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RIGHTS OF THE SAN FRANCISCO BAY AREA

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

Debt Collective and Anthony McCree,

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;
Lauren Zorfas, in her official capacity as Court
Commissioner; and
San Mateo County,

Defendants/Respondents.

Case No. _____

**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 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 automatically imposes 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 is 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 indiscriminately imposes 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 is a forgone conclusion. It is imposed through a computer system without the involvement of a judge—much less the exercise of any judicial discretion—in violation of not only section 1214.1(a) but also the California Constitution. See Cal. Const., art. VI, § 22.

4. The Court's \$300 charge is also hidden. Notices to traffic defendants do not adequately explain that individuals have a right to challenge this charge or the many reasons 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 earns 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 over \$9 million in revenues from traffic defendants for a tacked-on,

1 improperly-imposed charge.¹ The Court itself has amassed \$3.4 million dollars in net revenue as a result
2 of its civil assessment program over the past three years.² That direct financial incentive to collect as
3 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—and places the Court’s unlawful civil
5 assessments program in stark relief. See Cal. Const., art. I, §§ 7(a), 15.

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

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,
<https://tippingpoint.org/wp-content/uploads/2020/05/Taking-Count-Executive-Summary-2020.pdf>.

26 ⁵ Ben-Menachem, *New York Ends a Punishment that Traps People in Poverty*, The Appeal (Jan. 05,
27 2021) <https://theappeal.org/politicalreport/new-york-law-drivers-licence-suspensions/> (“But a failure to
28 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 disproportionately impact Black and Brown people—who are already overpoliced and subject to traffic
2 stops at astronomical rates before being hit with this charge.⁶

3 7. The Court makes every effort to “maximize revenue collection” and subjects those who
4 cannot afford to pay their \$300 charge to wage garnishment, property liens, and bank liens—and can
5 refer defendants to private collections agencies.⁷ This system of court debts is devastating to low-income
6 Californians.

7 8. San Mateo Superior Court’s civil assessment practices are getting worse, not better. The
8 Court has recently begun automatically adding a \$300 charge for missing a court appearance even when
9 it rules that the person does not have to appear, by deeming the defendant to have opted for a trial in
10 absentia and resolving the citation in their absence. This new practice is illogical and lays bare the
11 Court’s revenue-generation scheme. Once the Court has resolved a citation, all of the ordinary methods
12 of enforcing a judgment become available to the Court, including wage garnishment, tax intercept, or
13 any other lawful means to enforce a judgment.⁸ Instead of utilizing these ordinary methods, the Court
14 also upcharges every person \$300 for the sole purpose of funding itself. This practice will result in
15 potentially thousands of Californians paying an additional \$300 charge in traffic court cases each year
16 without any basis to justify the charge.

17 ⁶ See Sanchez, *Stanford Study Finds Bias in Police Searches*, Mercury News (June 19, 2017)
18 [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/)
19 [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
20 twice as often as white drivers in San Mateo County); Stats. 1996, ch. 217, § 2 (stating that “[i]n order
21 to ease the fiscal crises” faced by the courts “it is necessary that this act take effect immediately”); see
22 also Sances & You, *Who Pays for Government? Descriptive Representation and Exploitative Revenue*
23 *Sources* (Sept. 12, 2016) 79 J. of Politics 1090 (“[T]he use of fines as revenue is both commonplace
24 and robustly connected to the proportion of residents who are black”); Back on the Road California,
25 *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.”).

26 ⁷ Memorandum of Understanding Between the Superior Court of California, County of San Mateo and
the County of San Mateo Fiscal Years 19-21, pp. 8, 12 (Ex. 1; hereafter “Memorandum of
Understanding”).

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

9. California courts provide vital services and deserve adequate funding, but the place to seek it is with the Legislature, not low-income Californians. Plaintiffs/Petitioners request an end to the Court's unlawful civil assessment practices.

JURISDICTION AND VENUE

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

11. 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 Defendants have sent civil assessment notices to and sought collections on civil assessment debts from Plaintiff Anthony McCree in Alameda County. Upon information and belief, Defendants charge, send notices to, and attempt to collect civil assessment debts from hundreds of residents in Alameda County.

