms. Baes ultimately paid the outstanding registration fees, she could not pick up the
28 registration sticker from the DMV due to her work schedule and her children’s school schedules. She

1 was also unable to pay the \$14 suspension fee placed on her vehicle by the DMV. The \$14 suspension
2 fee she could not afford and the fact that Ms. Baes did not inform the Court that she fixed her registration
3 led to yet another civil assessment on November 22, 2021 of \$300—again purportedly for failure to
4 respond to her citation on time. This was in addition to the \$281 fine and \$86 of fees Ms. Baes had
5 already been charged for her unregistered vehicle, for an issue that she had in fact already taken steps to
6 correct. As a result, Ms. Baes allegedly owes \$660 for her August 28, 2021 citation. San Mateo Superior
7 Court again sent her account to collections, which the County of San Mateo has been handling on the
8 Court's behalf.

9 29. On September 24, 2021, Ms. Baes was cited for an unregistered vehicle yet again despite
10 informing the officer that she had paid the registration fees but just needed to pay the \$14 suspension
11 fee and pick up her registration sticker from the DMV. Ms. Baes provided the officer with receipts of
12 payment of the registration fees but was cited anyways. On January 10, 2022, San Mateo Superior Court
13 charged Ms. Baes \$386 in civil assessments and other fees in addition to the \$285 fine already received
14 for an unregistered vehicle. This amount was also sent to collections. Ms. Baes now allegedly owes \$664
15 for her September 24, 2021 citation, which the County of San Mateo has been charged with collecting.

16 30. Ms. Baes remains unable to pay for her citations or civil assessments. She did not know
17 she could move to vacate her late charges or that the hurdles she encountered in trying to register her
18 vehicle could constitute good cause for vacatur. Ms. Baes' civil assessment debt impedes her financial
19 security and places constant stress on her because she is severely low-income. This debt also places her
20 and her children at an even higher risk of homelessness.

21 31. Within the last year, Ms. Baes paid income taxes to the State of California (her 2021 tax
22 refund was garnished by the DMV to pay various fines and fees amounting to \$2000), and she regularly
23 pays county sales taxes as a resident of San Mateo County.

24 32. All Plaintiffs/Petitioners are interested in having San Mateo Superior Court lawfully
25 impose and collect civil assessments—and in having the Judicial Council of California and the County
26 of San Mateo stop facilitating the Court's unlawful civil assessments program. All Plaintiffs/Petitioners
27 sue in their capacity as both taxpayers and citizens.

1 **B. Defendants/Respondents**

2 **1. San Mateo Superior Court**

3 33. Defendant and Respondent Superior Court of California, County of San Mateo
4 (“San Mateo Superior Court”) is a superior court established under the California Constitution. See Cal.
5 Const., art. VI, § 4 (“In each county there is a superior court of one or more judges.”). Defendant San
6 Mateo Superior Court is responsible for imposing, vacating, reducing, and collecting civil assessments
7 under Penal Code section 1214.1 in traffic infraction cases. When carrying out its functions in traffic
8 infraction cases, which are pre-unification municipal court functions, Defendant San Mateo Superior
9 Court is an “inferior tribunal” with respect to this Court as provided in Civil Procedure Code
10 section 1085(a). See *People v. Super. Ct. (Jimenez)* (2002) 28 Cal.4th 798, 803-804 (“Superior court
11 judges may still, generally at least, review actions of other superior court judges who were acting in a
12 role that the superior court would have reviewed before unification.”); *Lempert v. Super. Ct.* (2003)
13 112 Cal.App.4th 1161, 1169 (“Notwithstanding the court’s comment ‘we now have only one court,’
14 under the statutory scheme just laid out, that single court has two divisions corresponding to the former
15 municipal and superior courts.”).

16 34. Defendant San Mateo Superior Court, through its Presiding Judge: (1) “provide[s] general
17 direction to and supervision of the court executive officer” (Cal. Rules of Court, rule 10.603(c)(5)(A));
18 (2) approves “discharges of accountability” on outstanding court debts and has issued Standing Orders
19 related to when and how courts should impose civil assessments in traffic infraction cases;¹²
20 (3) “[a]uthorize[s] and direct[s] expenditures from the court’s Trial Court Operations Fund” (Cal. Rules
21 of Court, rule 10.603(b)(1)(F)); and (4) “ensur[es] that the duties of all judges ... are orderly performed”
22 (*id.*, rule 10.603(a)(2)).

23 **2. Neal I. Taniguchi**

24 35. Defendant and Respondent Neal I. Taniguchi is the Court Executive Officer for San Mateo
25 Superior Court (“Defendant CEO”) and is sued only in his official capacity. Defendant CEO is

26 ¹² See Memorandum of Understanding, *supra*, p. 13 (“the Presiding Judge may make an order
27 discharging none, any or all of the debt from accountability”); San Mateo Superior Court Standing Order
28 16-141 (“Civil Pursuit of Traffic Infractions and Authorizing Assessment of \$300 for Failure to
Appear”), http://www.sanmateocourt.org/documents/standing_orders/16-141.pdf (hereafter “Standing
Order 16-141,” Ex. 2).

1 responsible for assisting the Presiding Judge in establishing court policies. Cal. Rules of Court, rule
2 10.603(a). Defendant CEO is responsible for “overseeing the management and administration of the
3 nonjudicial operations of the court.” *Id.*, rule 10.610(b). Defendant CEO must also “[p]rovide general
4 direction to and supervision of the employees of the court” and “[a]nalyze, evaluate, and implement
5 technological and automated systems to assist the court.” *Id.*, rule 10.610(c)(1), (5). Upon information
6 and belief, Defendant CEO is responsible for implementing the “automated” process that imposes a \$300
7 civil assessment charge in traffic infraction cases and supervising staff that facilitate that process. Upon
8 information and belief, Defendant CEO is also responsible for overseeing the drafting, preparation of,
9 and mailing of civil assessment notices. Defendant CEO is an “inferior person” with respect to this Court
10 as provided in Civil Procedure Code section 1085(a).

11 **3. Hugo Borja**

12 36. Defendant and Respondent Hugo Borja is a Court Commissioner of San Mateo Superior
13 Court and is sued only in his official capacity. Defendant Borja presides over Department 31 in
14 Courtroom M of the Northern Court located at 1050 Mission Road, South San Francisco, CA 94080. All
15 daytime traffic court matters are scheduled to be heard in Defendant Borja’s courtroom.¹³ Upon
16 information and belief, Defendant Borja presides over the Traffic Division of San Mateo Superior Court
17 and is responsible for handling traffic infraction arraignments and appearances. Defendant Borja is an
18 “inferior person” with respect to this Court as provided in Civil Procedure Code section 1085(a). See
19 Gov. Code, § 71622; *People v. Super. Ct. (Jimenez)* (2002) 28 Cal.4th 798, 803-804 (citing *Solberg v.*
20 *Super. Ct.* (1977) 19 Cal.3d 182, 188).

21 **4. Rosendo Padilla, Jr.**

22 37. Defendant and Respondent Rosendo Padilla, Jr. is a Court Commissioner of San Mateo
23 Superior Court. Defendant Padilla is sued only in his official capacity. Defendant Padilla presides over
24 Department 32 in Courtroom 4A of the Southern Court located at 400 County Center, Redwood City,
25 CA 94063. All nighttime traffic court matters are scheduled to be heard in Defendant Padilla’s
26

27 ¹³ San Mateo Traffic Court Hearing Schedules & Court Appearances, [www.sanmateocourt.org/](http://www.sanmateocourt.org/court_divisions/traffic/hearing_schedules.php)
28 [court_divisions/traffic/hearing_schedules.php](http://www.sanmateocourt.org/court_divisions/traffic/hearing_schedules.php).

1 courtroom.¹⁴ Upon information and belief, Defendant Padilla presides over the Traffic Division of San
2 Mateo Superior Court and is responsible for handling traffic infraction arraignments and appearances.
3 Defendant Padilla is an “inferior person” with respect to this Court as provided in Civil Procedure Code
4 section 1085(a). See Gov. Code, § 71622; *People v. Super. Ct. (Jimenez)*, *supra*, 28 Cal.4th at pp. 803-
5 804 (citing *Solberg v. Super. Ct.*, *supra*, 19 Cal.3d at p. 188).

6 **5. Cristina Mazzei.**

7 38. Defendant and Respondent Cristina Mazzei is a Court Commissioner of San Mateo
8 Superior Court (together with Defendants Borja and Padilla, “Traffic Commissioners”). Defendant
9 Mazzei is sued only in her official capacity. Defendant Mazzei presides over Department 33 in
10 Courtroom 4A of the Southern Court located at 400 County Center, Redwood City, CA 94063. All
11 nighttime traffic court matters are scheduled to be heard in Defendant Mazzei’s courtroom.¹⁵ Upon
12 information and belief, Defendant Mazzei presides over the Traffic Division of San Mateo Superior
13 Court and is responsible for handling traffic infraction arraignments and appearances. Defendant Mazzei
14 is an “inferior person” with respect to this Court as provided in Civil Procedure Code section 1085(a).
15 See Gov. Code, § 71622; *People v. Super. Ct. (Jimenez)*, *supra*, 28 Cal.4th at pp. 803-804 (citing *Solberg*
16 *v. Super. Ct.*, *supra*, 19 Cal.3d at p. 188).

17 **6. County of San Mateo**

18 39. Defendant and Respondent County of San Mateo is the collections agent for all delinquent
19 court debts imposed by San Mateo Superior Court.¹⁶ As soon as the Court identified delinquent court
20 debt, the County becomes responsible for managing collections on that debt and pursues debt collection
21 efforts for months to years on any outstanding accounts. The County is directly compensated by the
22 Court for running its collections program.¹⁷ The County is also responsible for handling collections on
23 all debts imposed by San Mateo Superior Court’s civil assessments program—vigorously pursuing

24 _____
25 ¹⁴ *Supra* note 10.

26 ¹⁵ *Id.*

27 ¹⁶ See Memorandum of Understanding, *supra*, p. 7; Pen. Code, § 1463.010 (“The courts and counties
28 shall maintain the collection program [...] In carrying out this collection program, each superior court
and county shall develop a cooperative plan.”).

¹⁷ Memorandum of Understanding, *supra*, p. 11.

1 collections against thousands of Californians with outstanding civil assessment balances. Pen. Code,
2 § 1214.1(e); Gov. Code, §§ 25257(b), 68085.1(b).¹⁸

3 40. The County has known or should have known that the civil assessments collection program
4 is unlawful from the program’s inception. But the County at least knew of the program’s illegality
5 beginning on January 18, 2022, when its Acting Director of the Revenue Services Division received a
6 letter asking San Mateo Superior Court to stop the unlawful collection of civil assessments. This letter
7 explained the specific reasons for the program’s illegality—as outlined in this complaint.

8 41. The County of San Mateo is an “inferior board” with respect to this Court as that term is
9 used in Civil Procedure Code section 1085(a).

10 7. State Judicial Council

11 42. Defendant Judicial Council of California is the state entity established by the California
12 Constitution to manage the judicial branch. See Cal. Const., art. VI, § 6. “The Judicial Council bears the
13 responsibility for administering and controlling funds allocated to the judicial branch, including the Trial
14 Court Trust Fund.” *Templo v. State* (2018) 24 Cal.App.5th 730, 736-737 (citations omitted); see also
15 Gov. Code, § 68502.5, subd. (c)(1) (“The Judicial Council shall retain the ultimate responsibility to [...]
16 allocate funding for the trial courts[.]”). The Judicial Council receives all civil assessments revenues
17 collected from every trial court across the state—which are deposited into the state’s Trial Court Trust
18 Fund controlled by the Judicial Council.¹⁹ The Judicial Council then sends incentive payments from the
19 Trial Court Trust Fund directly back to trial courts as a reward for maximizing the amount of civil
20 assessment charges they impose and collect.²⁰ The Judicial Council has sent incentive payments to San

21
22 ¹⁸ *Id.* at pp. 8, 12.

23 ¹⁹ Pen. Code, § 1214.1(a) (noting that all civil assessments “shall be deposited in the Trial Court Trust
24 Fund, as provided in Section 68085.1 of the Government Code”).

25 ²⁰ Judicial Council of California, 2020-21 Allocations and Reimbursements to the Trial Courts - Trial
26 Court Trust Fund (2021) pp. 5, 13, [https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-](https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf)
27 [reimbursement-to-tc-2020-21-gov-77202.5a.pdf](https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf) (identifying in Column O the amount of the incentive
28 payment the Judicial Council sent to each trial court in California from the TCTF in FY20-21 “for
collected civil assessment revenues that exceeded the amount of the court’s county civil assessment
buyout,” totaling \$54 million in incentive payments to the courts; Column R also identifies other “Fee
Revenues Returned to Courts”).

1 Mateo Superior Court totaling \$3.4 million over the past three years as a reward for its civil assessment
2 program.²¹

3 43. The Judicial Council instituted the current civil assessment incentive scheme in 2005. The
4 Judicial Council instituted this scheme as part of its general responsibility to “allocate funds” and resolve
5 “allocation issues.” Cal. Rules of Court, rule 10.101(b); see also Gov. Code, § 68502.5.

6 **8. Martin Hoshino**

7 44. Defendant and Respondent Martin Hoshino is the Administrative Director of the Judicial
8 Council of California. Defendant Hoshino is sued only in his official capacity (hereafter “Defendant
9 Administrative Director”). Defendant Administrative Director “implements the directives of the Judicial
10 Council” and also supervises the Judicial Council’s Director of Finance to “monitor all revenues and
11 expenditures for the judicial branch,” craft and implement “procedures for [...] revenues, expenditures,
12 allocations, and payments,” and “develop recommendations for [...] the allocation and reallocation of
13 funds.” Cal. Rules of Court, rule 10.101(d)-(e). Upon information and belief, Defendant Administrative
14 Director directly supervises the Director of Finance and other Judicial Council staff that disburse civil
15 assessment incentive payments from the Trial Court Trust Fund to San Mateo Superior Court and other
16 trial courts across the state. As such, Defendant Administrative Director implements the Judicial
17 Council’s civil assessment incentive scheme for trial courts. Defendant Administrative Director is an
18 “inferior person” with respect to this Court as provided in Civil Procedure Code section 1085(a).

19 45. All Defendants/Respondents have the authority to provide the relief requested in this case.

20 46. Defendants/Respondents San Mateo Superior Court, Neil I. Taniguchi, Hugo Borja,
21 Rosendo Padilla, Jr., and Cristina Mazzei (collectively, “Court Defendants/Respondents”), and
22 Defendant Judicial Council and Defendant/Respondent Martin Hoshino (collectively, “Judicial Council

23 _____
24 ²¹ See Judicial Council of California, 2018-19 Allocations and Reimbursements to the Trial Courts -
25 Trial Court Trust Fund (2019) p. 9,
26 [jcc.legistar.com/View.ashx?M=F&ID=7818718&GUID=90AD8DF6-D899-463D-B9FC-
EA66D737C836](https://www.courts.ca.gov/documents/lr-2020-JC-allocation-and-reimbursement-to-tc-2019-20-gov-77202.5a.pdf); 2019-20 Allocations and Reimbursements to the Trial Courts - Trial Court Trust Fund
27 (2020) p. 5, [https://www.courts.ca.gov/documents/lr-2020-JC-allocation-and-reimbursement-to-tc-
2019-20-gov-77202.5a.pdf](https://www.courts.ca.gov/documents/lr-2020-JC-allocation-and-reimbursement-to-tc-2019-20-gov-77202.5a.pdf); 2020-21 Allocations and Reimbursements to the Trial Courts - Trial Court
28 Trust Fund, *supra* note 21, at p. 5 (identifying incentive payments sent from the state’s TCTF to San
Mateo Superior Court of \$1,620, 078, \$1,075,035, and \$742,666 in FY 2018-19, 19-20, and 20-21,
respectively).

Defendants/Respondents”), each expend state taxpayer funds in carrying out their duties and responsibilities—including when they directly administer or help facilitate San Mateo Superior Court’s civil assessment program. See Gov. Code, §§ 68085, 68502.5; see generally Trial Court Budget Reports FY 2020-21, <https://www.courts.ca.gov/7552.htm> [“Quarterly Statements” dropdown menu, “San Mateo” county hyperlinks]; see generally Trial Court Budget Information, <https://www.courts.ca.gov/7552.htm> [“Historical Publications”]. In Fiscal Year 2019-2020, San Mateo Superior Court received \$45.6 million of its \$49.2 million dollar budget from the State of California.²²

47. Defendant/Respondent County of San Mateo expends county taxpayer funds in carrying out its duties and responsibilities—including when it handles collections for delinquent civil assessment debts on behalf of San Mateo Superior Court and when it uses county resources and staff time to carry out its collection efforts.

HISTORICAL AND FACTUAL BACKGROUND

A. After California’s criminalization policies—which disproportionately impact Black and Brown communities—pushed California courts into budgetary crisis, the courts used civil assessments to raise revenues, further taxing those same communities.

48. The imposition of civil assessment charges is linked to a long history of systemic racial injustice and the rise of mass incarceration in California. In the decades that followed the Civil Rights Movement, Black Americans continued to be subjugated by the criminal legal system.²³ California was no exception.²⁴ In 1994, for example, California enacted its notorious Three Strikes Law—a law that incarcerated Black Californians at staggeringly disproportionate rates and resulted in the rapid expansion

²² Trial Court Funding, Expenditures, and Positions 2019-20 and 2020-21, https://www.ebudget.ca.gov/2021-22/pdf/GovernorsBudget/0010/0250_fig1f.pdf.

²³ See Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2011) p. 56 (“Once again, in response to a major disruption in the prevailing racial order—this time the civil rights gains of the 1960s—a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor and working-class whites. More than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the margins of mainstream society.”), https://static1.squarespace.com/static/5e0185311e0373308494e5b6/t/5e0833e3afc7590ba079bbb4/1577595881870/the_new_jim_crow.pdf.

²⁴ See Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (2007) pp. 107-113 (describing California legislative initiatives that “produced a remarkable racial and ethnic shift in the prison population”).

1 of California's prison population.²⁵ California's prison population ultimately increased by 225% over
2 the course of thirty-five years—with Black people being incarcerated at 8.0 times the rate of white
3 people.²⁶ The extreme overrepresentation of Black people in California's jails and prisons mirrors a trend
4 seen nationwide; research suggests that the highly disproportionate rates of Black incarceration resulted
5 from a toxic mix of unequal economic conditions, biased law enforcement practices, and laws that
6 disparately impacted the Black community.²⁷

7 49. California's criminalization policies supporting the rise of mass incarceration, and the
8 attendant increase in criminal case loads and trials, placed enormous and well-documented financial
9 pressure on California superior courts in the 1990s. See Judicial Council of California, Legislative
10 Briefing on Trial Court Funding (1997) p. 21, [https://www.courts.ca.gov/partners/documents/](https://www.courts.ca.gov/partners/documents/TCFWG11-February1997LegislativeBriefingonTrialCourtFunding.pdf)
11 [TCFWG11-February1997LegislativeBriefingonTrialCourtFunding.pdf](https://www.courts.ca.gov/partners/documents/TCFWG11-February1997LegislativeBriefingonTrialCourtFunding.pdf) (“In addition to the *quantitative*
12 growth in demand for trial court services, three strikes law, increased prosecution of felonies, increased
13 caseloads in juvenile and family law, and ever-greater complexity in civil cases ... have caused a
14 significant *qualitative* growth in demand for court services.”). Indeed, in 1996, the state judiciary had
15 called attention to “problems [with funding] so severe” as to require “emergency funding from the
16 Legislature to assist several courts facing imminent closure, a breakdown in basic services to the public,
17 and severe layoffs of employees.”²⁸

19 ²⁵ Brown & Jolivet, *A Primer: Three Strikes - The Impact after More than a Decade* (Oct. 2005) Cal.
20 Legis. Analyst's Off., https://lao.ca.gov/2005/3_strikes/3_strikes_102005.htm (identifying that between
21 1994 and 2004 California sent “80,000 second strikers and 7,500 third strikers to state prison” and noting
22 that Black people “ma[d]e up 45 percent of the third striker population, which is 15 percent higher than
in the total prison population”).