PARTIES

A. Plaintiffs/Petitioners

12. 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 of the outsized economic harms that criminal justice fines and fees force on low-income Californians struggling to make ends meet. The Debt Collective has interviewed and worked with dozens of Californians with carceral debts, including individuals who have civil assessment debts. Debt Collective has paid state taxes assessed by the State of California within the past year, including state sales taxes. Debt Collective also has at least 200 members who are residents of the State of California—many of whom have paid state taxes assessed by the State of California within the past year, including income

1 taxes and sales taxes. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School*
2 *Dist.* (2013) 215 Cal.App.4th 1013, 1031-1033.

3 13. Plaintiff/Petitioner Anthony McCree is a 28-year-old Black man who resides in Alameda
4 County. In April 2019, Mr. McCree was on his way to a job interview in San Mateo County when he
5 was cited for fare evasion on public transit. At the time, Mr. McCree was unhoused. Accordingly, if he
6 was sent a copy of his citation in the mail, he did not receive it. When Mr. McCree missed his
7 response/payment deadline, San Mateo Superior Court automatically imposed a \$300 civil assessment
8 against him for missing his response deadline. Mr. McCree first learned about his outstanding citation
9 in San Mateo County in August 2021, after he secured housing in Alameda County. In August 2021 and
10 again in October 2021, Mr. McCree received collections notices at his residential address in Alameda
11 County from the Revenue Services Department, County of San Mateo. Those notices indicated that Mr.
12 McCree owed San Mateo Superior Court a total of \$860, which included a \$300 civil assessment. The
13 base fine for fare evasion is \$250 at the maximum. See Pen. Code, § 640(a). Mr. McCree cannot afford
14 to pay the amounts San Mateo Superior Court claims he owes. He has struggled to find employment
15 during the COVID-19 pandemic and is concerned that he is once again at risk of losing his housing. San
16 Mateo Superior Court's debt notices caused Mr. McCree considerable anxiety, particularly because he
17 was behind on his rent and already struggling to find the money to make payments. Mr. McCree still
18 owes a \$300 civil assessment charge to San Mateo Superior Court. Within the past year, Mr. McCree
19 has paid state taxes to the State of California, including state sales taxes.

20 14. All Plaintiffs/Petitioners are interested in having San Mateo Superior Court lawfully
21 impose and collect civil assessments. All Plaintiffs/Petitioners sue in their capacity as both taxpayers
22 and citizens.

23 **B. Defendants/Respondents**

24 15. Defendant and Respondent Superior Court of California, County of San Mateo ("San
25 Mateo Superior Court") is a superior court established under the California Constitution. See Cal. Const.,
26 art. VI, § 4 ("In each county there is a superior court of one or more judges."). Defendant San Mateo
27 Superior Court is responsible for imposing, vacating, reducing, and collecting civil assessments under
28

1 Penal Code section 1214.1 in traffic infraction cases. When carrying out its functions in traffic infraction
2 cases, which are pre-unification municipal court functions, Defendant San Mateo Superior Court is an
3 “inferior tribunal” with respect to this Court as provided in Civil Procedure Code section 1085(a). See
4 *People v. Super. Ct.* (2002) 28 Cal.4th 798, 803-804 (“Superior court judges may still, generally at least,
5 review actions of other superior court judges who were acting in a role that the superior court would
6 have reviewed before unification.”); *Lempert v. Super. Ct.* (2003) 112 Cal.App.4th 1161, 1169
7 (“Notwithstanding the court’s comment ‘we now have only one court,’ under the statutory scheme just
8 laid out, that single court has two divisions corresponding to the former municipal and superior courts.”).
9 Defendant San Mateo Superior Court, through its Presiding Judge: (1) “provide[s] general direction to
10 and supervision of the court executive officer” (Cal. Rules of Court, rule 10.603(c)(5)(A)); (2) approves
11 “discharges of accountability” on outstanding court debts and has issued Standing Orders related to when
12 and how courts should impose civil assessments in traffic infraction cases;⁹ (3) “[a]uthorize[s] and
13 direct[s] expenditures from the court’s Trial Court Operations Fund” (Cal. Rules of Court, rule
14 10.603(b)(1)(F)); and (4) “ensur[es] that the duties of all judges ... are orderly performed” (*id.*, rule
15 10.603(a)(2)).

16 16. Defendant and Respondent Neal I. Taniguchi is the Court Executive Officer for San Mateo
17 Superior Court (“Defendant CEO”) and is sued only in his official capacity. Defendant CEO is
18 responsible for assisting the Presiding Judge in establishing court policies. Cal. Rules of Court, rule
19 10.603(a). Defendant CEO is responsible for “overseeing the management and administration of the
20 nonjudicial operations of the court.” *Id.*, rule 10.610(b). Defendant CEO must also “[p]rovide general
21 direction to and supervision of the employees of the court” and “[a]nalyze, evaluate, and implement
22 technological and automated systems to assist the court.” *Id.*, rule 10.610(c)(1), (5). Upon information
23 and belief, Defendant CEO is responsible for implementing the “automated” process that imposes a \$300
24 civil assessment charge in traffic infraction cases and supervising staff that facilitate that process. Upon

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26 ⁹ See Memorandum of Understanding, *supra*, p. 13 (“the Presiding Judge may make an order discharging
27 none, any or all of the debt from accountability”); San Mateo Superior Court Standing Order 16-141
28 (“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 information and belief, Defendant CEO is also responsible for overseeing the drafting, preparation of,
2 and mailing of civil assessment notices. Defendant CEO is an “inferior person” with respect to this Court
3 as provided in Civil Procedure Code section 1085(a).

4 17. Defendant and Respondent Hugo Borja is a Court Commissioner of San Mateo Superior
5 Court. Defendant Borja presides over Department 31 in Courtroom M of the Northern Court located at
6 1050 Mission Road, South San Francisco, CA 94080. All daytime traffic court matters are scheduled to
7 be heard in Defendant Borja’s courtroom.¹⁰ Upon information and belief, Defendant Borja presides over
8 the Traffic Division of San Mateo Superior Court and is responsible for handling traffic infraction
9 arraignments and appearances. Defendant Borja is an “inferior person” with respect to this Court as
10 provided in Civil Procedure Code section 1085(a). See Gov. Code, § 71622; *People v. Super. Ct.* (2002)
11 28 Cal.4th 798, 803-804 (citing *Solberg v. Super. Ct.* (1977) 19 Cal.3d 182, 188).

12 18. Defendant and Respondent Lauren Zorfas is a Court Commissioner of San Mateo Superior
13 Court (together with Defendant Borja, “Traffic Commissioners”). Defendant Zorfas presides over
14 Department 30 in Courtroom 4A of the Southern Court located at 400 County Center, Redwood City,
15 CA 94063. All nighttime traffic court matters are scheduled to be heard in Defendant Zorfas’s
16 courtroom.¹¹ Upon information and belief, Defendant Zorfas presides over the Traffic Division of San
17 Mateo Superior Court and is responsible for handling traffic infraction arraignments and appearances.
18 Defendant Zorfas is an “inferior person” with respect to this Court as provided in Civil Procedure Code
19 section 1085(a). See Gov. Code, § 71622; *People v. Super. Ct., supra*, 28 Cal.4th at pp. 803-804 (citing
20 *Solberg v. Super. Ct., supra*, 19 Cal.3d at p. 188).

21 19. Defendant and Respondent San Mateo County, along with San Mateo Superior Court, is
22 responsible for the Court’s civil assessments collection program. Pen. Code, § 1214.1(e); Gov. Code,
23 §§ 25257(b), 68085.1(b).¹² Defendant San Mateo County is an indispensable party under Civil
24 Procedure Code section 389. See Judicial Council of Cal., Rep. on Judicial Council Collaborative Court-

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26 ¹⁰ San Mateo Traffic Court Hearing Schedules & Court Appearances, [www.sanmateo court.org/
court_divisions/traffic/hearing_schedules.php](http://www.sanmateo court.org/court_divisions/traffic/hearing_schedules.php).