23 ²⁶ Incarceration Trends in California, Vera Institute of Justice (2019), [https://www.vera.org/downloads/](https://www.vera.org/downloads/pdffdownloads/state-incarceration-trends-california.pdf)
[pdffdownloads/state-incarceration-trends-california.pdf](https://www.vera.org/downloads/pdffdownloads/state-incarceration-trends-california.pdf).

24 ²⁷ Hinton et al., *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice*
25 *System*, Vera Institute of Justice (2018) p. 11, [https://www.vera.org/downloads/publications/for-the-](https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf)
26 [record-unjust-burden-racial-disparities.pdf](https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf) (“The disproportionate racial impact of certain laws and
policies, as well as biased decision making by justice system actors, leads to higher rates of arrest and
incarceration in low-income communities of color which, in turn, increases economic strain, further
reduces income, and stifles wealth creation.”).

27 ²⁸ Chief Justice Ronald M. George, *The Road to Independence: A History of Trial Court Funding*
28 (Winter 2009) Cal. Cts. Rev., p. 4, https://www.courts.ca.gov/documents/CCR_09Winter.pdf.

1 50. Against this backdrop, in 1996, the Legislature’s emergency enactments specifically
2 expanded the authority of superior courts to impose civil assessments in traffic infraction cases and for
3 failure to pay fines on time as a means of bolstering court revenue during the financial crisis. See Legis.
4 Counsel’s Dig., Assem. Bill No. 1346 (1995-1996 Reg. Sess.);²⁹ Assem. Com. on Public Safety,
5 Analysis on Assem. Bill No. 1346 (1995-1996 Reg. Sess.) (celebrating San Diego Superior Court’s
6 ability to “raise[] [\$]4.2 million revenue in one year” through civil assessments);³⁰ see also Stats. 1996,
7 ch. 217, § 2 (noting that the statute would take immediate effect “[i]n order to ease the fiscal crises”
8 faced by the courts).

9 51. The expanded authority to impose civil assessments in infraction cases brought millions
10 more Californians within the reach of the court system’s revenue-generating scheme.³¹ Thus began the
11 perverse practice of California courts charging traffic infraction defendants to cover court costs tied to
12 increased prosecution and mass incarceration.³² In fiscal year 2020-21, civil assessments extracted
13 approximately \$38.5 million in revenue for California courts.³³ Over the course of the last decade,
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15
16

17 ²⁹ Available at http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_bill_960722_chaptered.html.

18 ³⁰ Available at http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_cfa_950417_183419_asm_comm.html.

19 ³¹ Judicial Council of Cal., Admin. Off. of Cts., Annual Report on Court Statistics Volume I: Statewide
20 Workload Trends Fiscal Years 1987-88 through 1996-97 and Workload Data for Individual Courts
21 Fiscal Years 1995-1996 and 1996-97 (1998) pp. 83, 86, 137 (noting 161,580 criminal filings, almost five
22 million municipal court traffic infraction filings, and approximately 200,000 municipal court nontraffic
infraction filings in 1996-97), <https://www.courts.ca.gov/documents/cts1998.pdf>.

23 ³² See Harris, *The Cruel Poverty of Monetary Sanctions*, Society Pages (Mar. 4, 2014),
24 <https://thesocietypages.org/papers/monetary-sanctions/#:~:text=Because%20of%20monetary%20sanctions%2C%20the,efficient%2C%20effective%2C%20or%20ethical> (“Ironically, as a result of mass
25 conviction and incarceration, jurisdictions cannot afford criminal justice costs. They are attempting to
26 literally transfer these expenses to defendants.”); see also *People v. Castellanos* (2009) 175 Cal.App.4th
1524, 1533-1534 (Kriegler, J., concurring) (“As the Legislature grapples with the budget deficit, there
is talk of new and additional fines, fees, and assessments in criminal cases.”).

27 ³³ See Hoshino, *2020–21 Allocations and Reimbursements to the Trial Courts, as required under*
28 *Government Code section 77202.5(a)* (Sept. 20, 2021) Attachment A, <https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf>.

1 California courts have generated more than \$750 million in revenue by imposing and collecting on civil
2 assessments.³⁴

3 52. Black and Brown people, who are already disproportionately over-policed at traffic stops,
4 bear the brunt of California courts' revenue scheme. A Stanford University database reveals that, in San
5 Mateo County alone, police pulled over Black drivers twice as often as white drivers—with 1 in every
6 5 Black drivers pulled over for traffic infractions.³⁵ But Black drivers are no more culpable for traffic
7 infractions than white drivers.³⁶ Data from some counties show that the \$300 civil assessment is imposed
8 in almost one-third of traffic court cases.³⁷ In San Mateo County, that has resulted in San Mateo Superior
9 Court charging (predominantly Black and Brown) people the \$300 charge more than 80,000 times in
10 three years and collecting \$9 million in revenue.³⁸

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12
13
14 ³⁴ See Legislative Reports, The Judicial Branch of California, <https://www.courts.ca.gov/7466.htm>
15 (providing reports on annual allocations and reimbursements to the Trial Courts for fiscal years 2011-
12 through 2020-21, including annual revenue figures for civil assessments).

16 ³⁵ Sanchez, *Stanford Study Finds Bias in Police Searches*, Mercury News (June 19, 2017),
17 [https://www.mercurynews.com/2017/06/19/police-stop-black-and-latino-drivers-more-often-than-](https://www.mercurynews.com/2017/06/19/police-stop-black-and-latino-drivers-more-often-than-whites-stanford-study-finds/)
18 [whites-stanford-study-finds/](https://www.mercurynews.com/2017/06/19/police-stop-black-and-latino-drivers-more-often-than-whites-stanford-study-finds/).

19 ³⁶ Annual Report 2022, California Racial Identity and Profiling Advisory Board, pp. 8-9,
20 <https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf> (finding “[o]fficers reported taking no
21 action as the result of stop most frequently during stops of individuals they perceived to be Black,” and
22 “[s]earch discovery rate analyses showed that, when officers searched stopped individuals, individuals
23 of all racial or ethnic groups of color, with the exception of Asian and Middle Eastern/South Asian
24 individuals, had higher search rates despite having lower rates of discovering contraband compared to
25 individuals perceived as White.”); Harris, *Profiles in Injustice: Why Racial Profiling Cannot Work*
26 (2002) pp. 79-84 (noting that racial targeting does not improve police accuracy in identifying crime, but
27 instead makes “hit rates” worse); Ortiz, *Inside 100 Million Police Traffic Stops: New Evidence of Racial*
28 *Bias*, NBC News (Mar. 13, 2019), [https://www.nbcnews.com/news/us-news/inside-100-million-police-](https://www.nbcnews.com/news/us-news/inside-100-million-police-traffic-stops-new-evidence-racial-bias-n980556)
29 [traffic-stops-new-evidence-racial-bias-n980556](https://www.nbcnews.com/news/us-news/inside-100-million-police-traffic-stops-new-evidence-racial-bias-n980556) (“The results show that police stopped and searched
black and Latino drivers on the basis of less evidence than used in stopping white drivers, who are
searched less often but are more likely to be found with illegal items.”).

30 ³⁷ Stuhldreher, *Op-Ed: The Traffic Ticket from Hell*, Los Angeles Times (May 20, 2021),
31 <https://www.latimes.com/opinion/story/2021-05-20/traffic-tickets-add-on-fee-fines-san-francisco> (San
32 Francisco Treasurer’s Office noting, “So far in 2021 in San Francisco, an average of 3,000 traffic tickets
33 a month have been issued, and about 1,100 late-payment civil assessments levied. In other words, about
34 a third of those who got cited were charged late-pay assessments as well.”).

35 ³⁸ Response to Court Records Request, *supra*.

1 53. As scholars have noted in observing California’s policies, “[f]ees give the government a
2 revenue stream that is not subject to limitation and hard for voters to track.”³⁹ In other words, in the
3 absence of political will to raise taxes to fund the court system, California courts are imposing a hidden
4 tax on Black and Brown Californians that reinforces decades of racist harm in the criminal legal system.

5 **B. Civil assessments do not work because they punish poverty with burdensome court**
6 **debt.**

7 54. The supposed purpose of the civil assessment charge—apart from massive revenue
8 generation—is to encourage people not to miss a court appearance or payment deadline. See Pen. Code,
9 § 1214(a). But as one California court official has noted, “Show me the person who reads the fine print
10 and understands they’ll be charged the \$300 civil assessment if they don’t pay or miss their court date....
11 It’s archaic; no one knows about it.”⁴⁰ And yet, the \$300 charge is often six to eight times greater than
12 the base fine (often \$35 to \$50) a person should receive for a traffic infraction in California.⁴¹ This charge
13 is thus not only disproportionate but also ineffective.

14 **1. There are more effective measures to ensure people address their citations.**

15 55. Instead of adding an exorbitant hidden charge for missing a response date, courts can take
16 commonsense steps to remind people about their court appearances, such as sending text message
17 reminders.⁴² One study demonstrates that nonappearance is often not intentional and is more reflective
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19
20

21 ³⁹ McCubbins & McCubbins, *Proposition 13 and the California Fiscal Shell Game* (2010) 2(2) Cal. J.
22 Politics & Policy 1, 20, https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5988&context=faculty_scholarship.

23 ⁴⁰ Stuhldreher, *California Needs to Get Rid of High Pain/Low Gain Court Fees*, CalMatters (Aug. 18,
24 2021), <https://calmatters.org/commentary/2021/08/california-needs-to-get-rid-of-high-pain-low-gain-court-fees/>.

25 ⁴¹ See Cal. Uniform Bail and Penalty Schedules, Traffic Infraction Fixed Penalty Schedule (2021), *supra*
26 note 3, http://www.sanmateocourt.org/documents/criminal/uniform_bail_and_penalty_schedule.pdf
(identifying \$35 to \$50 as the amount appropriate to charge as the base penalty for a traffic infraction).

27 ⁴² See, e.g., Cooke et al., *Text Message Reminders Decreased Failure to Appear in Court in New York*
28 *City* (2018) Poverty Action Lab, <https://www.povertyactionlab.org/evaluation/text-message-reminders-decreased-failure-appear-court-new-york-city>.

1 of poor notice practices that do not fairly apprise a person of their obligation to appear.⁴³ Simply
2 increasing notice does what costly fees cannot: actually advise people of their need to be in court.

3 56. A commission comprised of California’s own judges and judicial staff advocated—now
4 more than five years ago—that appearance is unnecessary in traffic infraction cases. In fact, the Futures
5 Commission advocated that traffic infractions, like civil cases, could be resolved or adjudicated in a
6 person’s absence.⁴⁴

7 **2. Court debts exacerbate the financial instability of low-income Californians.**

8 57. Punishing people with a \$300 charge for missing a payment deadline is similarly counter-
9 intuitive. The vast majority of people enmeshed in the criminal legal system are already severely low-
10 income.⁴⁵ In the Bay Area, a recent study found that nearly one in five Bay Area residents had less than
11 \$400 in savings before the pandemic, and one in three residents ran out of money before the end of the
12 month.⁴⁶ California already has some of the highest costs for traffic infractions anywhere in the
13 country.⁴⁷

14 58. Adding an additional \$300 charge for missing a payment deadline only ensures that many
15 Californians will never be able to afford their court debts. Against this backdrop, it is unsurprising that
16 San Mateo Superior Court has sent more than 100,000 cases to civil debt collection over the past three
17 years in cases where a civil assessment was imposed.⁴⁸

18 59. This debt is tremendously damaging. Court debt and its consequences prolong and deepen
19 a cycle of poverty and criminal legal system involvement for those who are most in need of “a reasonable

20 ⁴³ Fishbane et al., *Behavioral Nudges Reduce Failure to Appear for Court* (Nov. 6, 2020) 370(6517)
21 Science, <https://www.science.org/doi/10.1126/science.abb6591>.

22 ⁴⁴ Report to the Chief Justice, Commission on the Future of California’s Court System (2017) pp. 85-88,
<https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

23 ⁴⁵ See, e.g., Eisen, *Charging Inmates Perpetuates Mass Incarceration*, Brennan Center for Justice (2015) p. 4,
24 https://www.brennancenter.org/sites/default/files/publications/Charging_Inmates_Mass_Incarceration.pdf.

25 ⁴⁶ Taking Count: A Study on Poverty in the Bay Area, Tipping Point Community (2020), *supra* note 4,
p. 2, <https://tippingpoint.org/wp-content/uploads/2020/05/Taking-Count-Executive-Summary-2020.pdf>.

26 ⁴⁷ See Paying More for Being Poor, Lawyers Committee for Civil Rights of the S.F. Bay Area (2017)
27 pp. 3-4, <https://lccrsf.org/wp-content/uploads/2017/05/LCCR-Report-Paying-More-for-Being-Poor-May-2017.pdf>.

28 ⁴⁸ Response to Court Records Request, *supra*.

1 opportunity of employment, rehabilitation and return to useful citizenship.” *James v. Strange* (1972)
2 407 U.S. 128, 139; cf. *City of Chicago v. Fulton* (2021) __U.S.__ , 141 S. Ct. 585, 594 (“A driver is
3 assessed a fine she cannot immediately pay; the balance balloons as late fees accrue; the local
4 government seizes the driver’s vehicle, adding impounding and storage fees to the growing debt; and the
5 driver, now without reliable transportation to and from work, finds it all but impossible to repay her debt
6 and recover her vehicle.” (Sotomayor, J., concurring)); *Rivera v. Orange County Probation Dept.*
7 (9th Cir. 2016) 832 F.3d 1103, 1112 & fn. 7 (noting persistent collection attempts of court-imposed fines
8 is a “counterproductive practice” and serves as a “debt trap for the poor”).

9 **3. Punishing people who already cannot afford to pay is irrational.**

10 60. Adding a \$300 civil assessment onto fines and fees that are already unpayable for many
11 people is as ineffective as it is harmful. When people are faced with amounts they cannot afford to pay,
12 they are less likely to pay anything.⁴⁹ For example, in San Francisco, it was recently found that only 13%
13 of civil assessment charges were actually able to be paid or collected.⁵⁰ A system that helps people
14 resolve their outstanding traffic infractions at an amount they can afford—instead of subjecting them to
15 needless additional punishments—would likely result in more individuals paying their traffic fines.⁵¹

16 61. In short, the civil assessment is serving a singular purpose: raising revenues for the coffers
17 of state courts through a hidden tax on those that can least afford it, without helping people address their
18 traffic infraction citations.

19 **STATEMENT OF FACTS**

20 **A. The statutory framework allows judges to impose a civil assessment charge in their**
21 **discretion with appropriate procedural safeguards.**

22 62. The civil assessment statute provides, “in infraction, misdemeanor, or felony cases, the
23 court *may* impose a civil assessment of *up to* three hundred dollars (\$300) against a defendant who
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25 _____
26 ⁴⁹ See Colgan, *Graduating Economic Sanctions According to Ability to Pay* (2017) 103 Iowa L. Rev. 53.

27 ⁵⁰ See Stuhldreher, *California Needs to Get Rid of High Pain/Low Gain Court Fees*, *supra*.

28 ⁵¹ Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines* (Nov. 21, 2019) Brennan Center
for Justice, p. 11, [https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_](https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_Final.pdf)
Final.pdf.

1 fails ... to appear in court ... or who fails to pay all or any portion of a fine” Pen. Code, § 1214.1(a)
2 (emphases added).

3 63. This statute gives judges discretion whether to impose a civil assessment and, if so, how
4 much to charge when an individual misses their payment or appearance deadline.

5 64. Before a civil assessment becomes effective, however, the Superior Court must mail a
6 warning notice to the individual. Pen. Code, § 1214.1(b)(1). The notice is to inform the individual of
7 their right to challenge the civil assessment. An individual can do so by appearing in court and explaining
8 the reason they missed their appearance or payment deadline—i.e., by showing “good cause.” *Id.* (“If
9 the defendant appears within the time specified in the notice and shows good cause for the failure to
10 appear or for the failure to pay a fine or installment of bail, the court shall vacate the assessment.”); see
11 Cal. Rules of Court, rule 4.106(c)(1) (notice “must inform the defendant of his or her right to petition
12 that the civil assessment be vacated for good cause and must include information about the process for
13 vacating or reducing the assessment”).

14 65. There are many ways for an individual to show good cause that a civil assessment should
15 be vacated. As the Court of Appeal explained in *Hernandez v. Department of Motor Vehicles*,
16 “[c]ircumstances that indicate good cause may include, but are not limited to, the defendant’s
17 hospitalization, incapacitation, or incarceration; military duty required of the defendant; death or
18 hospitalization of the defendant’s dependent or immediate family member; caregiver responsibility for
19 a sick or disabled dependent or immediate family member of the defendant; or an extraordinary reason,
20 beyond the defendant’s control, that prevented the defendant from making an appearance or payment on
21 or before the date listed on the notice to appear.” *Hernandez v. Dept. of Motor Vehicles* (2020)
22 49 Cal.App.5th 928, 941, fn. 13.

23 66. No civil assessment can be made effective until 20 days after an individual has received
24 this notice and had an opportunity to challenge their civil assessment. Pen. Code, § 1214.1(b)(1).

25 67. Regardless, even “[i]f the defendant does not establish good cause [under Penal Code
26 section 1214.1(b)(1)], the court may still exercise its discretion under section 1214.1(a) to reconsider:
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1 (A) Whether a civil assessment should be imposed; and (B) If so, the amount of the assessment.” Cal.
2 Rules of Court, rule 4.106(c)(6).

3 68. California courts have other options to respond when individuals miss a payment or
4 appearance deadline beyond imposing a civil assessment. For example, traffic defendants can write to
5 the court and opt not to appear, or the court can decide to proceed without the defendant’s appearance.
6 This is called trial by declaration. See Veh. Code, § 40902 (“the defendant may elect to have a trial by
7 written declaration”); *id.*, § 40903 (“Any person who fails to appear as provided by law may be deemed
8 to have elected to have a trial by written declaration”).

9 69. The Futures Commission—which is comprised of California judges and judicial staff—
10 defines “trial by written declaration” as a judicial resolution “without having to appear in court.”⁵² The
11 Commission refers to trial by declaration as part of a civil model for resolving traffic infractions, in
12 which a defaulting party receives a judgment in their absence.⁵³ This model is distinct from the ordinary
13 criminal model, in which an appearance is required and failure to appear is punished by a \$300 civil
14 assessment charge or bench warrant.⁵⁴

15 **B. Traffic cases in San Mateo Superior Court follow a specific life cycle.**⁵⁵

16 70. The life cycle of a San Mateo Superior Court traffic infraction case is governed by the
17 Court’s Traffic Protocol—which was last issued in May 2021. Ex. 3. The protocol identifies the
18 automated processes the Court uses to handle all pending traffic cases.

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22 ⁵² Report to the Chief Justice, Commission on the Future of California’s Court System (2017) p. 283,
<https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

23 ⁵³ *Id.* at 90 (“Under current law, a defendant may request a trial by written declaration in lieu of an
24 in-person court trial In a civil mode, the right to a trial by written declaration should continue as it
offers a valuable alternative to physically attending a trial.”).

25 ⁵⁴ *Id.* at 88 (“Alternatively, in certain circumstances a warrant may be issued for the defendant’s arrest.
26 Also under the current criminal model, a defendant who willfully violates a written promise to appear ...
may be charged with ... a civil assessment of up to \$300”).

27 ⁵⁵ As described below, San Mateo Superior Court is in the process of making changes to its civil
28 assessment and traffic court procedures as a direct result of this litigation being filed (¶¶ 117-120). But
the Court and the County continue to collect and impose civil assessments under an illegal scheme.

1 71. According to the Traffic Protocol, after a person is cited or charged with a traffic
2 violation,⁵⁶ they receive a Notice of Bail informing them of the traffic infraction they have been cited
3 for and listing a date by which they need to pay their fine.

4 72. The Court’s template “Notice of Bail” sent to traffic defendants states that the Court “will
5 subject” the defendant to a “civil assessment of \$300” in every case where the defendant does not address
6 the citation by the due date. Ex. 4.

7 **1. Missing a Payment or Appearance Deadline**

8 73. “Appearance” in traffic court in San Mateo is a misnomer. San Mateo Superior Court does
9 not require appearance in court. On its Notice of Bail to traffic court defendants, traffic defendants are
10 *not* given a date or time to appear in court. Instead, if traffic defendants want to appear to challenge their
11 citation, they must affirmatively call the traffic clerk to schedule: “To appear in court, you must schedule
12 a court date prior to your Due Date” The Court says it does not take walk-ins—and emphasizes that
13 traffic defendants should “[r]eserve early as space is limited.”⁵⁷

14 74. If an individual misses their deadline to make a payment or request to appear in court, the
15 Court takes no action for 21 days. The individual receives no notice that they have missed their deadline
16 before the Court’s initial imposition of a civil assessment. They have not missed a court appearance
17 because none was scheduled in the first place.

18 75. After 21 days, the Court deems the individual to have opted for a trial by declaration and
19 tries and sentences the individual on their traffic citation in absentia.

20 76. The Court then imposes a \$300 civil assessment. The process is automatic. Each time a
21 \$300 civil assessment is imposed, the following note appears in the Register of Actions in the Court’s
22 Odyssey Attorney Portal: “Added via automated traffic aging process.”

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26 ⁵⁶ See generally California Courts: The Judicial Branch of California, TR-130 Traffic/Nontraffic Notice
27 to Appear, <https://www.courts.ca.gov/documents/tr130.pdf>.

28 ⁵⁷ San Mateo Superior Court, Hearing Schedules / Court Appearances, http://www.sanmateocourt.org/court_divisions/traffic/hearing_schedules.php.

1 77. Both the Traffic Protocol and public dockets show that this process is effectively
2 simultaneous. The individual is tried, sentenced, and then immediately assigned a \$300 civil
3 assessment.⁵⁸

4 78. The Court then sends the individual a “Notice of Civil Assessment and Resolution.” Ex. 5.
5 The notice states that the person must “pay the fine amount above, which includes a civil assessment
6 penalty pursuant to PC1214.1.” The defendant is then advised that they “must pay this fine or submit a
7 written request for a Trial De Novo **with full payment** of the amount due **within 20 days** from the date
8 of this notice.” The notice does not distinguish between the citation fines and fees and the civil
9 assessment imposed or provide any additional information about the civil assessment. It simply lists an
10 outstanding balance that is \$300 more than the original fine.

11 2. **Missing a Payment Deadline After a Traffic Infraction Conviction**

12 79. If an individual does respond to their traffic citation and is convicted—but misses a
13 payment deadline—the Court sends a “Delinquency Notice.” Ex. 6. The notice states as follows: “**You**
14 **failed to pay your fine in full or your installment payment by the due date.** Failure to respond within
15 20 days from the date of this notice or show good cause why you did not respond to this notice will result
16 in additional charges, penalties, assessments, fees and actions, including but not limited to, a civil
17 assessment pursuant to PC 1214.1.” Upon information and belief, individuals receive no further
18 information before a civil assessment is made effective against them.

19 3. **Delinquent Debts Transferred to San Mateo County for Collection**

20 80. Between 28 and 35 days after a civil assessment is made effective against an individual, if
21 they have not yet paid, their account is considered delinquent and is transferred to the County of San
22 Mateo for further collections. Ex. 3. The County of San Mateo will attempt to collect civil assessment
23 debts by “[l]etters and phone contact requesting payment,” “[a]ttempts at legal action, such as bank and
24 wage attachments,” “use of local, regional, state, or national skip tracing or locator resources or services
25 to locate delinquent debtors,” and “[r]eferral of delinquent accounts to [an] external collection agency.”

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27 ⁵⁸ See, e.g., San Mateo Super. Ct. Case Nos. 21-TRS-050009, 21-TRS-050010, 21-TRS-050015,
28 21-TRS-050019, 21-TRS-050021, 21-TRS-050022, 21-TRS-050024, 21-TRS-050030, and 21-TRS-
050036.

1 Ex. 1, at 12. The County of San Mateo will continue its collection attempts on civil assessment debts for
2 as long as five years in infraction cases. *Id.*

3 81. The County of San Mateo sends letter notices to all individuals with delinquent civil
4 assessment debts requesting them to pay their outstanding balance. Plaintiff McCree received several of
5 these collection notices from the County of San Mateo. The County of San Mateo collects delinquent
6 civil assessment and other court debts directly from individuals and retains its costs and expenses for
7 running the collections program before transferring the remaining revenues back to San Mateo Superior
8 Court. Ex. 1, at 7.

9 **C. San Mateo Superior Court automatically imposes a \$300 civil assessment whenever**
10 **an individual misses a payment or appearance deadline.**

11 82. On May 5, 2016, San Mateo Superior Court issued Standing Order 16-141, “STANDING
12 ORDER RE: CIVIL PURSUIT OF TRAFFIC INFRACTIONS AND AUTHORIZING ASSESSMENT
13 OF \$300 FOR FAILURE TO APPEAR” (the “Standing Order”), which was signed by then-Presiding
14 Judge Hon. John L. Grandsaert. The Standing Order stated that “a civil assessment in the amount of
15 three hundred (\$300) for failure to appear” is appropriate “in *all* eligible Vehicle Code traffic infraction
16 citations.” Ex. 2 (emphasis added). The Standing Order therefore explicitly authorized a \$300 charge in
17 every traffic infraction case where the defendant misses a court appearance deadline.⁵⁹

18 83. But the \$300 charge is not limited to missing an appearance deadline. Court personnel have
19 also confirmed “that the court initially issues a \$300 civil assessment in traffic cases for failure to appear
20 *or failure to pay.*” (emphasis added).⁶⁰

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26 ⁵⁹ As a direct result of this litigation being filed, San Mateo Superior Court issued Standing Order 22-167
27 on May 3, 2022, which rescinded Standing Order 16–141. Available at: https://www.sanmateocourt.org/documents/standing_orders/22-167.pdf.

28 ⁶⁰ Email from Bianca Fasuescu, Executive Assistant of Defendant CEO, to Brandon Greene on May 9, 2017.

1 84. Because the Court’s civil assessment process is automated, the \$300 charge is blanketly
2 charged in all eligible traffic infraction cases where a defendant misses a payment or appearance
3 deadline.⁶¹

4 85. The \$300 civil assessment is imposed through a computer program that was not
5 programmed by a qualified judicial officer. No judge or subordinate judicial officer to whom authority
6 has lawfully been delegated makes the decision to impose a civil assessment in a given case. Court
7 dockets confirm that civil assessments are imposed without judicial order or approval in each individual
8 case.⁶² For example, no judge or subordinate judicial officer issues any order imposing the civil
9 assessment. San Mateo Superior Court confirms it has no such example or template orders.⁶³ Instead,
10 the Court’s automated process excludes judges and subordinate judicial officers from the decision-
11 making process.

12 86. Upon information and belief, Defendant CEO implements the automated civil assessment
13 process through clerk and support staff.

14 **D. San Mateo Superior Court does not provide information that notifies individuals**
15 **about how to reduce or eliminate their \$300 charge by challenging whether the Court**
16 **made a valid good cause determination.**

17 87. San Mateo Superior Court has three relevant notices that it sends to traffic defendants.⁶⁴
18 None inform an individual of their right to challenge their civil assessment or how they can do so.
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20 ⁶¹ See, e.g., San Mateo Super. Ct. Case No. 21-TRS-050069 (\$300 civil assessment imposed for criminal
21 infraction offense).

22 ⁶² See, e.g., San Mateo Super. Ct. Case Nos. 21-TRS-050010, 21-TRS-050009, 21-TRS-050015 (the
23 dockets reflect an automated entry of a \$300 civil assessment, contain no judicial order or approval of
that assessment, no minute entry related to any consideration of the civil assessment, and merely identify
that the defendant was sent an automated notice informing them that a civil assessment was imposed).

24 ⁶³ Response to Court Records Request, *supra* (Q: “A copy of any Order, Minute Order, or Docket Entry
25 generated after a civil assessment is imposed in a given case”). The Court did not respond with any order
or minute order reflecting any judicial involvement with the imposition of civil assessments.

26 ⁶⁴ Response to Court Records Request, *supra* (Q: “A copy of any form letters that the Court currently
27 sends to defendants that state that the Court may or will impose a civil assessment under Penal Code
1214.1 ... A copy of any form letters that the Court currently sends to defendants against whom a civil
28 assessment has been imposed under Penal Code 1214.1”; A: “Notice of Bail”; “FTP Notice after
Disposition” and “Notice of Civil Assessment and Resolution.”).

1 88. The Court’s “Notice of Bail” is the mailed notice sent to all traffic defendants before their
2 first appearance or payment is due. Ex. 4. The notice references the civil assessment but merely notes
3 that it will be applied if the person misses their appearance or payment deadline in the future: “Failure
4 to address your citation by your Due Date will subject you to additional charges, penalties, assessments,
5 fees and actions, including a civil assessment of \$300 (PC1214.1)” No other details are provided on
6 the civil assessment.

7 89. If the defendant misses a response/request to appear deadline, the Court sends a “Notice of
8 Civil Assessment and Resolution.” Ex. 5. The notice states that the person must “pay the fine amount
9 above, which includes a civil assessment penalty pursuant to PC1214.1.” *Id.* The defendant is then
10 advised that they “must pay this fine or submit a written request for a Trial De Novo **with full payment**
11 of the amount due **within 20 days** from the date of this notice.” Compare *id.*, with Pen. Code,
12 § 1214.1(b)(2) (“Payment of a civil assessment shall not be required to schedule a court hearing on a
13 pending underlying charge.”). The notice does not distinguish between the original fine and the civil
14 assessment imposed. Nor does it explain that an individual has an opportunity to challenge the civil
15 assessment itself. The individual is not informed, for example, that they can explain the reason why they
16 missed the court appearance deadline and therefore not be responsible for the additional \$300 charge.

17 90. The notice also misleads individuals to believe that, to challenge the civil assessment, they
18 must pay both the entire \$300 charge and their entire outstanding infraction balance—all before their
19 challenge to the civil assessment can be heard. Cf. Pen. Code, § 1214.1(b)(2) (“Payment of bail, fines,
20 penalties, fees, or a civil assessment shall not be required in order for the court to vacate the assessment
21 at the time of appearance pursuant to paragraph (1).”); Cal. Rules of Court, rule 4.106(c)(3) (“When a
22 court imposes a civil assessment for failure to appear or pay, the defendant may petition that the court
23 vacate or reduce the civil assessment *without paying any bail, fines, penalties, fees, or assessments.*”
24 (emphasis added)).

25 91. For individuals who miss a payment deadline, the Court’s “Delinquency Notice” also
26 provides only limited information. The notice states as follows: “**You failed to pay your fine in full or**
27 **your installment payment by the due date.** Failure to respond within 20 days from the date of this
28

1 notice or show good cause why you did not respond to this notice will result in additional charges,
2 penalties, assessments, fees and actions, including but not limited to, a civil assessment pursuant to
3 PC 1214.1.” Ex. 6; see Pen. Code, § 1214.1(b)(1), Cal. Rules of Court, rule 4.106(c)(2). But the notice
4 does not identify the amount of the civil assessment that is or will be owed or how the civil assessment
5 impacts or will impact the outstanding balance.

6 92. Upon information and belief, individuals receive no further notice from the Court. Instead,
7 the Traffic Protocol indicates that the individual’s account is simply charged with the \$300 civil
8 assessment after 28 days.

9 93. The “Delinquency Notice” also gives no specific instructions about how to challenge the
10 civil assessment. Cf. Cal. Rules of Court, rule 4.106(c)(1) (“A notice of a civil assessment under section
11 1214.1(b) must inform the defendant of his or her right to petition that the civil assessment *be vacated* ...
12 and must include information about the process for vacating or reducing *the assessment*.” (emphases
13 added)). The only “challenge” option for which the notice includes information is submitting a financial
14 hardship or ability-to-pay petition under California Rule of Court 4.335: “If you are unable to pay the
15 full fine amount above due to financial hardship, you may request an ability to pay determination to
16 decide whether to approve a reduced fine and/or a payment plan or community service. Go to
17 www.sanmateocourt.org/tr320 for the form.” Ex. 7. That form states, “**Do not** use this form to tell the
18 court that you didn’t do anything wrong.” It therefore cannot also serve as a good cause petition in which
19 the individual informs the court that missing the payment deadline was not wrong or should be
20 excused—including, for example, for military service or incapacitation.

21 94. These notices do not fairly apprise traffic defendants about what the civil assessment is,
22 when it was actually imposed, what grounds they may have to challenge the charge, or how to go about
23 challenging the charge.

1 95. Notice is critical because traffic court defendants are not entitled to state-appointed
2 counsel. See Pen. Code, § 19.6. The vast majority do not have attorneys.⁶⁵

3 96. In the 82,592 cases in which San Mateo Superior Court has imposed a civil assessment
4 over the past three years,⁶⁶ individuals filed an ability-to-pay petition to reduce their fines and fees in
5 only 2,036.⁶⁷ That is 2.5% of cases. This is a fortuity. The Court’s ability-to-pay petition form does not
6 even mention civil assessments and does not inform individuals about any special procedures to
7 challenge them.⁶⁸

8 97. When asked about the number of requests San Mateo Superior Court receives to vacate or
9 reduce civil assessments each year, the Court indicated that there were none.⁶⁹

10 98. Without receiving adequate notice that they can submit information to the court in support
11 of good cause (whether based on financial hardship or not), individuals lose their opportunity to raise
12 valid objections to the civil assessment imposed against them—or to have the Court reconsider imposing
13 the \$300 charge. See *Hernandez v. Dept. of Motor Vehicles*, *supra*, 49 Cal.App.5th at p. 941, fn. 13; Cal.
14 Rules of Court, rule 4.106(c)(6).

15 **E. San Mateo Superior Court tries, convicts, and sentences defendants without their**
16 **appearance but still imposes an automatic \$300 civil assessment in every traffic**
17 **infraction case.**

18 99. All criminal offenses in California—felonies and misdemeanors—generally require a
19 defendant’s appearance to proceed. See Pen. Code, § 1043(a), (e); Pen. Code, § 19.7.

20 ⁶⁵ Report to the Chief Justice, Commission on the Future of California’s Court System (2017) p. 51,
21 <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf> (“Traffic infractions make
22 up the majority of the criminal filings, and although the offender is generally not represented by counsel,
he or she is processed under formal rules of criminal procedure.”).

23 ⁶⁶ Response to Court Records Request, *supra* (Q: “The number of civil assessments that the Court has
24 imposed under Penal Code 1214.1”; A: “From 1/1/2018 to 9/30/2021, the court imposed civil assessment
on 83,592 cases.”).

25 ⁶⁷ *Id.* (Q: “The number of ability-to-pay petitions received by the Court from defendants with unpaid
26 balances resulting exclusively or partially from the imposition of civil assessments under Penal Code
1214.1”; A: “2036, plus unknown number of informal requests via letter to the court.”).

27 ⁶⁸ See Judicial Council of California form TR-320/CR-320, [http://www.sanmateocourt.org/documents/
forms_and_filing/tr-320.pdf](http://www.sanmateocourt.org/documents/forms_and_filing/tr-320.pdf).

28 ⁶⁹ Response to Court Records Request, *supra* (Q: “The number of requests by defendants to vacate or
reduce civil assessments imposed under Penal Code 1214.1”; A: “The Court has no records.”).

1 100. Traffic infractions, however, do not. Traffic defendants can write to the court and opt not
2 to appear, or the Court can decide to proceed without the defendant’s appearance. See Veh. Code,
3 § 40902 (“the defendant may elect to have a trial by written declaration”); *id.*, § 40903 (“Any person
4 who fails to appear as provided by law may be deemed to have elected to have a trial by written
5 declaration”).

6 101. San Mateo Superior Court holds a trial by declaration in all eligible traffic infraction cases
7 where the defendant misses an appearance deadline. The Court’s Traffic Protocol outlines this process.
8 The Court “deem[s] [the defendant] to have elected to have a trial by written declaration.” Veh. Code,
9 § 40903. But the Court also imposes a \$300 civil assessment for failure to appear in every such case.⁷⁰
10 The Court’s “Notice of Civil Assessment and Resolution pursuant to VC40903” confirms this practice.
11 Ex. 5. The notice states as follows: “[T]he court held a Trial in Absentia pursuant to the provisions of
12 section 40903 of the California Vehicle Code. As a result, you have been convicted and sentenced to
13 pay the fine amount above, which includes a civil assessment penalty pursuant to PC1214.1.” The trial
14 by declaration without appearance, and the civil assessment for failure to appear, are both imposed on
15 the same day.⁷¹

16 102. San Mateo Superior Court’s Traffic Protocol indicating that it will simultaneously hold a
17 trial by declaration and impose a civil assessment—in every traffic infraction case where the defendant
18 does not appear—is not published in any standing order or rule of court. But the Traffic Protocol was
19 adopted by the Court and governs practice or procedure in the Court. Therefore, it constitutes a “local
20 rule” within the meaning of California Rule of Court 10.613(a)(2). See Cal. Rules of Court, rule
21 10.613(a)(2) (defining “local rule” as including “every rule, regulation, order, policy, form, or standard
22 of general application adopted by a court to govern practice or procedure in that court or by a judge of
23 the court to govern practice or procedure in that judge’s courtroom”).

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26 ⁷⁰ See, e.g., San Mateo Sup. Ct. Case Nos. 21-TRS-050009, 21-TRS-050010, 21-TRS-050015, 21-TRS-
27 050019, 21-TRS-050021, 21-TRS-050022, 21-TRS-050024, 21-TRS-050030, and 21-TRS-050036.

28 ⁷¹ See *id.* (all dockets noting that defendants are convicted and yet have failure to appear civil
assessments imposed *on the same day*).

1 103. Upon information and belief, the Traffic Protocol has not been presented for approval by a
2 majority of the judges of the court, nor has it been submitted to the local bar and others, as specified by
3 the Judicial Council, for consideration and recommendations, as required for all local rules under
4 California Rule of Court 10.613.

5 104. Further, the Court’s Standing Order regarding civil assessments requires that the Court give
6 the traffic defendant at least 90 days to appear in court after a failure to appear before imposing the \$300
7 civil assessment charge and convicting the person at a trial by declaration.⁷² In practice, San Mateo
8 Superior Court does not wait more than a few weeks.⁷³

9 105. Once the Court has resolved a traffic citation via a trial by declaration, it can use ordinary
10 methods to collect traffic fines—such as wage garnishment, tax intercept, or any other lawful means to
11 enforce a judgment against someone who is able to pay.⁷⁴ There is no lawful reason to also upcharge
12 individuals \$300 for “non-appearance” under these circumstances.

13 **F. The Judicial Council of California creates a conflict of interest for San Mateo**
14 **Superior Court by sending incentive payments that directly reward the Court for**
15 **unlawfully imposing and collecting civil assessments.**

16 106. California’s Trial Court Trust Fund is the primary source of funding for California trial
17 court operations. See generally Gov. Code, § 68085. More than a decade ago, the Legislature relieved
18 county governments of their obligation to pay a collective \$48.3 million in annual funding to the Trial
19 Court Trust Fund—but unfortunately, the Legislature did not fund the difference to balance the court
20 system’s budget.⁷⁵ In 2005, to cover those losses, the Judicial Council assigned each superior court to

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22 ⁷² Standing Order 16-141, Ex. 2 (“Civil Pursuit of Traffic Infractions and Authorizing Assessment of
\$300 for Failure to Appear”).