27 ¹¹ *Supra* note 10.

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

County Working Group on Enhanced Collections (Mar. 13, 2006). San Mateo County is an “inferior board” with respect to this Court as that term is used in Civil Procedure Code section 1085(a).

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

21. All Defendants/Respondents expend state taxpayer funds in carrying out their duties and responsibilities. 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 dollars of its \$49.2 million dollar budget from the State of California.¹³

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.

22. 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.¹⁴ California was no exception.¹⁵ 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

¹³ *Trial Court Funding, Expenditures, and Positions 2019-20 and 2020-21*, https://www.ebudget.ca.gov/2021-22/pdf/GovernorsBudget/0010/0250_fig1f.pdf.

¹⁴ 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.

¹⁵ 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.¹⁶ 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.¹⁷ 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.¹⁸

7 23. 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.”¹⁹

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20 ¹⁶ Brown & Jolivet, *A Primer: Three Strikes - The Impact after More than a Decade* (Oct. 2005) Cal.
21 Legis. Analyst's Off., https://lao.ca.gov/2005/3_strikes/3_strikes_102005.htm (identifying that between
22 1994 and 2004 California sent “80,000 second strikers and 7,500 third strikers to state prison” and noting
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 ¹⁷ *Incarceration Trends in California*, Vera Institute of Justice (2019)
<https://www.vera.org/downloads/pdffdownloads/state-incarceration-trends-california.pdf>.

24 ¹⁸ 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 ¹⁹ Chief Justice Ronald M. George, *The Road to Independence: A History of Trial Court Funding* (Winter
28 2009) Cal. Cts. Rev., p. 4, https://www.courts.ca.gov/documents/CCR_09Winter.pdf.

1 24. 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.);²⁰ 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);²¹ 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 25. 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.²² 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.²³ In fiscal year 2020-21, civil assessments extracted
13 approximately \$38.5 million in revenue for California courts.²⁴ Over the course of the last decade,
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17 ²⁰ Available at [http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_bill_960722](http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_bill_960722_chaptered.html)
18 [_chaptered.html](http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_bill_960722_chaptered.html).

19 ²¹ Available at [http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_cfa_950417_](http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_cfa_950417_183419_asm_comm.html)
20 [183419_asm_comm.html](http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_1301-1350/ab_1346_cfa_950417_183419_asm_comm.html).

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

26 ²³ See Harris, *The Cruel Poverty of Monetary Sanctions*, Society Pages (March 4, 2014)
27 [https://thesocietypages.org/papers/monetary-sanctions/#:~:text=Because%20of%20monetary%20](https://thesocietypages.org/papers/monetary-sanctions/#:~:text=Because%20of%20monetary%20sanctions%2C%20the,efficient%2C%20effective%2C%20or%20ethical.)
28 [sanctions%2C%20the,efficient%2C%20effective%2C%20or%20ethical](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 conviction and incarceration, jurisdictions cannot afford criminal justice costs. They are attempting
to literally transfer these expenses to defendants.”); see also *People v. Castellanos* (2009) 175
Cal.App.4th 1524, 1533-34 (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.”).

²⁴ See Hoshino, *2020–21 Allocations and Reimbursements to the Trial Courts, as required under*
Government Code section 77202.5(a) (Sept. 20, 2021) Attachment A, [https://www.courts.](https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf)
[ca.gov/documents/lr-2021-JC-allocation-and-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).