23 ⁷³ See *supra* note 51 (for cases where the trial by declaration and civil assessment were imposed just
24 three weeks after a missed appearance).

25 ⁷⁴ Pen. Code, § 1214(a) (“If the judgment is for a fine ... the judgment may be enforced in the manner
provided for the enforcement of money judgments generally.”).

26 ⁷⁵ See Judicial Branch Budget Committee Materials (May 14, 2019)p. 12, <https://www.courts.ca.gov/documents/jbbc-20190514-materials.pdf> (“While most of the reductions were backfilled by the
27 General Fund, \$48.3 million of the MOE obligation was not. The total MOE contributed by the counties
28 was reduced to \$659 million; which resulted in an ongoing reduction of \$48.3 million to support court
operations.”).

1 collect a designated amount of civil assessment revenue annually to offset the \$48.3 million shortfall in
2 the Trial Court Trust Fund.⁷⁶ This makes the entire California court system dependent, in part, on civil
3 assessments revenue to meet the state judiciary’s annual operating expenses.

4 107. Civil assessment revenues are required by law to be paid into the Trial Court Trust Fund
5 to help cover the judiciary’s ordinary operating needs. See Pen. Code, § 1214.1(a) (noting that all civil
6 assessments “shall be deposited in the Trial Court Trust Fund, as provided in Section 68085.1 of the
7 Government Code”). However, in 2005, the Judicial Council also adjusted its revenue disbursement
8 procedure for civil assessments. Instead of holding all revenues for general distribution out of the Trial
9 Court Trust Fund, the Judicial Council instead sends a direct incentive payment back to every trial court
10 that can collect enough fees to exceed their obligations to the state operational fund.⁷⁷ That is, whatever
11 additional sums the trial courts can impose and collect, the Judicial Council sends as an incentive
12 payment—on a dollar-for-dollar basis.⁷⁸ The Judicial Council has not changed this disbursement
13 procedure since 2005.

14 108. The Judicial Council’s disbursement procedure creates a direct financial conflict of interest

15 ⁷⁶ Gov. Code, § 68085.7(b)-(e) (identifying the process for setting the amount that each superior court
16 would pay to the Trial Court Trust Fund to cover the amount previously owed by each county—based
17 on civil assessment revenues as they existed then in each jurisdiction—with the Administrative Office
18 of Courts determining what amount each superior court would be expected to contribute annually by
19 October 31, 2005); see also Judicial Branch Budget Committee Materials (May 14, 2019), *supra* note
20 76, at p. 12 (“To ensure that court operations would be held harmless by this action, the JCC enacted a
21 policy to amend the distribution of civil assessment revenue to replace the \$48.3 million lost from the
22 [county] payments.”); Item 9: History of County Maintenance of Effort Obligations Supporting Trial
Court Operations, Trial Court Budget Advisory Committee (Dec. 16, 2015) pp. 46-47,
<https://www.courts.ca.gov/documents/tcbac-20151216-fms-item9-informational.pdf> (identifying in
Column J the amount of civil assessments revenue that each superior court is required to contribute to
the state’s Trial Court Trust Fund each year to make up the \$48.3 million shortfall).

23 ⁷⁷ See Judicial Branch Budget Committee Materials (May 14, 2019), *supra* note 76, at pp. 17-18 (“[T]he
24 Judicial Council withholds \$48.3 million from civil assessments revenue collected by the courts *before*
distributing the remainder back to the courts on a dollar for dollar basis.” (emphasis added)).

25 ⁷⁸ Judicial Council of California, 2020-21 Allocations and Reimbursements to the Trial Courts - Trial
26 Court Trust Fund (2021) pp. 5, 13, [https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-](https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf)
27 [reimbursement-to-tc-2020-21-gov-77202.5a.pdf](https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf) (identifying in Column O the amount of the incentive
28 payment the Judicial Council sent to each trial court in California from the TCTF in FY20-21 “for
collected civil assessment revenues that exceeded the amount of the court’s county civil assessment
buyout,” totaling \$54 million in incentive payments to the courts; Column R also identifies other “Fee
Revenues Returned to Courts”).

1 for trial courts. Trial courts in California are directly motivated to maximize their civil assessment
2 revenues because they know they will receive incentive payments from the Judicial Council for imposing
3 higher numbers of civil assessments. As a result of this conflict of interest, trial courts across California
4 have imposed and collected civil assessments at astronomical rates—generating millions of dollars
5 beyond the state’s budgetary requirements to increase their own bottom line.

6 109. In Fiscal Year 2018-19 alone, the Judicial Council sent incentive payments to trial courts
7 totaling \$56.3 million dollars, with 13 courts, including San Mateo Superior Court, receiving over \$1
8 million as a reward for their aggressive use of civil assessments:

Superior Court	Civil Assessment Incentive Payments from the Trial Court Trust Fund 2018-2019 ⁷⁹
Riverside	\$9,840,528
San Diego	\$9,118,269
Orange	\$5,156,884
Alameda	\$4,408,988
Contra Costa	\$3,424,248
Kern	\$2,941,731
Fresno	\$2,702,051
San Francisco	\$2,053,100
San Mateo	\$1,620,078
Solano	\$1,541,566
Santa Barbara	\$1,391,056
Tulare	\$1,324,470
Placer	\$1,167,992

79 See Judicial Council of California, 2018-19 Allocations and Reimbursements to the Trial Courts -
Trial Court Trust Fund (2019) p. 9,
[https://jcc.legistar.com/View.ashx?M=F&ID=7818718&GUID=90AD8DF6-D899-463D-
B9FCEA66D737C836](https://jcc.legistar.com/View.ashx?M=F&ID=7818718&GUID=90AD8DF6-D899-463D-B9FCEA66D737C836) (Column P identifying the total incentive payments paid to all courts in
California).

1 110. San Mateo Superior Court has raised more than \$9 million for the Trial Court Trust Fund
2 by imposing civil assessments over the past three years.⁸⁰ The Judicial Council sent San Mateo Superior
3 Court incentive payments totaling \$3.4 million as a reward for those collections.⁸¹ Upon information and
4 belief, the Court has no restrictions on how it uses the incentive payments it receives from the Judicial
5 Council for imposing civil assessments.

6 111. Given these financial incentives, it is no wonder that San Mateo Superior Court has charged
7 a \$300 civil assessment in at least 83,592 cases over the last three years.⁸² In the same time, San Mateo
8 Superior Court sent at least 103,198 accounts to the County of San Mateo for collections on the basis of
9 an unpaid civil assessment.⁸³ San Mateo Superior Court and the County of San Mateo actively seek
10 collection of outstanding civil assessment debts. The Court and the County make every effort to
11 “maximize revenue collection” and subject those who cannot afford to pay their fines and fees to wage
12 garnishment, property liens, and bank liens—and can even refer defendants to private collections
13 agencies.⁸⁴

15 ⁸⁰ Response to Court Records Request, *supra* (Q: “The amount of money that the Court has received as
16 a result of imposition of civil assessments under Penal Code 1214.1”; A: “The court retained \$1,620,077,
17 \$1,075,035, and \$742,666 in FY 2018-19, 19-20, and 20-21, respectively, net of cost of collections and
18 the county buyout amount of \$2,105,536, which is remitted to the TCTF.”). The county buyout amount
19 applies as a threshold for each year of collections before the Court can retain the balance. This means
20 that the Court raised approximately \$3 million in civil assessment revenues each year—and likely more
21 given that these numbers are net the cost of collections.

22 ⁸¹ Response to Court Records Request, *supra*; see also Item 9: History of County Maintenance of Effort
23 Obligations Supporting Trial Court Operations, Trial Court Budget Advisory Committee (Dec. 16, 2015)
24 p. 40, <https://www.courts.ca.gov/documents/tcbac-20151216-fms-item9-informational.pdf>; see Judicial
25 Council of California, 2018-19 Allocations and Reimbursements to the Trial Courts - Trial Court Trust
26 Fund (2019), *supra* note 22, at p. 9; 2019-20 Allocations and Reimbursements to the Trial Courts - Trial
27 Court Trust Fund (2020), *supra* note 22, at p. 5; 2020-21 Allocations and Reimbursements to the Trial
28 Courts - Trial Court Trust Fund, *supra* note 21, at p. 5 (identifying incentive payments sent from the
state’s TCTF to San Mateo Superior Court of \$1,620, 078, \$1,075,035, and \$742,666 in FY 2018-19,
19-20, and 20-21, respectively).

⁸² Response to Court Records Request, *supra* (Q: “The number of civil assessments that the Court has
imposed under Penal Code 1214.1”; A: “From 1/1/2018 to 9/30/2021, the court imposed civil assessment
on 83,592 cases.”).

⁸³ *Id.* (Q: “The number of accounts the Court has referred to the Franchise Tax Board or a debt-collection
company ... from the imposition of civil assessments pursuant to Penal Code 1214.1”; A: “103,198.”).

⁸⁴ Memorandum of Understanding, *supra*, pp. 8, 12.

1 112. This result is not accidental. In fact, the Judicial Council has encouraged San Mateo
2 Superior Court—and all trial courts across California—to impose civil assessments at the maximum
3 amount in traffic infraction cases for the purpose of raising revenues.⁸⁵

4 113. The Judicial Council’s Trial Court Budget Advisory Committee acknowledged the
5 conflict-of-interest problem its civil assessment scheme creates in April 2020, when it proposed changes
6 to the current funding system to reduce the “perceived conflict of interest” and to reduce reliance on this
7 “[u]nstable funding” stream, which “makes it impossible to provide fair, equitable and timely justice to
8 all litigants.”⁸⁶

9 114. As recently as April 19, 2022, the Judicial Council also noted that the civil assessment
10 “funding model for revenue and allocation is unsustainable and requires further examination and
11 adjustment.” Ex. 8. Despite its acknowledgement of the conflict of interest, the Judicial Council has not
12 yet resolved the conflict of interest for trial courts by changing its disbursement procedure.

13 115. Traffic filings have been trending downward since at least 2011, which means decreased
14 revenue for the courts so long as the system relies on imposing and collecting civil assessments.⁸⁷ The
15 Judicial Council has been clear that it favors moving away from civil assessments altogether as a funding
16 source for courts. The Judicial Council has expressed support “for the backfills received as the Governor
17 and legislators recognize the direct impact [of ...] the current fine and fee structure and move the court
18 system away from this funding source.” See Ex. 8.

19 116. The Governor of California has projected an unprecedented budgetary surplus of \$100
20 billion for this upcoming fiscal year.⁸⁸ But instead of receiving adequate funding from the State of
21

22 ⁸⁵ Judicial Council of California, Criteria for a Successful Civil Assessments Program (2005),
23 [https://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-](https://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf)
24 [Program.pdf](https://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf) (urging trial courts that they “should consider imposing civil assessment[s] on all eligible
25 cases” and that “[a] \$300 civil assessment should be imposed on each appropriate case”).

26 ⁸⁶ Judicial Council of California, Trial Court Budget Advisory Committee Materials for April 30, 2020
27 Teleconference Meeting (Apr. 2020) pp. 128-129, [https://www.courts.ca.gov/documents/tcbac-](https://www.courts.ca.gov/documents/tcbac-20200430-materials.pdf)
28 [20200430-materials.pdf](https://www.courts.ca.gov/documents/tcbac-20200430-materials.pdf).

⁸⁷ Judicial Council of California, 2021 Court Statistics Report (2021) p. 52, [https://www.courts.ca.gov](https://www.courts.ca.gov/documents/2021-Court-Statistics-Report.pdf)
/documents/2021-Court-Statistics-Report.pdf.

⁸⁸ Hubler, *California Expects a Record Budget Surplus of Nearly \$100 Billion*, NEW YORK TIMES
(May 13, 2022), <https://www.nytimes.com/2022/05/13/us/california-budget-surplus.html>.

1 California, courts are in the position of having to unlawfully extract late fees from low-income
2 Californians to meet their operating expenses.

3 **G. San Mateo Superior Court has adjusted its civil assessment program in direct response**
4 **to this litigation but will still impose and collect civil assessments unlawfully.**

5 117. In April 2022, two months after Plaintiffs filed their original complaint in this action, San
6 Mateo Superior Court announced its intention to alter its traffic court procedures in response to the
7 original complaint. Instead of the Court automatically imposing a civil assessment by computer at the
8 maximum \$300 in all cases, the San Mateo Superior Court proposes that judges will exercise discretion
9 as to the amount of the civil assessment that should be imposed. The Court also announced that it would
10 amend its civil assessment notices to apprise individuals of their right to challenge their civil assessment
11 charges and how to do so. In addition to these announced changes, and in response to the original
12 complaint, the Court also rescinded Standing Order 16-141 regarding the Court’s civil assessments
13 program.⁸⁹

14 118. However, these necessary changes—even if ultimately realized—will not stop San Mateo
15 Superior Court and the County of San Mateo from attempting to collect the thousands of outstanding
16 civil assessment charges that were unlawfully imposed—automatically, without a judge, at the maximum
17 \$300, without meaningful notice and an opportunity to be heard, and without proper promulgation of the
18 local rules governing civil assessments—over the past several years. Upon information and belief, San
19 Mateo Superior Court and the County of San Mateo⁹⁰ are still attempting to collect at least \$31 million
20 in outstanding civil assessment debts that were illegally imposed against traffic defendants.⁹¹

23 ⁸⁹ See Standing Order No: 22-167, ORDER RESCINDING STANDING ORDER NO. 16-141 RE
24 CIVIL PURSUIT OF TRAFFIC INFRACTIONS AND AUTHORIZING ASSESSMENT OF \$300
FOR FAILURE TO APPEAR, https://www.sanmateocourt.org/documents/standing_orders/22-167.pdf.

25 ⁹⁰ Upon information and belief, the County of San Mateo is in the process of ending its unlawful role as
26 the collections agent for San Mateo Superior Court and the Superior Court may be switching to a private
vendor to collect outstanding debts.

27 ⁹¹ San Mateo Superior Court’s Jan. 5, 2022 Response to Court Records Request (identifying at least
28 “\$31,151.298.04” in outstanding civil assessment debts as of November 30, 2021, reflecting outstanding
balances in more than “109,228 cases”).

1 119. Despite any forthcoming changes, the Judicial Council's incentive payments will still
2 directly motivate San Mateo Superior Court to continue vigorously imposing and collecting civil
3 assessment fees in high volumes.

4 120. Also, upon information and belief, the Court's revised and forthcoming Traffic Protocol
5 has not been presented for approval by a majority of the judges of the court, nor has it been submitted to
6 the local bar and others, as specified by the Judicial Council, for consideration and recommendations, as
7 required for all local rules under California Rule of Court 10.613.

8 **H. Writ, injunctive, and declaratory relief are necessary to remedy San Mateo Superior**
9 **Court's unlawful imposition and collection of civil assessments.**

10 121. Defendants/Respondents San Mateo Superior Court, Neil I. Taniguchi, Hugo Borja,
11 Rosendo Padilla, Jr., and Cristina Mazzei (collectively, "Court Defendants/Respondents") have a
12 mandatory duty to impose civil assessments in accordance with the law. Court Defendants/Respondents
13 and Defendant/Respondent County of San Mateo have a mandatory duty to only collect civil assessments
14 that were lawfully imposed.

15 122. Court Defendants/Respondents have a duty to promulgate local rules regarding civil
16 assessments in accordance with the rule promulgation requirements contained in the California Rules of
17 Court and the California Government Code and Code of Civil Procedure.

18 123. Defendant Judicial Council and Defendant/Respondent Martin Hoshino (collectively,
19 "Judicial Council Defendants/Respondents") have a mandatory duty not to create and facilitate an
20 unlawful conflict of interest for San Mateo Superior Court.

21 124. Plaintiffs/Petitioners have no plain, speedy, and adequate remedy in the ordinary course of
22 law to stop San Mateo Superior Court's current unlawful policies and ongoing unlawful practices
23 regarding the imposition and collection of civil assessments. The vast majority of persons who have been
24 subjected to a civil assessment without the aid of counsel or sufficient notice are unaware of their right
25 to challenge the civil assessment for good cause. Relief from a civil assessment in any individual traffic
26 case would only benefit a single individual and would not prevent the Court's ongoing unlawful civil
27 assessment practices, including the automated imposition process, the deficient notices, and thousands
28

1 of ongoing collections actions. See, e.g., *Sutco Construction Co. v. Modesto High School Dist.* (1989)
2 208 Cal.App.3d 1220, 1227 (“[A] suit for refund is inadequate in that appellants continue to assess fees
3 ... therefore, any suit to recover for fees already paid is an incomplete remedy.”).

4 125. All Court Defendants expend state and local taxpayer funds in carrying out their unlawful
5 practices regarding imposition and collection of civil assessments. Judicial Council Defendants expend
6 state taxpayer funds in carrying out their unlawful civil assessment practices by creating a direct financial
7 conflict of interest for Court Defendants in the distribution of civil assessment revenues. San Mateo
8 County expends both local and state taxpayer funds in carrying out its unlawful practices regarding
9 collection of civil assessments.

10 126. All Defendants/Respondents have the authority to provide the relief requested in this case.

11 CLAIMS

12 FIRST CAUSE OF ACTION

13 Failure to Exercise Discretion in Imposing Civil Assessments

14 Under Penal Code, § 1214.1(a)

(All Plaintiffs/Petitioners Against All Defendants/Respondents)

15 127. Plaintiffs/Petitioners re-allege and incorporate by reference all above allegations as though
16 fully set forth herein.

17 128. “[I]n infraction, misdemeanor, or felony cases, the court *may impose* a civil assessment of
18 *up to* three hundred dollars (\$300) against a defendant who fails ... to appear in court ... or who fails to
19 pay all or any portion of a fine.” Pen. Code, § 1214.1(a) (emphases added). As indicated by the statutory
20 language and corresponding court rule, judges must exercise discretion in determining “[w]hether a civil
21 assessment should be imposed,” and “[i]f so, the amount of the assessment.” Cal. Rules of Court, rule
22 4.106(c)(6)(A)-(B); see Pen. Code, § 1214.1(a).

23 129. Instead, Court Defendants/Respondents have automatically imposed a \$300 civil
24 assessment in the first instance in every traffic infraction case where an individual misses an appearance
25 or payment deadline—without a judge exercising independent judgment or having any involvement in
26 that decision.

27 130. Court Defendants/Respondents have violated Penal Code section 1214.1 (“Section
28 1214.1”) by imposing civil assessments in individual cases where no judge has exercised discretion

1 regarding whether to impose a civil assessment and, if so, what the amount of that civil assessment
2 should be. Cf. *Cal. Hospital Assn. v. Maxwell-Jolly* (2010) 188 Cal.App.4th 559, 570 (“Mandamus may
3 issue, however, to compel an official both to exercise his discretion ... and to exercise it under a proper
4 interpretation of the applicable law.” (citation omitted)).

5 131. Defendant/Respondent CEO has contributed to the failure to exercise discretion because
6 Defendant CEO has helped guide, supervise, and implement the automated processes that imposes the
7 civil assessment.

8 132. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
9 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for \$300 civil
10 assessment charges that were illegally imposed because there was no appropriate exercise of judicial
11 discretion. Defendant/Respondent County of San Mateo collects civil assessment debts knowing that
12 they have been unlawfully imposed through its “Comprehensive Collections Program” with the Court.
13 Furthermore, Defendant/Respondent County benefits financially from collecting more money through
14 civil assessments. The County deducts its compensation for operating its collection program before
15 returning civil assessment revenues to the Court.

16 133. Defendant/Respondent Judicial Council has actively facilitated the Court’s failure to
17 exercise discretion under Penal Code section 1214.1 by instructing courts that they “should consider
18 imposing civil assessment[s] on all eligible cases” and that “[a] \$300 civil assessment should be imposed
19 on each appropriate case”—thereby informing the Court that it should not exercise the discretion
20 required under California law.

21 **SECOND CAUSE OF ACTION**
22 **Violation of the Right to Procedural Due Process**
23 **Under the California Constitution, Article I, §§ 7(a), 15**
(All Plaintiffs/Petitioners Against Court Defendants/Respondents, Defendant/Respondent County)

24 134. Plaintiffs/Petitioners re-allege and incorporate by reference all the above allegations as
25 though fully set forth herein.

26 135. Due process under the California Constitution requires the same adequate notice and an
27 opportunity to be heard as the U.S. Constitution. See Cal. Const., art. I, § 7(a). “The assessment imposed
28

1 pursuant to subdivision (a) shall be subject to the due process requirements governing defense and
2 collection of civil money judgments generally.” Pen. Code, § 1214.1(d).

3 136. Adequate notice is one basic fundament of procedural due process. Notice that is
4 misleading or does not properly inform individuals of the relevant information is constitutionally
5 defective notice. See *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 706 (“This right
6 to be heard has little reality or worth unless one is informed that the matter is pending and can choose
7 for himself whether to appear or default, acquiesce or contest.... The notice must be of such nature as
8 reasonably to convey the required information” (quoting *Mullane v. Central Hanover Bank & Trust*
9 *Co.* (1950) 339 U.S. 306, 314)); *Fogel v. Zell* (7th Cir. 2000) 221 F.3d 955, 962 (“Fair or adequate notice
10 has two basic elements: content and delivery. If the notice is unclear, the fact that it was received will
11 not make it adequate.”); *Nozzi v. Housing Auth. of City of L.A.* (9th Cir. 2015) 806 F.3d 1178, 1197
12 (notice which was “confusing” was not “reasonably certain” to provide the information required by due
13 process); see also *Memphis Light, Gas & Water Div. v. Craft* (1978) 436 U.S. 1, 22 (“Because of the
14 failure to provide notice reasonably calculated to apprise respondents of the availability of an
15 administrative procedure ... petitioners deprived respondents of an interest in property without due
16 process of law.”).

17 137. The California Constitution also requires more than the U.S. Constitution. Specifically, the
18 California Constitution requires that “even in cases in which the decision-making procedure will not
19 alter the outcome of governmental action ... certain procedural protections be granted the individual in
20 order to protect important dignitary values.” *People v. Ramirez* (1976) 25 Cal.3d 260, 268. The purpose
21 of these safeguards is “to ensure that the method of interaction itself is fair in terms of what are perceived
22 as minimum standards of political accountability—of modes of interaction which express a collective
23 judgment that human beings are important in their own right, and that they must be treated with
24 understanding, respect, and even compassion.” *Id.* (citation omitted). Accordingly, procedural due
25 process under the California Constitution considers “the dignitary interest in informing individuals of
26 the nature, grounds and consequences of the action and in enabling them to present their side of the story
27 before a responsible governmental official.” *Id.* at 269.

1 138. Court Defendants/Respondents have violated the procedural due process rights of traffic
2 defendants under the California Constitution by failing to provide any written notice that fairly informs
3 them about how they can timely challenge the imposition of the \$300 civil assessment charge and on
4 what grounds they are permitted to do so; and by failing to provide clear, transparent, and detailed
5 information about the civil assessment charge required to respect the dignity of traffic court defendants
6 whom the court charges.

7 139. Defendant/Respondent CEO has violated the procedural due process rights of traffic
8 defendants under the California Constitution at least insofar as Defendant CEO, upon information and
9 belief, is responsible for overseeing the drafting, preparation of, and mailing of civil assessment notices.

10 140. Furthermore, in California, “due process safeguards required for protection of an
11 individual’s statutory interests must be analyzed in the context of the principle that freedom from
12 arbitrary adjudicative procedures is a substantive element of one’s liberty.” *Id.* at 268. On this basis,
13 “[f]ailure to exercise a discretion conferred and compelled by law constitutes ... a deprivation of
14 fundamental procedural rights.” *People v. Penoli* (1996) 46 Cal. App. 4th 298, 306.

15 141. Court Defendants/Respondents therefore also violate the procedural due process rights of
16 traffic defendants under the California Constitution by imposing civil assessments in individual cases
17 where no judge has exercised discretion regarding whether to impose a civil assessment and, if so, what
18 the amount of that civil assessment should be—arbitrarily abdicating Court Defendants/Respondents’
19 responsibility to preserve individuals’ “fundamental procedural rights” under statute. *id.*; see Pen. Code,
20 § 1214.1.

21 142. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
22 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for \$300 civil
23 assessment charges that were unconstitutionally imposed because they were imposed in violation of the
24 due process rights of traffic defendants. Defendant/Respondent County of San Mateo collects civil
25 assessment debts knowing that they have been unconstitutionally imposed through its “Comprehensive
26 Collections Program” with the Court and is compensated for operating this collections program.

THIRD CAUSE OF ACTION
Deficient Notice of Civil Assessments in
Violation of Penal Code, § 1214.1(b) & Cal. Rule of Court 4.106
(All Plaintiffs/Petitioners Against Court Defendants/Respondents, Defendant/Respondent County)

143. Plaintiffs/Petitioners re-allege and incorporate by reference all the above allegations as though fully set forth herein.

144. “The assessment imposed pursuant to [Pen. Code section 1214.1] subdivision (a) shall not become effective until at least 20 calendar days *after* the court mails a warning notice to the defendant by first-class mail to the address shown on the notice to appear or to the defendant’s last known address. If the defendant appears within the time specified in the notice and shows good cause for the failure to appear or for the failure to pay a fine or installment of bail, the court shall vacate the assessment.” Pen. Code, § 1214.1(b)(1) (emphasis added). That required notice “must inform the defendant of his or her right to petition that the civil assessment be vacated for good cause and must include information about the process for vacating or reducing the assessment.” Cal. Rules of Court, rule 4.106(c)(1).

145. Court Defendants/Respondents violate Section 1214.1(b) and California Rule of Court 4.106(c)(1) by imposing civil assessments on traffic defendants who miss a payment or appearance deadline without “includ[ing] information about the process for vacating or reducing the assessment” for good cause. Cal. Rules of Court, rule 4.106(c)(1). This includes failure to specify how the individual can timely challenge the imposition of the civil assessment and what constitutes good cause for failure to appear or failure to pay.

146. “Payment of bail, fines, penalties, fees, or a civil assessment shall not be required in order for the court to vacate the assessment” at the time the individual appears to challenge the civil assessment. Pen. Code, § 1214.1(b)(2); see Cal. Rules of Court, rule 4.106(c)(3) (“When a court imposes a civil assessment for failure to appear or pay, the defendant may petition that the court vacate or reduce the civil assessment *without paying any bail, fines, penalties, fees, or assessments.*” (emphasis added)).

147. Court Defendants/Respondents violate Section 1214.1(b)(2) and California Rule of Court 4.106(c)(3) by misleading traffic defendants who miss an appearance deadline that they need to pay their civil assessment charge before they are entitled to challenge imposition of the civil assessment based on a showing of good cause for missing the deadline.

1 148. Defendant/Respondent CEO violates Section 1214.1(b) and Cal. Rule of Court 4.106 at
2 least insofar as Defendant CEO, upon information and belief, is responsible for overseeing the drafting,
3 preparation of, and mailing of improper civil assessment notices.

4 149. Collectively, by failing to meet these statutory notice requirements, Court
5 Defendants/Respondents have unlawfully made civil assessment charges “effective” against traffic
6 defendants in violation of Section 1214.1(b).

7 150. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
8 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for \$300 civil
9 assessment charges that were unlawfully imposed because they were imposed in violation of Section
10 1214.1(b) and Cal. Rule of Court 4.106. Defendant/Respondent County of San Mateo collects civil
11 assessment debts knowing that they have been unlawfully imposed through its “Comprehensive
12 Collections Program” with the Court and is compensated for operating this collections program.

13 **FOURTH CAUSE OF ACTION**
14 **Unlawful Delegation of Judicial Authority in**
15 **Violation of California Constitution, Article VI, § 22**
(All Plaintiffs/Petitioners Against Court Defendants/Respondents, Defendant/Respondent County)

16 151. Plaintiffs/Petitioners re-allege and incorporate by reference all the above allegations as
17 though fully set forth herein.

18 152. “The Legislature may provide for the appointment by trial courts of record of officers such
19 as commissioners to perform subordinate judicial duties.” Cal. Const., art. VI, § 22. Each trial court may
20 establish and appoint any subordinate judicial officer that is “deemed necessary for the performance of
21 subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers.” Gov.
22 Code, § 71622(a).

23 153. But “[t]he duties of clerks are in general to serve the court in a ministerial capacity.” *Tate*
24 *v. Super. Ct.* (1975) 45 Cal.App.3d 925, 929 (citation omitted); see Gov. Code, § 69843. “[A] clerk may
25 only compute; he cannot adjudicate.” *Liberty Loan Corp. of North Park v. Peterson*, (1972)
26 24 Cal.App.3d 915, 919 (citation omitted).

27 154. Section 1214.1 requires judicial officers to exercise their discretion in deciding whether to
28 impose a civil assessment in a given case and, if so, how much.

1 155. Court Defendants/Respondents have violated this constitutional provision by unlawfully
2 delegating to Defendant/Respondent CEO and clerks, who are not subordinate judicial officers, the duty
3 of automatically imposing civil assessments via computer when a defendant misses an appearance or
4 payment deadline in a given case.

5 156. Defendant/Respondent CEO has acted on, and therefore participated in, the unlawful
6 delegation by helping guide, supervise, and implement the automated process that has imposed the civil
7 assessment via computer when a defendant misses an appearance or payment deadline in a given case.

8 157. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
9 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for civil
10 assessment charges that were unconstitutionally imposed because they were imposed via computer or
11 clerk without the involvement of a judge. Defendant/Respondent County of San Mateo collects civil
12 assessment debts knowing that they have been unconstitutionally imposed through its “Comprehensive
13 Collections Program” with the Court and is compensated for operating this collections program.

14 **FIFTH CAUSE OF ACTION**

15 **Adopting and Implementing Local Rules Without Proper Public Notice
and Comment in Violation of Civil Procedure Code § 575.1**

16 **(All Plaintiffs/Petitioners Against Court Defendants/Respondents, Defendant/Respondent County)**

17 158. Plaintiffs/Petitioners re-allege and incorporate by reference all the above allegations as
18 though fully set forth herein.

19 159. “The presiding judge of each superior court may prepare, with the assistance of appropriate
20 committees of the court, proposed local rules designed to expedite and facilitate the business of the
21 court.” Code Civ. Proc., § 575.1(a). “Rules prepared pursuant to this section shall be submitted for
22 consideration to the judges of the court and, upon approval by a majority of the judges, the judges shall
23 have the proposed rules published and submitted to the local bar and others, as specified by the Judicial
24 Council, for consideration and recommendations.” *Id.*

25 160. “‘Local rule’ means every rule, regulation, order, policy, form, or standard of general
26 application adopted by a court to govern practice or procedure in that court or by a judge of the court to
27 govern practice or procedure in that judge’s courtroom.” Cal. Rules of Court, rule 10.613(a)(2).
28

1 161. “Except for rules specifying the time of hearing and similar calendaring matters, the court
2 must distribute each proposed rule for comment at least 45 days before it is adopted.” Cal. Rules of
3 Court, rule 10.613(g)(1). “A proposed rule must be distributed for comment to the following
4 organizations in each county located within a 100-mile radius of the county seat of the county in which
5 the court is located: (A) Civil rules to the county bar association in each county, the nearest office of the
6 State Attorney General, and the county counsel in each county; (B) Criminal rules to the county bar
7 association in each county, the nearest office of the State Attorney General, the district attorney in each
8 county, and the public defender in each county; and (C) On request, any bar organization, newspaper, or
9 other interested party.” Cal. Rules of Court, rule 10.613(g)(2).

10 162. Defendant/Respondent San Mateo Superior Court violated California Code of Civil
11 Procedure section 575.1 by issuing Standing Order 16-141 and the Court’s Traffic Protocol, and by
12 adopting its practice of imposing civil assessments in every traffic infraction case where the individual
13 misses their appearance or payment deadline—even when the court deems the individual to have opted
14 for a trial by declaration. These policies and practices each operate as local rules without public notice
15 and comment.

16 163. Court Defendants/Respondents have violated California Code of Civil Procedure 575.1 by
17 implementing Standing Order 16-141, the Court’s Traffic Protocol, and the court’s practice of imposing
18 civil assessments in every traffic infraction case where the individual misses their appearance or payment
19 deadline—all of which are policies and practices that are invalid because they have not complied with
20 public notice and comment requirements.

21 164. Upon information and belief, Court Defendants/Respondents are violating California Code
22 of Civil Procedure 575.1 by promulgating the Court’s revised and forthcoming Traffic Protocol without
23 satisfying public notice and comment requirements—thereby creating another invalid local rule.

24 165. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
25 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for civil
26 assessment charges that were unlawfully imposed because they were imposed pursuant to local rules
27 that were not validly promulgated. Defendant/Respondent County of San Mateo collects civil assessment
28

1 debts knowing that they have been unlawfully imposed through its “Comprehensive Collections
2 Program” with the Court, and is compensated for operating this collections program.

3 **SIXTH CAUSE OF ACTION**
4 **Adopting a Local Rule Inconsistent with Law in**
5 **Violation of Government Code, § 68070**
6 **(All Plaintiffs/Petitioners Against Court Defendants/Respondents, Defendant/Respondent County)**

7 166. Plaintiffs/Petitioners re-allege and incorporate by reference all the above allegations as
8 though fully set forth herein.

9 167. “Every court may make rules for its own government and the government of its officers
10 *not inconsistent with law* or with the rules adopted and prescribed by the Judicial Council.” Gov. Code,
11 § 68070(a) (emphasis added).

12 168. Defendant/Respondent San Mateo Superior Court violated Government Code
13 section 68070 by issuing Standing Order 16-141 and the Court’s Traffic Protocol and by adopting its
14 practice of imposing \$300 civil assessments in every traffic infraction case where the individual misses
15 their appearance or payment deadline. These policies and practices each operate as local rules that are
16 inconsistent with the California Constitution, the California Penal Code, and the California Rules of
17 Court.

18 169. Court Defendants/Respondents have violated Government Code section 68070 by
19 implementing Standing Order 16-141, the Court’s Traffic Protocol, and the court’s practice of imposing
20 civil assessments in every traffic infraction case where the individual misses their appearance or payment
21 deadline—all of which are local rules that are invalid because they are inconsistent with the California
22 Constitution and California law.

23 170. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
24 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for civil
25 assessment charges that were unlawfully imposed because they were imposed pursuant to local rules
26 that are inconsistent with law. Defendant/Respondent County of San Mateo collects civil assessment
27 debts knowing that they have been unlawfully imposed through its “Comprehensive Collections
28 Program” with the Court, and is compensated for operating this collections program.

SEVENTH CAUSE OF ACTION
Conflict of Interest in Violation of the Right to Due Process
Under the California Constitution, Article I, §§ 7(a), 15
(All Plaintiffs/Petitioners Against All Defendants/Respondents)

171. Plaintiffs/Petitioners re-allege and incorporate by reference all the above allegations as though fully set forth herein.

172. The California Constitution prohibits the State from depriving any person of their property without due process of law. See Cal. Const., art. I, §§ 7(a), 15. “The assessment imposed pursuant to subdivision (a) shall be subject to the due process requirements governing defense and collection of civil money judgments generally.” Pen. Code, § 1214.1(d).

173. The due process protections under the California Constitution are at least as expansive as those under the U.S. Constitution. *Ryan v. Cal. Interscholastic Federation-San Diego Section* (2001) 94 Cal.App.4th 1048, 1070 (“[P]rocedural due process under the California Constitution is much more inclusive and protects a broader range of interests than under the federal Constitution.” (internal quotations and citations omitted)).

174. “The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decisionmaking process.” *Marshall v. Jerrico, Inc.* (1980) 446 U.S. 238, 242; *Tumey v. Ohio* (1927) 273 U.S. 510, 535. This right is violated where the union of judicial and executive power creates a situation “which would offer a possible temptation to the average man as a judge.” *Ward v. Village of Monroeville* (1972) 409 U.S. 57, 60 (quoting *Tumey*, 273 U.S. at p. 532).

175. Defendants violate the procedural due process right to an impartial decision-maker when a court system’s revenue depends on the collection of fines and fees from the individuals who appear before the court. *DePiero v. City of Macedonia* (6th Cir. 1999) 180 F.3d 770, 780; *Cain v. City of New Orleans* (E.D. La. 2017) 281 F. Supp. 3d 624, 654-659 (finding a procedural due process violation and noting that “[t]he Judges’ practice of failing to inquire into ability to pay is itself indicative of their

1 conflict of interest”), *affd. sub nom. Cain v. White* (5th Cir. 2019) 937 F.3d 446, *cert. den.* (2020)
2 __U.S.__, 140 S. Ct. 1120.

3 176. In this context, even the appearance of impropriety gives rise to a conflict of interest that
4 violates due process. *Brown v. Vance* (5th Cir. 1981) 637 F.2d 272, 284 (conflict of interest is assessed
5 “as the system works in practice and as it appears to defendants and to the public”); *Brucker v. City of*
6 *Doraville* (N.D. Ga. 2019) 391 F. Supp. 3d 1207, 1212 (“[T]he Court’s focus should be on the municipal
7 structure as a whole and whether it would appear, to the average citizen, that that system potentially fuels
8 impropriety in judicial proceedings.” (citing *Brown*, 637 F.2d at 284)).

9 177. Court Defendants/Respondents violate the procedural due process right to an impartial
10 decision-maker because San Mateo Superior Court’s direct financial benefit from its imposition and
11 collection of civil assessments conflicts with the Court’s role to impartially decide whether and how
12 much of a civil assessment to impose in a given case. That conflict of interest pervades the entirety of
13 San Mateo Superior Court’s civil assessments program.

14 178. Judicial Council Defendants/Respondents create and facilitate the constitutional conflict of
15 interest for San Mateo Superior Court because they disburse incentive payments directly to the Court on
16 a dollar-for-dollar basis as a reward for maximizing the number of civil assessments the Court can collect
17 and impose.

18 179. Defendant/Respondent San Mateo Superior Court and Defendant/Respondent County of
19 San Mateo each undertake collection efforts to force traffic infraction defendants to pay for civil
20 assessment charges that were unconstitutionally imposed because they were imposed in violation of the
21 traffic defendants’ due process rights. Defendant/Respondent County of San Mateo collects civil
22 assessment debts knowing that they have been unconstitutionally imposed through its “Comprehensive
23 Collections Program” with the Court, and is compensated for operating this collections program.

24 **EIGHTH CAUSE OF ACTION**
25 **Taxpayer Action Pursuant to Code Civil Procedure, § 526a**
26 **(All Plaintiffs Against Court and Judicial Council Defendants; Plaintiffs Lorena Baez and**
27 **CLSEPA Against the County)**

28 180. Plaintiffs re-allege and incorporate by reference all the above allegations as though fully
set forth herein.