1 California courts have generated more than \$750 million in revenue by imposing and collecting on civil
2 assessments.²⁵

3 26. 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.²⁶ But Black drivers are no more culpable for traffic
7 infractions than white drivers.²⁷ Data from some counties show that the \$300 civil assessment is imposed
8 in almost one-third of traffic court cases.²⁸ 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.²⁹

13
14 ²⁵ 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 ²⁶ 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 ²⁷ *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 “Officers reported taking no
21 action as the result of stop most frequently during stops of individuals they perceived to be Black,” and
22 “Search discovery rate analyses showed that, when officers searched stopped individuals, individuals of
23 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* (2002)
26 pp. 79-84 (noting that racial targeting does not improve police accuracy in identifying crime, but instead
27 makes “hit rates” worse); Ortiz, *Inside 100 Million Police Traffic Stops: New Evidence of Racial Bias*,
28 NBC News (Mar. 13, 2019) [https://www.nbcnews.com/news/us-news/inside-100-million-police-traffic-](https://www.nbcnews.com/news/us-news/inside-100-million-police-traffic-stops-new-evidence-racial-bias-n980556)
[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.”).

25 ²⁸ Stuhldreher, *Op-Ed: The Traffic Ticket from Hell*, Los Angeles Times (May 20, 2021)
26 <https://www.latimes.com/opinion/story/2021-05-20/traffic-tickets-add-on-fee-fines-san-francisco> (San
27 Francisco Treasurer’s Office noting “So far in 2021 in San Francisco, an average of 3,000 traffic tickets
a month have been issued, and about 1,100 late-payment civil assessments levied. In other words, about
a third of those who got cited were charged late-pay assessments as well.”).

28 ²⁹ Response to Court Records Request, *supra*.

1 27. 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.”³⁰ 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 28. 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.”³¹ 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.³² This
13 charge is thus not only disproportionate but also ineffective.

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

15 29. 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.³³ One study demonstrates that nonappearance is often not intentional and is more reflective
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19
20

21 ³⁰ 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 ³¹ Stuhldreher, *California Needs to Get Rid of High Pain/Low Gain Court Fees* (Aug. 18, 2021)
24 CalMatters, <https://calmatters.org/commentary/2021/08/california-needs-to-get-rid-of-high-pain-low-gain-court-fees/>.

25 ³² See Cal. Uniform Bail and Penalty Schedules, Traffic Infraction Fixed Penalty Schedule (2021),
26 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 ³³ 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.³⁴ Simply
2 increasing notice does what costly fees cannot: actually advise people of their need to be in court.

3 30. A commission comprised of California’s own judges and judicial staff advocated—now
4 more than four 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.³⁵

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

8 31. 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.³⁶ 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.³⁷ California already has some of the highest costs for traffic infractions anywhere in the
13 country.³⁸

14 32. 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.³⁹

18 33. 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 “reasonable

20 ³⁴ 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 ³⁵ *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 ³⁶ See, e.g., Eisen, *Charging Inmates Perpetuates Mass Incarceration*, Brennan Center for Justice (2015)
24 p. 4, https://www.brennancenter.org/sites/default/files/publications/Charging_Inmates_Mass_Incarceration.pdf.

25 ³⁷ *Taking Count: A Study on Poverty in the Bay Area* (2020) Tipping Point Community, p. 2,
<https://tippingpoint.org/wp-content/uploads/2020/05/Taking-Count-Executive-Summary-2020.pdf>.

26 ³⁸ 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 ³⁹ 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) (citation omitted)); *Rivera v. Orange County*
7 *Probation Dept.* (9th Cir. 2016) 832 F.3d 1103, 1112 & fn. 7 (noting persistent collection attempts of
8 court-imposed fines 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 34. 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.⁴⁰ 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.⁴¹ 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.⁴²

16 35. 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 36. 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
24

25 _____
26 ⁴⁰ See Colgan, *Graduating Economic Sanctions According to Ability to Pay* (2017) 103 Iowa L. Rev. 53.

27 ⁴¹ See Stuhldreher, *California Needs to Get Rid of High Pain/Low Gain Court Fees*, *supra*.

28 ⁴² 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 37. 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 38. 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 39. 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) 49
22 Cal.App.5th 928, 941, fn. 13.

23 40. 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 41. 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:
27
28

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 42. 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 43. 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.”⁴³ 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.⁴⁴ 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.⁴⁵

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

16 44. 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.