1 181. Taxpayers have standing to sue the government whenever the government adopts policies
2 or carries out its functions in a way that violates the California Constitution or California law. See *Cal.*
3 *DUI Lawyers Assn. v. Dept. of Motor Vehicles* (2018) 20 Cal.App.5th 1247, 1260–1261 (“Cases that
4 challenge the legality or constitutionality of governmental actions fall squarely within the purview of
5 section 526a.”). This is because taxpayers are inherently injured when the government spends its time—
6 and consequently tax dollars—on illegal practices. *Blair v. Pitchess* (1971) 5 Cal.3d 258, 268 (“[T]he
7 mere expending [of] the time ... in performing illegal and unauthorized acts constitute[s] an unlawful
8 use of funds which could be enjoined under section 526a.” (internal quotations and citations omitted)).

9 182. Taxpayers also have standing to sue the government for authorizing direct expenditures of
10 public funds in a way that violates the California Constitution or California law. *Cent. Valley Chap. 7th*
11 *Step Found. v. Younger* (1979) 95 Cal.App.3d 212, 232 (“If a taxpayer can demonstrate that a state
12 official did authorize the improper expenditure of public funds, the taxpayer ‘will be entitled, at least, to
13 a declaratory judgment to that effect; if he establishes that similar expenses are threatened in the future,
14 he will also be entitled to injunctive relief.’” (emphasis added) (quoting *Stanson v. Mott* (1976) 17 Cal.3d
15 206, 222–223)).

16 183. All Court Defendants expend primarily California state taxpayer funds and also local
17 taxpayer funds in carrying out their unlawful practices regarding the imposition and collection of civil
18 assessments.

19 184. All Judicial Council Defendants expend California state taxpayer funds when they directly
20 authorize and facilitate San Mateo Court’s unlawful civil assessments program.

21 185. Defendant County of San Mateo expends local taxpayer funds when it collects civil
22 assessments knowing that they have been both unconstitutionally and unlawfully imposed by San Mateo
23 Superior Court. Collecting on debts that have been illegally imposed is an improper/unlawful
24 expenditure of taxpayer resources—even if those collections efforts actually raise revenues. *Blair*, 5
25 Cal.3d at 269 (in a taxpayer action, “county officials may be enjoined from spending their time carrying
26 out” collection activities “even though [...] the collection of fees [...] actually effect a saving of tax
27 funds”)

NINTH CAUSE OF ACTION

**Mandamus Action Pursuant to Code Civil Procedure, § 1085
(All Petitioners Against All Respondents)**

186. Petitioners re-allege and incorporate by reference all the above allegations as though fully set forth herein.

187. All Court Respondents have a mandatory duty to impose and collect civil assessments only in accordance with the California Constitution and other state law. Respondent San Mateo Superior Court also has a duty to promulgate local rules regarding civil assessments in accordance with the rule promulgation requirements contained in the California Rules of Court and the California Government Code and Code of Civil Procedure.

188. Respondent County of San Mateo has a mandatory duty to only collect civil assessments that were lawfully imposed.

189. Respondent Administrative Director has a mandatory duty not to disburse funds in a way that creates an unlawful conflict of interest for San Mateo Superior Court to maximize civil assessments charges and collections.

190. Respondents' compliance with these laws and constitutional imperatives involves a public right.

191. All Petitioners are beneficially interested in issuance of the writ and/or have an independent interest in enforcement of this public right. *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166.

192. Respondent San Mateo Superior Court, in carrying out its municipal court functions and handling traffic court infraction cases, is an "inferior tribunal" with respect to this Superior Court as provided in Civil Procedure Code section 1085(a).

193. Respondent CEO and Respondent Traffic Commissioners are "inferior persons" with respect to this Superior Court as provided in Civil Procedure Code section 1085(a).

194. Respondent County of San Mateo, which collects civil assessment debts unlawfully imposed against individuals by San Mateo Superior Court, is an "inferior board" with respect to this Superior Court as that term is used in Civil Procedure Code section 1085(a).

1 195. Respondent Administrative Director is an “inferior person” with respect to this Superior
2 Court as provided in Civil Procedure Code section 1085(a).

3 196. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to
4 stop the unlawful practices regarding the imposition and collection of civil assessments.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs/Petitioners respectfully request that the Court:

7 **As to Court Defendants/Respondents**

8 a. Declare that Court Defendants/Respondents’ manner of imposing civil assessments
9 violates the California Constitution Article I, sections 7(a), 15; California Constitution Article VI,
10 section 22; California Penal Code section 1214.1; and California Rule of Court 4.106;

11 b. Declare that Court Defendants/Respondents’ manner of imposing civil assessments
12 operates as a local rule invalidly promulgated pursuant to California Government Code section 68070
13 and California Code of Civil Procedure section 575.1;

14 c. Grant injunctive relief restraining Court Defendants from:

15 i. Imposing and/or collecting civil assessments in a manner that violates the
16 California Constitution Article I, sections 7(a), 15; California Constitution Article
17 VI, section 22; California Penal Code section 1214.1; and California Rule of Court
18 4.106;

19 ii. Maintaining or collecting outstanding civil assessment charges unlawfully imposed
20 by Court Defendants against traffic defendants; and

21 iii. Promulgating or maintaining local rules in a manner that violates California
22 Government Code section 68070 and California Code of Civil Procedure
23 section 575.1;

24 d. Grant mandate relief directing Court Respondents to:

25 i. Impose civil assessments only in a manner that complies with California Constitution
26 Article I, sections 7(a), 15; California Constitution Article VI, section 22; California
27 Penal Code section 1214.1; and California Rule of Court 4.106;

- 1 ii. Maintain or collect civil assessment charges only when lawfully imposed by Court
2 Respondents against traffic defendants;
3 iii. Discharge all outstanding civil assessment debts that were unlawfully imposed; and
4 iv. Promulgate and maintain local rules in a manner that complies with California
5 Government Code section 68070 and California Code of Civil Procedure
6 section 575.1;

7 **As to County Defendant/Respondent**

- 8 e. Declare that Defendant/Respondent County of San Mateo's collection of civil assessments
9 that were unlawfully imposed is itself unlawful;
10 f. Grant injunctive relief restraining the Defendant County from collecting outstanding civil
11 assessment charges unlawfully imposed by Court Defendants against traffic defendants;
12 g. Grant mandate relief directing the Respondent County to collect civil assessment charges
13 only when they have been lawfully imposed by Court Respondents against traffic defendants;

14 **As to Judicial Council Defendants/Respondent**

- 15 h. Declare that the Judicial Council Defendants/Respondent's direct incentive payments to
16 San Mateo Superior Court violate California Constitution Article I, sections 7(a); and that the Judicial
17 Council Defendants/Respondent unlawfully encouraged San Mateo Superior Court to violate California
18 Penal Code section 1214.1;
19 i. Grant injunctive relief restraining the Judicial Council Defendants from:
20 i. sending civil assessment incentive payments to trial courts or from otherwise
21 furthering a scheme that violates California Constitution Article I, sections 7(a);
22 and
23 ii. encouraging trial courts to violate California Penal Code section 1214.1;
24 j. Grant mandate relief directing Respondent Administrative Director to comply with
25 California Constitution Article I, sections 7(a) and California Penal Code section 1214.1;
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VERIFICATION

I, Manuel Galindo, am the Carceral Debt Organizer of the Debt Collective. I have read this First Amended Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in the matter of Debt Collective v. Superior Court of California, County of San Mateo *et al.* I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 14 and 15 are within my own personal knowledge, and I know them to be true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 23, 2022 in Los Angeles, California.

DocuSigned by:



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Manuel Galindo

VERIFICATION

1
2 I, Katrina Logan, am the Interim Program Director of Community Legal Services of East Palo
3 Alto. I have read this First Amended Verified Petition for Writ of Mandate and Complaint for
4 Declaratory and Injunctive Relief in the matter of Debt Collective v. Superior Court of California,
5 County of San Mateo *et al.* I am informed, and do believe, that the matters herein are true. On that ground
6 I allege that the matters stated herein are true. In addition, the facts within paragraphs 16 through 19 are
7 within my own personal knowledge, and I know them to be true.

8 I declare under the penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct.

10 Executed on May 23, 2022 in East Palo Alto, California.

DocuSigned by:



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Katrina Logan

VERIFICATION

1 I, Anthony McCree, have read this First Amended Verified Petition for Writ of Mandate and
2 Complaint for Declaratory and Injunctive Relief in the matter of Debt Collective v. Superior Court of
3 California, County of San Mateo *et al.* I am informed, and do believe, that the matters herein are true.
4 On that ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 20
5 through 23 are within my own personal knowledge, and I know them to be true.

6 I declare under the penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct.

8 Executed on May 23, 2022 in Oakland, California.

DocuSigned by:



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Anthony McCree

VERIFICATION

1 I, Lorena Baes, have read this First Amended Verified Petition for Writ of Mandate and
2 Complaint for Declaratory and Injunctive Relief in the matter of Debt Collective v. Superior Court of
3 California, County of San Mateo *et al.* I am informed, and do believe, that the matters herein are true.
4 On that ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 24
5 through 31 are within my own personal knowledge, and I know them to be true.

6 I declare under the penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct.

8 Executed on May 23, 2022 in Oakland, California.

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Lorena Baes

EXHIBIT 1

FISCAL YEARS 2019-2021
APPENDIX G TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO;
AND THE COUNTY OF SAN MATEO

THIS APPENDIX G to the MOU between the Superior Court of California, County of San Mateo (“Court”) and the County of San Mateo (“County”) (individually, a “Party”; collectively, the “Parties”) is effective as of the 1st day of July 2019 (“Effective Date”).

WHEREAS, on July 1, 2019, the Court and County entered into a Memorandum of Understanding which, among other matters, describes the services that the County agrees to provide for the Court and for which the Court agrees to compensate the County, and furthermore supersedes all previous agreements between the Parties on the subject (the “2019 MOU”); and

WHEREAS, the 2019 MOU states that the County’s Revenue Services Division (“Revenue Services”) will provide services to the Court and coordinate County functions, and specifically in Section 1.1(g) to the 2019 MOU contemplates that the agreement between Court and County related thereto will be set forth in Appendix G to the MOU; and

WHEREAS, the Parties desire by this Appendix G to the 2019 MOU to set forth in detail the services to be provided and the compensation payable for the same; and

WHEREAS, this Appendix G to the 2019 MOU shall supersede and replace the 2019 Service Level Agreement (“2019 SLA”) between the Court and Revenue Services, and all other agreements between the Court and Revenue Services, as the operative agreement between the Court and County regarding the functions set forth herein;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other goods and valuable consideration, the Parties hereto agree as follows:

1.0 DEFINITION OF TERMS

- 1.1 **Adjustment** – Any change in a debtor’s original fine, fee, forfeiture or assessment.
- 1.2 **Assessment** – A charge established by Court that is not a fine, fee or forfeiture.
- 1.3 **Collections** - The process used by Revenue Services to facilitate County and Court debt repayment.
- 1.4 **Comprehensive Court Collection Program (“CCCP”)** – A broad program pursuant to Penal Code Section 1463.007 that allows allowable costs of collections to be reimbursed to the collecting agency.
- 1.5 **Defendant** – The accused person or party in a civil or criminal action.

- 1.6 **Distribution** – The act or process of dividing collected dollars and apportioning them to agencies as appropriate.
- 1.7 **Fee** – a fixed charge established by Court, County or State.
- 1.8 **Fine** - a punitive sum determined by the State or Court.
- 1.9 **Forfeiture** – a sum imposed by the State or Court due to a breach of a legal obligation
- 1.10 **Information Services Department (ISD)** – A Court or County Department responsible for information network design and maintenance.
- 1.11 **Operation System** – An information system used by either the State or County to carry out the data management functions required for the Comprehensive Collection Program.
- 1.12 **State** – The State of California.
- 1.13 **Trust Account** – An account established by Revenue Services to hold collection proceeds for future distribution.
- 1.14 **Delinquent Account** – Delinquent accounts are defined as:
 - Non-forthwith collections; and
 - An installment payment account which has not met the agreed-upon terms and conditions of the related installment agreement.

2.0 SERVICES TO BE PROVIDED BY REVENUE SERVICES

2.1 Services. This Appendix G includes the Attachments hereto as may be amended pursuant to Section 5.6, all of which are incorporated by reference (together, “Appendix G”). Revenue Services agrees to provide and perform for the Court those services as set forth in Attachment A (“Description of Services”) and will be compensated as set forth in Attachment B. Revenue Services will provide collection services on an on-going regular basis or “as-requested” basis where indicated in Attachment A.

2.2 Additional Services. Revenue Services agrees to provide a written proposal as to the time and costs of any additional services when such services are requested by the Court according to the terms and conditions of this Appendix G. Revenue Services agrees to obtain the Court’s written approval before commencing such additional services.

2.3 Recovery of court fees and costs. If Revenue Services is a prevailing party in any litigation brought in connection with the services provided in this Appendix G, Revenue Services shall seek an order pursuant to Cal. Government Code § 68637 that the party against whom judgment or dismissal has been entered pay to the court the waived fees and costs.

3.0 BUDGETING, BILLING AND PAYMENT

3.1 **Compensation.** Subject to the terms and conditions of this Appendix G and the 2019 MOU, the Revenue Services shall be compensated by collecting an amount either from the Court or the appropriate third-party debtor based on the percentage of the amount collected according to the terms set forth in Attachment B.

3.2 **Transmission of recovered court costs and fees.** Any Court filing and other fees collected by Revenue Services when pursuing satisfaction of a judgment under Cal. Government Code § 68637 shall be paid to the Court when collected and prior to seeking a satisfaction of judgment.

4.0 TERM AND TERMINATION

4.1 Term

A. Appendix Term. The term of this Appendix G shall be from July 1, 2019 through June 30, 2021, unless or until this Appendix G is terminated by one of the Parties pursuant to Section 4.2 of this Appendix G.

B. Extension of Term. If the Parties have failed to reach a written agreement as to a new Appendix G on or before the end of the Appendix Term identified above, either Party may make a written request for an extension to permit continuation of negotiations for a period of 45 days with mediation assistance, and then for an additional 45 day extension thereafter. The terms in effect at the close of the Appendix Term shall remain in full effect during this negotiation period.

4.2 Termination.

A. Notice of Termination. Either Party may terminate this Appendix G with or without cause as permitted by law upon written notice to the other Party pursuant to Sections 4.2 and 7.9 of the 2019 MOU. The effective date of the termination is referred to herein as the "Effective Termination Date."

B. Effect of Termination. Termination of this Appendix G shall not affect the rights and/or obligations of the Parties which arose prior to any such termination (unless otherwise provided for herein) and such rights and/or obligations shall survive any such termination.

C. Final Invoice. When applicable, within sixty (60) days after the Effective Termination Date, Revenue Services will submit an invoice to the Court in accordance with Section 3.2 and Attachment B of this Appendix G, setting forth Allowable Costs for services that Revenue Services was authorized to perform prior to the Effective Termination Date, and for which the Court has not already tendered payment. In no event will the Court be liable for any costs of any type incurred by Revenue Services after the Effective Termination Date.

D. Materials. In the event of termination, all finished or unfinished documents, data, studies, reports, (hereinafter, "Materials") prepared or provided by Revenue Services under this Appendix G shall become the property of the Court and shall be promptly delivered to the Court.

5.0 GENERAL PROVISIONS

5.1 Quality of Service or Failure to Perform. All work performed should be done in a manner equal to and in accordance with the best practices of industry standards. Revenue Services shall also perform all services on the schedule stated in this Appendix G. The Court shall notify Revenue Services in writing of any substandard work or failure to perform. If Revenue Services fails to bring such work up to an acceptable level or to perform its services after written notice within an agreed upon time frame, the Court shall deem the work substandard or failure to perform, have the work performed by an outside service provider or its own staff and not pay the costs of the substandard work performed by the Revenue Services according to the terms set forth in Attachment B.

5.2 Compliance with Laws. Revenue Services shall comply with all applicable laws, rules and regulations, including but not limited to: privacy laws and regulations, the Health Insurance Portability and Accountability Act, the provisions of the Fair Employment and Housing Act (Govt. Code, section 12900, et seq.), and the applicable regulations promulgated under California Code of Regulations, Title 2, Section 7285, et seq. The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990, set forth in Chapter 5 of Division 4 of Title 20 of the California Code of Regulations, are incorporated into this Appendix G by reference and made a part of it as if set forth in full. The Parties agree to comply with Section 504 of the Rehabilitation Act of 1973, which provides that no otherwise qualified handicapped individual shall, solely by reason of a disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in the performance of this Appendix G.

5.3 Confidentiality.

A. Protection of Confidential Information. In the performance of the collection services under this Appendix G or in contemplation of this Appendix G, Revenue Services may gain access to confidential documents or court records in the possession of the Court. Revenue Services shall protect said data and information from unauthorized use and disclosure by the observance of the same or more effective procedures as the Court requires of its own personnel as attached hereto as "Attachment C." Revenue Services shall not, however, be required by this Section to keep confidential any data or information that is or becomes publicly available, is already rightfully in Revenue Services' possession (so long as this information is not confidential by statute or order of court), is independently developed by Revenue Services or outside the scope of the Appendix G or is rightfully obtained from third-parties.

B. Pre-Disclosure Requirements. In the event that Revenue Services receives a request from a third party for a document obtained from the Court, and Revenue Services concludes that it must disclose the document under applicable law, Revenue Services will notify the Court at least 10 court days before producing the document. The Parties will meet and confer in good faith and if after conferring Revenue Services notifies the Court that it intends to produce the document, Revenue Services' production of the document shall not constitute a breach of this Appendix G.

5.4 Retention of Records/Audit. Revenue Services shall maintain books and records relating to its obligations under this Appendix G for three years, or other time periods as required by law, after the Court makes final payment and all other pending matters are closed, and shall permit

the Court and its designees, such as a federal grantor agency, and the State of California, to copy, review, and audit the books and records relating to its obligations under this Appendix G. Revenue Services shall also comply with any audit that may occur as stated herein.

- 5.5 Counterparts. This Appendix G may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.
- 5.6 Incorporation. This Appendix G supersedes all prior agreements, memorandums of understanding, and/or service level agreements between the Court and County regarding the services described herein, expressly including the 2019 SLA. This Appendix G incorporates by reference the entirety of the 2019 MOU, as if it were fully set forth herein. In the case of any inconsistencies between the terms and conditions contained in the 2019 MOU and the terms and conditions contained in this Appendix G, the terms and conditions in this Appendix G shall control.
- 5.7 Amendment. This Appendix G may be modified or amended only by a written document executed by all Parties.
- 5.8 Official Notices. All official notices, except official reports and invoices as provided for in Attachment B, shall be written and mailed by first class or overnight delivery, postage prepaid, addressed to the Court or the County at the addresses below, or at any other address the Court or Revenue Services shall provide as designated below:

If to the Court:

Neal Taniguchi, Court Executive Officer
Superior Court of California, County of San Mateo
400 County Center, 2nd Floor
Redwood City, CA 94063

If to Revenue Services:

Rochelle Kiner, Acting Director
Revenue Services Division
County of San Mateo
455 County Center, 1st Floor
Redwood City, CA 94063

A notice shall be effective 1) on the date of personal delivery if personally delivered before 5:00 p.m. on a business day, otherwise on the first business day following personal delivery, or 2) two business days following the date the notice is postmarked, if mailed. Either party may change the address to which notices are to be given by giving written notice.

IN WITNESS WHEREOF, the parties have executed this Appendix G, effective as of the date first written above.

Date: 04/20/2021

Leland Davis 3

Superior Court of California, County of San Mateo
Hon. Leland Davis, III
Presiding Judge

Date: 4/21/2021 | 10:48 AM PDT

DocuSigned by:
Ilana Rodriguez
533FEF9D52354F3...

County of San Mateo
Ilana Rodriguez, Deputy County Manager

I have reviewed and recommend approval

St. Chang

04/20/2021

Steven Chang

ATTACHMENT “A” DESCRIPTION OF SERVICES

Revenue Services will provide the following comprehensive collections services (“Program”) set out below to the Court and provide all materials, supplies, labor and equipment necessary to perform the Court delinquent fees and fines collections program services.