19 45. According to the Traffic Protocol, after a person is cited or charged with a traffic
20 violation,⁴⁶ they receive a Notice of Bail informing them of the traffic infraction they have been cited
21 for and listing a date by which they need to pay their fine.

22 ⁴³ *Report to the Chief Justice*, Commission on the Future of California’s Court System (2017) p. 283,
23 <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

24 ⁴⁴ *Id.* at 90 (“Under current law, a defendant may request a trial by written declaration in lieu of an
25 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.”).

26 ⁴⁵ *Id.* at 88 (“Alternatively, in certain circumstances a warrant may be issued for the defendant’s arrest.
27 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”).

28 ⁴⁶ See generally “TR-130 Traffic/Nontraffic Notice to Appear,” California Courts: The Judicial Branch
of California, <https://www.courts.ca.gov/documents/tr130.pdf>.

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

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

5 47. “Appearance” in traffic court in San Mateo is a misnomer. San Mateo Superior Court does
6 not require appearance in court. On its Notice of Bail to traffic court defendants, traffic defendants are
7 *not* given a date or time to appear in court. Instead, if traffic defendants want to appear to challenge their
8 citation, they must affirmatively call the traffic clerk to schedule: “To appear in court, you must schedule
9 a court date prior to your Due Date” The Court says it does not take walk-ins—and emphasizes that
10 traffic defendants should “[r]eserve early as space is limited.”⁴⁷

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

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

17 50. The Court then imposes a \$300 civil assessment. The process is automatic. Each time a
18 \$300 civil assessment is imposed, the following note appears in the Register of Actions in the Court’s
19 Odyssey Attorney Portal: “Added via automated traffic aging process.”

20 51. Both the Traffic Protocol and public dockets show that this process is effectively
21 simultaneous. The individual is tried, sentenced, and then immediately assigned a \$300 civil
22 assessment.⁴⁸

23 52. The Court then sends the individual a “Notice of Civil Assessment and Resolution.” Ex. 5.
24 The notice states that the person must “pay the fine amount above, which includes a civil assessment
25

26 ⁴⁷ San Mateo Superior Court Website (“Hearing Schedules / Court Appearances”),
27 http://www.sanmateocourt.org/court_divisions/traffic/hearing_schedules.php.

28 ⁴⁸ *See, e.g.*, San Mateo Sup. Ct. Case Nos. 21-TRS-050009, 21-TRS-050010, 21-TRS-050015, 21-TRS-
050019, 21-TRS-050021, 21-TRS-050022, 21-TRS-050024, 21-TRS-050030, and 21-TRS-050036.

1 penalty pursuant to PC1214.1.” The defendant is then advised that they “must pay this fine or submit a
2 written request for a Trial De Novo **with full payment** of the amount due **within 20 days** from the date
3 of this notice.” The notice does not distinguish between the citation fines and fees and the civil
4 assessment imposed or provide any additional information about the civil assessment. It simply lists an
5 outstanding balance that is \$300 more than the original fine.

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

7 53. If an individual does respond to their traffic citation and is convicted—but misses a
8 payment deadline—the Court sends a “Delinquency Notice.” Ex. 6. The notice states as follows: “**You**
9 **failed to pay your fine in full or your installment payment by the due date.** Failure to respond within
10 20 days from the date of this notice or show good cause why you did not respond to this notice will result
11 in additional charges, penalties, assessments, fees and actions, including but not limited to, a civil
12 assessment pursuant to PC 1214.1.” Upon information and belief, individuals receive no further
13 information before a civil assessment is made effective against them.

14 **C. San Mateo Superior Court automatically imposes a \$300 civil assessment whenever** 15 **an individual misses a payment or appearance deadline.**

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

23 55. But the \$300 charge is not limited to missing an appearance deadline. Court personnel have
24 also confirmed “that the court initially issues a \$300 civil assessment in traffic cases for failure to appear
25 *or failure to pay.*” (emphasis added).⁴⁹

26
27 ⁴⁹ Email from Bianca Fasuescu, Executive Assistant of Defendant CEO, to Brandon Greene on May 9,
28 2017.