1.0 Revenue Services Responsibilities

Revenue Services will provide the following services and perform the following responsibilities:

- 1.1 Operate a program for the collection of all fees, fines, forfeitures, penalties, and assessments arising from juvenile dependency or criminal or traffic actions or proceedings (“Accounts”) in cases referred to Revenue Services by the Court. Revenue Services will also implement and operate the Program as a comprehensive collection program, as that term is defined in Penal Code § 1463.007, for the collection of all delinquent fees, fine, forfeitures, penalties, and assessments arising from criminal or traffic actions or proceedings (“Qualifying Accounts”).
- 1.2 Work in conjunction with AllianceOne or other firm (“Vendor”) as contracted with the Court to perform collection services under the Program on certain Qualifying Accounts. The terms of its engagement will require Vendor to perform collection services under the Program on the terms and conditions set forth in the Master Agreement between the Judicial Council, Administrative Office of the Courts and Vendor dated January 22, 2014 and the Participation Agreement entered into between the Court and Vendor dated May 22, 2014.
- 1.3 Provide the Court with a monthly report indicating the amount of money collected under the Program during such month, in the format used by Court to meet its reporting requirements to the Judicial Council of California. This report will include the following: 1) the gross amount of revenue collected and 2) the amount Revenue Services has deducted as its allowable collection costs under Penal Code Section 1463.007. This report will be provided no later than ten (10) business days after the end of each reporting month, except for the June report, which must be provided no later than July 10th, either with estimated or final collections and/or costs for the month of June.
- 1.4 If a person is attempting to make payment to Revenue Services on a case that has not been referred to Revenue Services by the Court, Revenue Services will refer that person to the Court to handle the transaction. Revenue Services will not knowingly accept full or partial payments on any Accounts or Qualifying Accounts if the account has not been referred to Revenue Services for collection. If such payments are inadvertently received, Revenue Services will forward such payments to the Court when discovered.

2.0 Court Responsibilities

- 2.1 Data Sharing with Revenue Services. Transfer defendant information stored on Court's case management system to Revenue Services' Operating System in an electronic medium that is mutually agreed upon in writing by both parties, and in a manner which is compatible with Revenue Services' collection system. The electronic transfer of such data shall be completed daily (excluding weekends and Court and County holidays). If Revenue Services or other County agency requires programming or other ISD activity either from County ISD or another source which is for any collection purpose said costs associated with such services shall be solely borne by Revenue Services as non-Rule 10.810 allowable costs. In connection with the foregoing, the Court will:
- A. Provide daily electronic data interface from the Court's Odyssey system to Revenue Services CUBS system a file layout which is compatible with the CUBS system and allows Revenue Services to timely collect debt.
 - B. Retrieve data electronically from Revenue Services to update the Court's Odyssey system using a file layout which is compatible with the Court's Odyssey system.
 - C. Provide systems maintenance, update and support as needed for the normal operations of the Court and Revenue Services collections program.
 - D. Court will provide Revenue Services Odyssey client access for help in execution of their collection duties.
 - E. Provide sixty (60) days advanced written notice to Revenue Services if the Court intends to change or otherwise modify the collections data interface layout in a manner which will require programming or other ISD activity in order to ensure compatibility between the Court's system and the County's system.
- 2.2 Collect criminal Fines, Fees and Assessments in Court's branch offices on behalf of the Revenue Division. Collections received by Court for criminal cases will be accepted at the Court's branch locations. All such payments will be processed by the Court and notice of the payment will be transmitted to Revenue Services.
- 2.3 Exception Reports. Provide Revenue Services with daily adjustment or exception reports on Fines, Fees and Assessments based on Court orders (excluding weekends and Court and County holidays).
- 2.4 Distribution of Funds. Court will, net of applicable deductions, distribute and deposit revenue collected under the Program with Revenue Services for distribution, according to California law and the regulations and guidelines of the Judicial Council of California ("JCC") and State Controller's Office ("SCO").

3.0 Court and Revenue Services Joint Responsibilities

The Court and Revenue Services will work cooperatively to maximize revenue collections and the quality of customer service being provided. The Parties agree that, as a general matter, communication regarding day-to-day issues will occur between supervisory employees of each Party. Additionally, the Court and Revenue Services will conduct management level meetings

as needed to address administrative and other issues. Both parties agree to meet and discuss changes to procedures or practices that will impact the other party.

- 3.1 Court and Revenue Services shall maintain an accounting system and support fiscal records to comply with State audit requirements related to the services to be performed under this Agreement.
- 3.2 The Court, Vendor on the Court's behalf, and Revenue Services will safeguard as confidential all information shared between the parties to carry out the purpose of this MOU. Except as necessary with respect to the duties of Vendor under its agreement with the Court, neither party will disclose the information shared between the parties to a third party of the information without the prior written consent of the other party, with the exception of audits performed by the JCC Staff, the SCO, or other legally authorized agency.
- 3.3 The Court and Revenue Services will comply with the guidelines and standards approved from time to time by the Judicial Council of California in the operation of the Program. The parties will cooperate as necessary to complete reports to the Judicial Council on their collections program, on the schedule and in the form required by the Judicial Council.
- 3.4 The Court and Revenue Services will monitor and implement any changes or modifications to state laws and/or regulations affecting the Program and notify the other party of such change.
- 3.5 The Court and Revenue Services will work cooperatively to establish procedures for "Discharge of Accountability of Court Ordered Debt", included as Attachment C, which may be updated from time to time upon mutual written agreement by both authorized representatives of the Court and Revenue Services.
- 3.6 The Court will provide Revenue Services and Revenue Services will provide the Court on the Court's behalf, with view-only access to their respective case management system on request, and as necessary only for administrative purposes related to the implementation and continued operation of the Program. Each party will bear its own costs for this access and each party may deduct the costs of this access as permitted by Penal Code Section 1463.007.

4.0 Official Reports, Invoices, and Other Correspondence

All official reports, invoices and other correspondence not covered by Section 6.11 of the Agreement shall be addressed to the Court or Revenue Services at the addresses below, or at any other address the Court or Revenue Services shall otherwise designate in writing to each other:

If to the Court:

Steven Chang, Court Finance Director
Superior Court of California, County of San Mateo
400 County Center, 4th Floor
Redwood City, CA 94063

If to Revenue Services:

Rochelle Kiner, Director, Revenue Services
County of San Mateo
455 County Center, 1st Floor
Redwood City, CA 94063

ATTACHMENT “B” BUDGETING AND SCHEDULE OF PAYMENT

In consideration for Revenue Services providing the services as set forth in Attachment “A” above, Revenue Services will be compensated in the manner as specified below.

1.0 COMPENSATION

- 1.1 The Court may deduct from the revenue collected under the Program allowable costs under Penal Code Section 1463.007 as invoiced to the Court by Revenue Services. These allowable costs, as set forth in section 1.2.A.1 below, are deducted from the revenues received under this Program prior to distribution to all agencies of its share of the net revenue. Any such deductions shall be enumerated in all monthly statements submitted to the other party.
- 1.2 Rates for Compensation
 - A. Comprehensive Collections Program.
 - 1) Revenue Services will invoice the Court on a monthly basis for the direct and actual costs associated with administering the Comprehensive Collections Program. The direct and actual costs include:
 - a) Salary and benefits of Revenue Services staff working on the collections program;
 - b) Office expenses directly related to supporting the program;
 - c) Overhead for administering the program (equal to 10% of the salaries only of the persons supporting the program.); and
 - d) Other usual and customary non-capital expenditures.
 - 2) Court will deduct out the amount of Revenue Services’ invoice from its monthly proceeds received from collections revenue transmitted by Revenue Services to the Court under this Program and distribute the net proceeds to the governmental agencies as required by statute, which includes the County. Revenue Services will receive its compensation from the proceeds distributed to the County as part of the Support of the Court fund as agreed to between Revenue Services and the County.
- 1.3 Each party’s obligations for collection efforts under the Program remain in effect notwithstanding such party’s inability to deduct its costs related to the Program for any reason. Neither party has any obligation to pay or reimburse the other party for any costs incurred by it in performing its obligations under this Appendix G.

2.0 ADDITIONAL EXPENSES

- 2.1 Charges or expenses that are not listed or specified herein must be submitted in writing to the Court Executive Officer or designee prior to performing the service and/or incurring the expense. The Court Executive Officer or designee will review and approve the proposal in writing prior to start of the service to be provided or the incurring of the expense.

ATTACHMENT "C"

PROCEDURE FOR DISCHARGE FROM ACCOUNTABILITY OF COURT ORDERED DEBT

1. Purpose

To establish procedures for having Court ordered debt be discharged from accountability by the Court and removed from the Court's delinquent accounts receivable pursuant to Government Code Sections 25259.7, 25259.8, and 25259.9.

2. Background

Court ordered delinquent debt will be diligently pursued by the Revenue Services Division through many methods including, but not limited to, civil judgements, wage garnishments, property and bank liens, submission to the State's Franchise Tax Board for interceptions of tax refunds and lotto winnings, and submission to the State's Court Ordered Debt Collections Unit and/or private collection agencies for additional collection efforts.

3. Collection Efforts Prior to Discharge of Accountability

Prior to the discharge from accountability, the following reasonable collections efforts will have been performed and shall include the following on accounts that don't fall under the criteria set forth in Section 4 below:

- a) Letters and phone contact requesting payment, in accordance with collection standards and Penal Code Section 1463.007;
- b) Attempts at legal action, such as bank and wage attachments, when employment and assets are known;
- c) Filing of abstract against current and future acquisition of real property;
- d) The use of local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors;
- e) Referral of delinquent accounts to external collection agency and collection efforts have been unsuccessful;
- f) Referral of delinquent accounts to the Franchise Tax Board (Court Ordered Debt Program) and/or;
- g) Franchise Tax Board (Tax Intercept Program).

4. Criteria for Discharge from Accountability

The Revenue Services Division will propose for discharge from accountability a fine or fee balance only when one or more of the following is determined by the Division:

- a) The balance of \$100.00 or less is too small to justify the cost of collections and does not warrant the expense involved.
- b) At least five years have elapsed from the date of last payment or the date the account became delinquent for infraction cases.
- c) At least ten years have elapsed from the date of last payment or the date the account became delinquent for misdemeanor and felony cases.
- d) The debtor is deceased, and the estate has no assets.

- e) Insufficient data exists to locate debtor for lack of identifying demographics such as no social security number, date of birth or drivers license.
- f) Accounts on which all collection efforts and options have been exhausted

5. Application Process

The Revenue Services Division will submit annually to the Presiding Judge an application that will be contain the following information pursuant to Government Code Section 25259.8:

- a) The amount owing;
- b) The names of the persons liable and the amounts owed by each, which may be by reference to specific documents incorporated in the application, except where disclosure of that information is prohibited by state or federal law;
- c) The estimated cost of collections, or a statement that the likelihood of collection that does not warrant the expense involved;
- d) Any other fact warranting the discharge, except where the presiding judge determines that the circumstances do not warrant the furnishing of detailed information; and
- e) A verification that the facts stated in the application are true and correct, which may be made on information and belief.

Based on the application, the Presiding Judge may make an order discharging none, any or all of the debt from accountability.

6. Release of Liability

Pursuant to Government Code Sections 25259 and 25259.9, discharge from accountability does not constitute a release of any person from liability for payment of any amount discharged.

Pursuant to Government Code Section 25259.9, upon discharge, the Revenue Services Division will no longer be liable or responsible for collection of the debt that has been discharged from accountability. The Presiding Judge's order shall have the same effect as a discharge under Government Code Section 25259, which relieves the applicant from any further responsibility from collecting the discharged debt.

7. Case Entry by Court

The Presiding Judge shall direct the clerk of court to enter record of the discharge in the case file and post a copy of the order on the court's website for a period of not less than three weeks.

8. Record Retention

The court will not delete or purge any cases where there is an outstanding balance and will adhere to the record retention policy as outlined in Section 6.1 of the Trial Court Financial Policies and Procedures Manual (FIN 12.01).

9. Frequency of Discharge of Accountability

Every fiscal year, Revenue Services will provide the Court a list of accounts, including balance amounts, that are eligible for discharge of accountability. If, due to circumstances beyond its control, Revenue Services cannot provide such a list, it will notify the Court as soon as practicable.

EXHIBIT 2

MAY - 5 2016

STANDING ORDER 16-141

By Patricia van der Schoor
DEPUTY CLERK

**SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO**

**SUPERIOR COURT OF CALIFORNIA)
COUNTY OF SAN MATEO)
)
)
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**STANDING ORDER RE: CIVIL
PURSUIT OF TRAFFIC INFRACTIONS
AND AUTHORIZING ASSESSMENT OF
\$300 FOR FAILURE TO APPEAR**

[Veh.Code § 40903(a); Pen.Code §§ 1214, 1214.1]

WHEREAS, Vehicle Code section 40903 provides that any person who fails to appear may be deemed to have elected to have a trial by written declaration; and

WHEREAS, Penal Code section 1214.1 provides that , subject to specified procedures including notice to the defendant and the recalling of bench warrants that may be outstanding for failure to appear, the court may impose a civil assessment of up to three hundred dollars (\$300) against any defendant who fails, after notice and without good cause, to appear; and

WHEREAS, Penal Code section 1214(a) provides that if the judgment is for a fine, including a restitution fine, the judgment may be enforced in the manner provided for the enforcement of money judgments generally; and

WHEREAS, the Superior Court in the County of San Mateo wishes to implement these statutes;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that a defendant, in all eligible Vehicle Code traffic infraction citations wherein the defendant has failed to appear and the citation remains unpaid for a period of ninety (90) days from the date the Failure to Appear is imposed, shall be deemed to have elected to have a trial by written declaration, may be tried in absentia and a Judgment entered for the sum of the bail for

1 the underlying offense(s) and a civil assessment in the amount of three hundred (\$300) for failure
2 to appear.

3 **IT IS FURTHER ORDERED** that all traffic infraction judgments that are not
4 vacated, set aside, or in which a request for a Trial de Novo has not been submitted within
5 twenty (20) days following the date on which the Notice of Entry of Judgment was mailed,
6 become final and all unpaid judgments are to be transferred to the Revenue Services Division of
7 the County of San Mateo to be civilly pursued.

8 **IT IS FURTHER ORDERED** that this order shall supersede Standing Orders 97-22,
9 05-79, 2010-109 and any previous order(s) regarding this subject matter and shall remain in
10 effect indefinitely and until such time as the order is vacated or superseded by order of the
11 Presiding Judge.

12
13 Dated: 5/5/16

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15 John L. Grandsaert, Presiding Judge

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EXHIBIT 3

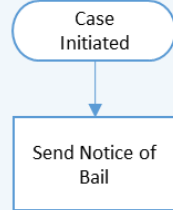


Traffic Aging – Failure to Appear (FTA) / Failure to Pay (FTP)

May
2021

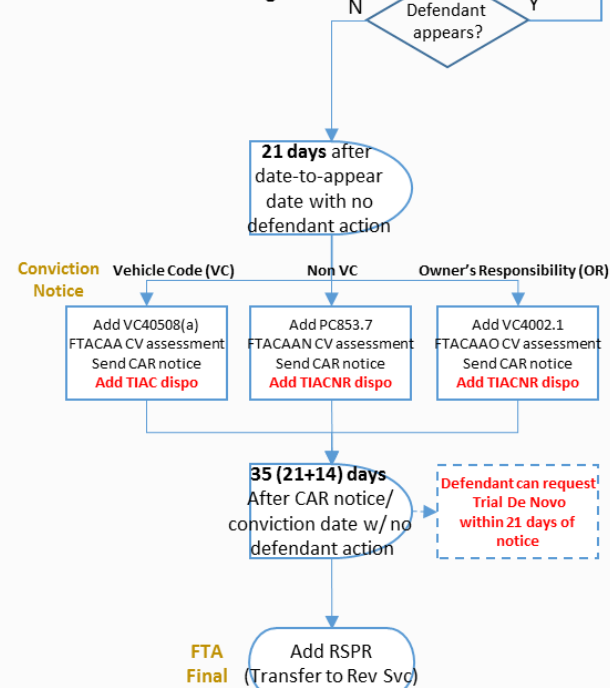
Case Initiation

Citation Loading
Bail Notice



Key
Run Daily
Run Weekly
New Changes

Failure to Appear (FTA) after Notice of Bail or at Arraignment



Case Status - Close

Case Status: Add close case status

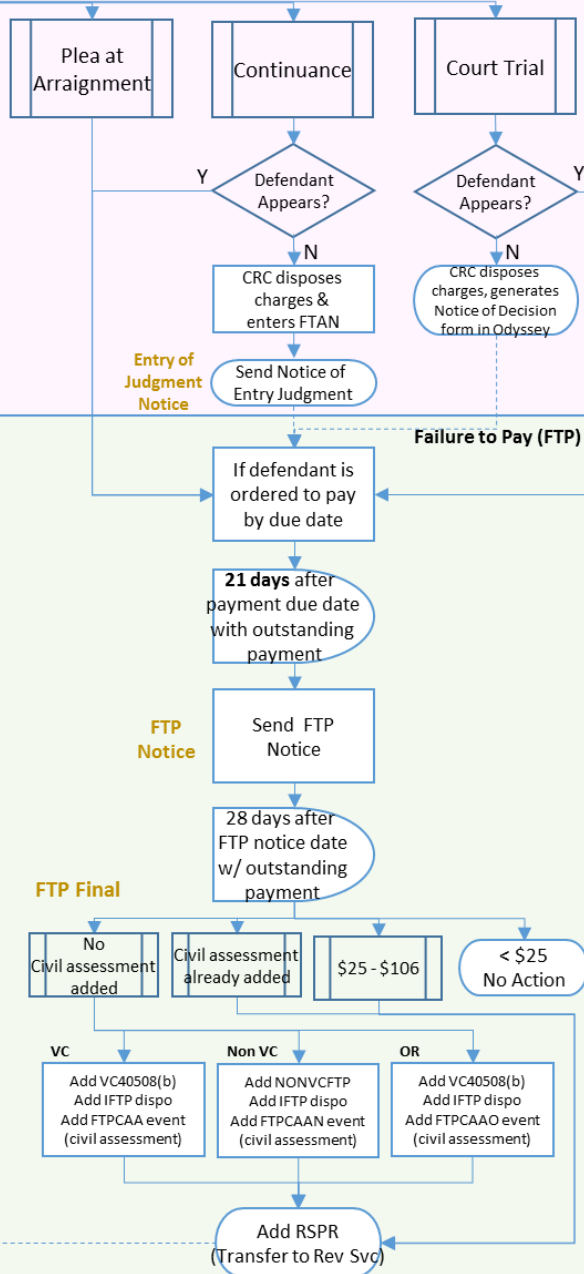


EXHIBIT 4



Superior Court of California
County of San Mateo
Traffic Division (Court Code: 41470)
1050 Mission Road
South San Francisco, CA 94080
www.sanmateocourt.org

NOTICE OF BAIL

Date: 10/8/2021

Clerk's Office and Phone Hours:

Check website for current hours

Phone: (650) 363-4300

Case Number: [REDACTED]

Citation Number: [REDACTED]

Amount Due Without Proof of Correction: \$490.00

Amount Due with Proof of Correction: N/A

Violation Date: 9/30/2021

Due Date: 12/29/2021

[REDACTED]
[REDACTED]
[REDACTED]

Violation (s):

VC22349(a)-INF-Speeding Over Limit

PLEASE READ BOTH SIDES OF THIS NOTICE CAREFULLY

IMPORTANT: You must take one of the actions below on or before the Due Date above. Failure to address your citation by your Due Date will subject you to additional charges, penalties, assessments, fees and actions, including a civil assessment of \$300 (PC1214.1), a hold or suspension placed on your driver's license by the DMV, or a court conviction pursuant to VC40903. The civil assessment under PC1214.1 may be collected by attachment of your wages, your spouse's wages, bank accounts and other property, or by tax refund interception.

TO PAY YOUR CITATION AND CLOSE YOUR CASE (Bail Forfeiture): You may pay the full Amount Due above with no further action necessary. Upon payment, the case will be closed and conviction information will be forwarded to the DMV for any reportable violations. To pay, use one of the following options prior to the Due Date:

By Internet (*Preferred Method): www.sanmateocourt.org - no additional fees for paying online.

By Mail: Send your check or money order made payable to the Superior Court, County of San Mateo to the address above. Be sure to include your court case number on your check/money order.

In Person: At the Traffic Clerk's office in South San Francisco or at the Criminal Clerk's Office on the 4th Floor, 400 County Center, Hall of Justice in Redwood City. **Please note:** No additional services are available for traffic cases at the Redwood City location.

TO ASK THE COURT TO REDUCE YOUR FINE WITHOUT GOING TO COURT: The court has created a program to allow you to ask the court to lower your Traffic fine without going to court. Please go to the court's website at www.sanmateocourt.org and click on the "Traffic Tickets" option. From here, select the "Ask the Court to Reduce Your Fine" option. To ask the court to approve a reduced fine with a payment plan or community service, you may write to the court at the above address without the deposit of bail.

TO APPEAR IN COURT (Arraignment): To appear in court, you must schedule a court date prior to your Due Date either by calling the Clerk's office at the above number or in person at the traffic window during office hours.

EXTENSION OF DUE DATE: One 30-day extension of your Due Date above may be obtained through our website at www.sanmateocourt.org, as long as your Due Date has not passed.

NOTICE: If you fail to act upon any of the options detailed above, the court will hold a trial in your absence and convict you of the charges, pursuant to VC40903.

More information on reverse side

PLEASE READ ALL INFORMATION BEFORE SELECTING AN OPTION

- ☐ **BAIL FORFEITURE:** When selecting this option, your case will be closed with no further action required once your full Amount Due payment is received and processed. Conviction information will be forwarded to the DMV for all reportable violation(s). **NO SIGNATURE IS REQUIRED FOR THIS OPTION.**
- ☐ **PROOF OF CORRECTION:** If you have been issued a correctable/fix-it ticket, the corrected violation(s) must be signed off by a police officer and submitted to the court by the Due Date along with your payment of \$25 for EACH correctable violation. Vehicle registration and driver's license violations may also be signed off by the DMV or you may submit proof to a traffic court clerk. Insurance violations (VC 16028A) can only be dismissed upon proof to a traffic court clerk of insurance coverage that was valid on the date of the citation (provide a copy of your insurance card or policy). If you show proof that insurance was obtained after the date of the citation, your fine amount may be reduced. You may submit payment and proof of correction to the court by mail or in person. **NO SIGNATURE IS REQUIRED FOR THIS OPTION.**
- ☐ **TRAFFIC SCHOOL:** You may be able to have the conviction held confidential by the DMV if you are eligible and have not attended traffic violator school for another violation committed within 18 months of your present violation. This is calculated from violation date to violation date, not traffic school attendance date. You are not eligible if you were cited for speeding and your speed exceeded 25 mph over the limit or cited while driving a commercial vehicle. To request traffic school, you must pay the full Amount Due plus a \$82 non-refundable fee. You may pay and request traffic school through our website at www.sanmateocourt.org. Your case will be extended and you can obtain information for DMV approved traffic schools from our website - **nothing will be mailed to you from the court.** You may also send your payment and request for traffic school to the court address listed on this notice. Once processed, the court will send traffic school information and instructions to you. Traffic schools are private companies and will charge a separate fee for you to enroll. **NOTICE:** If you are eligible and decide not to attend traffic school, your automobile insurance may be adversely affected. One conviction in any 18-month period will be held confidential and not show on your driving record if you complete a traffic violator school program. If you were cited while driving with a Class A, B or Commercial Class C driver's license, on or after January 1, 2013, but you were not driving a commercial vehicle at the time of the violation, you may attend traffic school, if eligible. Although the DMV will not assess the point count on your driving record, they will not hold the conviction as confidential and therefore your insurance may be adversely affected. **NO SIGNATURE IS REQUIRED FOR THIS OPTION.**
- ☐ **TRIAL BY WRITTEN DECLARATION (TBD):** This option is only available for Vehicle Code infractions or local ordinances adopted pursuant to the Vehicle Code (fare evasion violations are not eligible). This option allows you to plead not guilty and contest your citation without appearing in court by submitting your signed request and Declaration Form TR205 before the Due Date. You may fill out the form on the court's website at www.sanmateocourt.org/tr205. Please refer to the court's website for further instructions. The judicial officer will render a decision based upon the documents and declarations submitted by you and the citing officer. If you are found guilty, the option to attend traffic school will be at the discretion of the judicial officer. **If you select this option, do not schedule an arraignment or court trial date.**

THE FOLLOWING OPTION REQUIRES A SIGNATURE BELOW:

- ☐ **COURT TRIAL:** To request a court trial without having to appear for an arraignment first, you must submit the full Amount Due by **mail or in person only**. Once your payment is received and processed, a court trial will be set and you and the issuing officer will be notified of the trial date. Your signature is required below acknowledging that you are waiving time, which means your court trial will be set beyond 45 days. Depending on the outcome of the trial, your payment will either be refunded or applied to your fine. If you are found guilty, the option to attend traffic school will be at the discretion of the judicial officer. **Court trial dates cannot be scheduled online.**

x _____ Date: _____ Phone #: _____
Signature - I plead not guilty, waive time and request a court trial -- full Amount Due enclosed

EXHIBIT 5



Superior Court of California
County of San Mateo
Traffic Division (Court Code: 41470)
1050 Mission Road
South San Francisco, CA 94080
www.sanmateocourt.org

Notice of Civil Assessment and Resolution pursuant to VC40903

Date: 10/11/2021

Clerk's Office and Phone Hours

Check website for current hours

Phone: (650) 363-4300

Case Number: [REDACTED]

Citation Number: [REDACTED]

Amount Due: \$800.00

Violation Date: 8/3/2020

[REDACTED]
[REDACTED]
[REDACTED]

Violation(s):

VC22349(a)-INF-Speeding Over Limit

VC40508(a)-INF-Failure To Appear

Since you failed to appear or address your citation by the original due date, within the time specified in the reminder notice sent to you, or at an arraignment you scheduled, the court held a Trial in Absentia pursuant to the provisions of section 40903 of the California Vehicle Code. As a result, you have been convicted and sentenced to pay the fine amount above, which includes a civil assessment penalty pursuant to PC1214.1. You **must** pay this fine or submit a written request for a Trial De Novo **with full payment** of the amount due **within 20 days** from the date of this notice. A Trial De Novo is a new trial where the court will decide your case based on the testimony and evidence you and the other parties present.

If you fail to pay the fine or submit a request for a Trial De Novo within 20 days from the date of this notice, this matter will be referred to the County's Department of Revenue Services for collection. Civil judgments for the failure to appear or pay may be collected by attachment of your wages, your spouse's wages, bank accounts, other property, or through tax refund interception. The civil judgment will remain in effect for ten (10) years or until paid in full.

TO PAY YOUR FINE AND CLOSE YOUR CASE: Use one of the following options **WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE** :

By Internet: www.sanmateocourt.org - no additional fees for paying online.

By Mail: Complete the bottom portion of this notice and send with your check/money order made payable to the Superior Court of California, County of San Mateo to the address above. Be sure to include your court case number on your check/money order.

In Person: At the Traffic Clerk's office in South San Francisco or at the Criminal Clerk's Office on the 4th Floor, 400 County Center, Hall of Justice in Redwood City, when open. **Please note:** No additional services are available for traffic cases at the Redwood City location.

If you are unable to pay the full fine amount above due to financial hardship, you may request an ability to pay determination to decide whether to approve a reduced fine and/or a payment plan or community service. Go to www.sanmateocourt.org/tr320 for the form.

TO REQUEST A TRIAL DE NOVO : Complete the bottom portion of this notice and send with your check/money order for the full amount due made payable to the Superior Court of California, County of San Mateo to the address above. **Your request must be received within 20 days from the date of this notice.** Be sure to include your case number on your check/money order. You may also request a Trial De Novo in person at the traffic clerk's office when open. If you are found not guilty at the Trial De Novo, your deposited fine amount will be refunded.

IF PAYING BY MAIL, DETACH AND RETURN THIS BOTTOM REMITTANCE PORTION WITH YOUR PAYMENT

DEFENDANT NAME	VIOLATION DATE	CASE NUMBER
[REDACTED]	8/3/2020	[REDACTED]

DO NOT MAIL CASH

MAKE CHECK OR MONEY ORDER PAYABLE TO: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

- ☐ Full amount due enclosed. Your case will be closed and no further action will be required.
- ☐ Full amount due enclosed. I wish to request a Trial De Novo.

Superior Court of California, County of San Mateo
Traffic Division
1050 Mission Road
South San Francisco, CA 94080

[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT 6



Superior Court of California
County of San Mateo
Traffic Division (Court Code: 41470)
1050 Mission Road
South San Francisco, CA 94080
www.sanmateocourt.org

DELINQUENCY NOTICE (FTP)

Date: 10/11/2021

Clerk's Office and Phone Hours

Check website for current hours

Phone: (650) 363-4300

Case Number: [REDACTED]

Citation Number: [REDACTED]

Total Amount Due: \$480.00

Installment Amount Due: N/A

Violation Date: 1/25/2020

[REDACTED]
[REDACTED]
[REDACTED]

Violation (s):

VC4000(a)-INF-Unregistered Vehicle

VC22450(a)-INF-Failure To Stop At An Intersection-Stop Sign

-- MORE CHARGES for this Case/defendant --

You failed to pay your fine in full or your installment payment by the due date. Failure to respond within 20 days from the date of this notice or show good cause why you did not respond to this notice will result in additional charges, penalties, assessments, fees and actions, including but not limited to, a civil assessment pursuant to PC 1214.1. Additionally, this matter will be referred to the County's Department of Revenue Services for collection. Civil judgments for the failure to appear or pay may be collected by attachment of your wages, your spouse's wages, bank accounts, other property, or through tax refund interception. The civil judgment will remain in effect for ten (10) years or until paid in full.

If you are unable to pay the full fine amount above due to financial hardship, you may request an ability to pay determination to decide whether to approve a reduced fine and/or a payment plan or community service. Go to www.sanmateocourt.org/tr320 for the form.

TO PAY YOUR FINE AND CLOSE YOUR CASE OR MAKE AN INSTALLMENT PAYMENT: Use one of the following options **WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE :**

By Internet: www.sanmateocourt.org - no additional fees for paying online.

By Mail: Complete the bottom portion of this notice and send with your check or money order made payable to the Superior Court of California, County of San Mateo to the address above. Be sure to include your court case number on your check/money order.

In Person: At the Traffic Clerk's office in South San Francisco or at the Criminal Clerk's Office on the 4th Floor, 400 County Center, Hall of Justice in Redwood City, when open. **Please note:** No additional services are available for traffic cases at the Redwood City location.

IF PAYING BY MAIL, DETACH AND RETURN THIS BOTTOM REMITTANCE PORTION WITH YOUR PAYMENT

DEFENDANT NAME	VIOLATION DATE	ORIGINAL DUE DATE	CASE NUMBER
[REDACTED]	1/25/2020	9/15/2021	[REDACTED]

DO NOT MAIL CASH

MAKE CHECK OR MONEY ORDER PAYABLE TO: Superior Court of California, County of San Mateo

☐ Full amount due enclosed. Your case will be closed and no further action will be required.

☐ Monthly installment payment amount enclosed. You will be required to continue making your monthly payments by the due date each month as ordered or agreed until your fine is paid in full.

Superior Court of California, County of San Mateo
Traffic Division
1050 Mission Road
South San Francisco, CA 94080

[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT 7

Clerk stamps date here when form is filed.

Using this form

- If you can't afford to pay your fine, fill out this form to ask for a lower fine, a payment plan, more time to pay, and/or community service.
- Use this form **after** the court has decided that you owe the fine. You may use this form even if your fine has been sent to collections. If you have more than one fine, use one form for each fine.
- Mail or take this form to the court listed on your ticket. If you want to file the form electronically, ask the court if it allows "e-filing."
- If you lost your ticket or have questions, contact your court at www.courts.ca.gov/find-my-court.htm.



Types of fines

- Use this form for **traffic** fines (like speeding) or other infractions (like fishing without a license or drinking in public).
- This form is **not for parking tickets**. Read your parking ticket to find out what you can do.



Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Ticket Number:

Important!

- **Do not** use this form to tell the court that you didn't do anything wrong. See the instructions on your ticket and visit www.courts.ca.gov/selfhelp.htm for more information on fighting it.

1 Your information

Name: _____

Street or mailing address: _____
Street City State ZipTelephone: _____ * OK to text you at this number? ☐ Yes ☐ NoEmail (optional): _____ * OK to email you at this email? ☐ Yes ☐ No

* Some courts don't use text messages and email to contact court clients. Message and data rates would apply.

2 What type of income do you have?

☐ I do not get money from any source. (Skip to ③)☐ I get public benefits. (Check **all** that apply, then skip to ③)☐ Food stamps (CalFresh)☐ State Supplementary Payment (SSP)☐ Medi-Cal☐ County Relief/General Assistance☐ CalWORKs or Tribal TANF☐ In-Home Supportive Services (IHSS)☐ Supplemental Security Income (SSI)☐ Cash Assistance Program for Immigrants (CAPI)☐ Other need-based aid (specify): _____

☐ I do **not** get public benefits, but I get money from other sources. (*Answer **all** that apply*)

a. How much money do you earn (take-home pay) or get from other sources (including income received in your family from a spouse or live-in romantic partner)?

\$_____ every: (*Check one*) ☐ Year ☐ 2 weeks ☐ Twice a month

☐ Week ☐ Month ☐ Season

☐ Other: _____

b. This money supports me and _____ other people.

c. If I pay the fine, I would: (*Check **all** that apply, if any*)

☐ Not have enough money to pay my rent/mortgage. I pay \$_____ for rent/mortgage every
(*Check one*): ☐ Month ☐ Week ☐ Other: _____

☐ Not have enough money to pay for other basic living expenses. *Basic living expenses are things like: food, utilities, childcare, child support, transportation, medication, insurance (medical, car, house, and rental), and student loans.*

☐ Not have enough money to pay my debt for other court cases.

☐ Have other problems (*please explain*):

3 Do you have anything that shows your public benefits, income, or expenses?

Things like an EBT card, paystubs, tax returns, rent or mortgage checks, or utility bills.



a. ☐ Yes, I have attached **copies** to this form.

Important! *Keep the original documents for your own records. Any copies you attach can be destroyed after the court makes a decision on your case. Cross out any social security numbers, or other private information, on the copy you give the court.*

b. ☐ No, I do not have any papers to show because:

4 Have you told the court before that you can't pay this fine?

☐ Yes ☐ No, not that I can remember (*Skip to 5*)

What has changed in your family's life since then? (*Check **all** that apply, if any.*)

☐ Lost job or reduced hours at work.

☐ Started to receive public benefits.

☐ Suffered a serious illness or disability.

☐ Other: _____



5 What are you asking the court to do? (Check **all** that you are willing and able to do)☐ Lower the amount I owe on the fine.☐ Payment plan: I want to pay:
\$_____ every month on the
_____ day of the month,
until this fine is paid off.☐ More time to pay: Please change my
deadline to (month/day/year):
_____☐ Community service instead of
paying the fine. I understand that
community service may not be
available on weekends or evenings.

- † Not all courts offer all of these choices.
- † Contact the court listed on your ticket to find out about your choices.
- † Some fines can't be reduced just because you don't have the money to pay them. You may ask for more time to pay, community service, and/or monthly payments even if the court can't reduce the fine.

☐ Cancel or lower late charges that I have for missing a hearing or failing to pay my fine on time.**6 Other information:**

List other facts (if any) about why you can't pay the fine or about your choices in **(5)**. (You can add extra pages or attach other documents that help you explain)

7 Driver's license "hold" or suspension

Did you miss a court date or fail to pay a fine? If so, the Department of Motor Vehicles (DMV) might have suspended or put a "hold" on your driver's license. If the court clears your failure to appear or failure to pay, the court can notify the DMV. You must still contact the DMV to get your license back.

8 Read and sign below

I promise that the information above is correct. I declare under penalty of perjury, under the laws of the State of California, that all information on or attached to this form is true.

Date: _____

Type or print your name_____
Sign your name

EXHIBIT 8



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

April 19, 2022

VIA EMAIL

Zal K. Shroff, Esq.
Rio Scharf, Esq.
Lawyers' Committee for Civil Rights
Of the San Francisco Bay Area

Novella Y. Coleman, Esq.
Fawn Jade Korr, Esq.
Bay Area Legal Aid

Brandon L. Greene, Esq.
John Thomas H. Do, Esq.
ACLU Foundation of Northern California

Dear Counsel:

Thank you for your March 30, 2022, letter concerning civil assessment issues in the state's trial courts.

The Chief Justice and the Judicial Council have consistently expressed the need for change to the state's statutory fines, fees, and assessments structure to address the disparate effect of these penalties on low-income Californians as well as to ensure adequate, stable, and predictable funding for California's courts that does not rely on civil assessment revenues.

Your letter notes our discussions with Debt Free Justice California on the impact that fines and fees have on our communities, and our continuing engagement with the Legislature and the Administration on these important issues. We welcome advocacy by your organizations with our sister branches of government for necessary systemic reforms.

Within the judicial branch, the Judicial Council, in collaboration with the Superior Courts, has been working for several years to alleviate financial pressures for individuals struggling with court debt.

April 19, 2022

Page 2

In 2015, the council approved a new rule of court (Rule 4.105) directing courts to allow people who have traffic tickets to appear for arraignment and trial without deposit of bail, unless certain specified exceptions apply. More recently, the development and now ongoing statewide deployment of the “MyCitations” online tool allows people to submit a request for a reduction in the amount owed from eligible infraction violations. With the passage of Assembly Bill No. 143 (chapter 79, Statutes of 2021) each of the 58 trial courts will offer online ability-to-pay determinations using MyCitations by June 30, 2024. The council also supported multiple actions taken by the Legislature to help reduce the impact of fines, fees, penalties, and assessments, including driver’s license restoration, increased in-custody and community service credits, and extensions of time on failure to pay or appear in response to traffic violations. For the upcoming fiscal year, we are also supportive of the Governor’s proposal to cut the civil assessment cap by 50 percent (with backfill) as a means of providing important relief for low-income Californians.

The Legislature is charged with specifying how state revenues are spent, including the use of fines, fees, and assessments to fund government programs at the state and local level. In terms of the state revenue funding model, your letter specifically requests the Judicial Council discontinue distributing civil assessment revenues to state trial courts. Civil assessments are collected at the local level and deposited with the state. The absence of this funding for courts would result in a reduction of approximately \$100 million and have a significant harmful impact on access to services for court users statewide.

We believe this funding model for revenue and allocation is unsustainable and requires further examination and adjustment. Working with the Administration and the Legislature, we have pursued state General Fund backfills to enable courts to maintain services. We are grateful for the backfills received as the Governor and legislators recognize the direct impact on the court’s ability to serve the public. The Chief Justice and the Judicial Council will continue to advocate for legislative solutions that change the current fine and fee structure and move the court system away from this funding source.

Thank you for raising your concerns. We are committed to working with the other branches of government and interested parties to address these critically important issues of access and fairness in our justice system.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Hoshino", with a stylized flourish at the end.

Martin Hoshino
Administrative Director

cc: Hon. Tani G. Cantil-Sakauye, Chief Justice of California