1 56. 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.⁵⁰

4 57. 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.⁵¹ 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.⁵² Instead,
10 the Court’s automated process excludes judges and subordinate judicial officers from the decision-
11 making process.

12 58. 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**
16 **Court made a valid good cause determination.**

17 59. San Mateo Superior Court has three relevant notices that it sends to traffic defendants.⁵³
18 None inform an individual of their right to challenge their civil assessment or how they can do so.
19

20 ⁵⁰ See, e.g., San Mateo Sup. Ct. Case No. 21-TRS-050069 (\$300 civil assessment imposed for criminal
21 infraction offense).

22 ⁵¹ See, e.g., San Mateo Sup. 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 ⁵² 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 ⁵³ 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 60. 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 61. 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 62. 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 63. 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 PC
3 1214.1.” Ex. 6; see Pen. Code, § 1214.1(b)(1), Cal. Rules of Court, rule 4.106(c)(2). But the notice does
4 not identify the amount of the civil assessment that is or will be owed or how the civil assessment impacts
5 or will impact the outstanding balance.

6 64. 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 65. 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 excuse for military service or incapacitation.

21 66. 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.

24 67. Notice is critical because traffic court defendants are not entitled to state-appointed
25 counsel. See Pen. Code, § 19.6. The vast majority do not have attorneys.⁵⁴

27 ⁵⁴ *Report to the Chief Justice*, Commission on the Future of California’s Court System (2017) p. 51,
28 <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf> (“Traffic infractions make

1 68. In the 82,592 cases in which San Mateo Superior Court has imposed a civil assessment
2 over the past three years,⁵⁵ individuals filed a petition to reduce their fines and fees in only 2,036.⁵⁶ That
3 is 2.5% of cases. This is a fortuity. The Court’s ability-to-pay petition form does not even mention civil
4 assessments and does not inform individuals about any special procedures to challenge them.⁵⁷

5 69. When asked about the number of requests San Mateo Superior Court receives to vacate or
6 reduce civil assessments each year, the Court indicated that there were none.⁵⁸

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

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

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

17 72. Traffic infractions, however, do not. Traffic defendants can write to the court and opt not
18 to appear, or the Court can decide to proceed without the defendant’s appearance. See Veh. Code,
19 § 40902 (“the defendant may elect to have a trial by written declaration”); *id.*, § 40903 (“Any person
20

21 up the majority of the criminal filings, and although the offender is generally not represented by counsel,
22 he or she is processed under formal rules of criminal procedure.”).

23 ⁵⁵ 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
25 on 83,592 cases.”).

26 ⁵⁶ *Id.* (Q: “The number of ability-to-pay petitions received by the Court from defendants with unpaid
27 balances resulting exclusively or partially from the imposition of civil assessments under Penal Code
28 1214.1”; A: “2036, plus unknown number of informal requests via letter to the court.”).

29 ⁵⁷ See Judicial Council of California form TR-320/CR-320,
30 http://www.sanmateocourt.org/documents/forms_and_filing/tr-320.pdf.

31 ⁵⁸ Response to Court Records Request, *supra* (Q: “The number of requests by defendants to vacate or
32 reduce civil assessments imposed under Penal Code 1214.1”; A: “The Court has no records.”).

1 who fails to appear as provided by law may be deemed to have elected to have a trial by written
2 declaration”).

3 73. San Mateo Superior Court holds a trial by declaration in all eligible traffic infraction cases
4 where the defendant misses an appearance deadline. The Court’s Traffic Protocol outlines this process.
5 The Court “deem[s] [the defendant] to have elected to have a trial by written declaration.” Veh. Code,
6 § 40903. But the Court also imposes a \$300 civil assessment for failure to appear in every such case.⁵⁹
7 The Court’s “Notice of Civil Assessment and Resolution pursuant to VC40903” confirms this practice.
8 Ex. 5. The notice states as follows: “[T]he court held a Trial in Absentia pursuant to the provisions of
9 section 40903 of the California Vehicle Code. As a result, you have been convicted and sentenced to
10 pay the fine amount above, which includes a civil assessment penalty pursuant to PC1214.1.” The trial
11 by declaration without appearance, and the civil assessment for failure to appear, are both imposed on
12 the same day.⁶⁰

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

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

26 ⁵⁹ 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 ⁶⁰ See *id.* (all dockets noting that defendants are convicted and yet have failure to appear civil assessments imposed *on the same day*).

1 76. Further, the Court’s Standing Order regarding civil assessments requires that the Court give
2 the traffic defendant at least 90 days to appear in court after a failure to appear before imposing the \$300
3 civil assessment charge and convicting the person at a trial by declaration.⁶¹ In practice, San Mateo
4 Superior Court does not wait more than a few weeks.⁶²

5 77. Once the Court has resolved a traffic citation via a trial by declaration, it can use ordinary
6 methods to collect traffic fines—such as wage garnishment, tax intercept, or any other lawful means to
7 enforce a judgment against someone who is able to pay.⁶³ There is no lawful reason to also upcharge
8 individuals \$300 for “non-appearance” under these circumstances.

9 **F. San Mateo Superior Court directly benefits from the civil assessment charges it**
10 **unlawfully imposes and continues to vigorously collect civil assessment debts.**

11 78. California courts rely on civil assessments to fund their operations. Revenue from any civil
12 assessments imposed are “deposited in the Trial Court Trust Fund, as provided in Section 68085.1 of the
13 Government Code.” Pen. Code, § 1214.1(a). The Trial Court Trust Fund is the primary source of funding
14 for California Superior Court operations. See generally Gov. Code, § 68085. In fiscal year 2019-20, civil
15 assessments generated more than \$96 million in revenues statewide.⁶⁴ That accounts for approximately
16 4% of the total funds in the Trial Court Trust Fund in that year.⁶⁵

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20
21 ⁶¹ Standing Order 16-141, Ex. 2 (“Civil Pursuit of Traffic Infractions and Authorizing Assessment of
22 \$300 for Failure to Appear”).

23 ⁶² 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 ⁶³ Pen. Code, § 1214(a) (“If the judgment is for a fine ... the judgment may be enforced in the manner
26 provided for the enforcement of money judgments generally.”).

27 ⁶⁴ See Judicial Council’s Dec. 1, 2021 Response to Court Records Request (indicating that statewide
28 civil assessment revenues amounted to \$96,944,706 in FY 2019-2020).

⁶⁵ See Judicial Council’s *2019–20 Allocations and Reimbursements to the Trial Courts* (Sept. 30, 2020),
<https://www.courts.ca.gov/documents/lr-2020-JC-allocation-and-reimbursement-to-tc-2019-20-gov-77202.5a.pdf> (indicating that the total funds in the Trial Court Trust Fund in FY 2019-20 were
\$2,360,276,901).

1 79. 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.⁶⁶ The Court was authorized to keep net revenues
3 of \$3.4 million for itself as a reward for those collections.⁶⁷

4 80. Upon information and belief, the Court has no restrictions on how it uses the revenues it
5 retains from imposing civil assessments.

6 81. San Mateo Superior Court actively seeks collection of its outstanding civil assessment
7 debts. The Court makes every effort to “maximize revenue collection” and subjects those who cannot
8 afford to pay their fines and fees to wage garnishment, property liens, and bank liens—and can refer
9 defendants to private collections agencies.⁶⁸ Over the past three years, the Court has sent at least 103,198
10 accounts to collections on the basis of an unpaid civil assessment.⁶⁹

11 82. The Judicial Council Trial Court Budget Advisory Committee acknowledged the conflict-
12 of-interest problem built into the current trial court funding scheme as recently as April 2020, when it
13 proposed changes to the current funding system to reduce the “perceived conflict of interest” and to
14 reduce reliance on this “[u]nstable funding” stream, which “makes it impossible to provide fair, equitable
15 and timely justice to all litigants.”⁷⁰

18 ⁶⁶ Response to Court Records Request, *supra* (Q: “The amount of money that the Court has received as
19 a result of imposition of civil assessments under Penal Code 1214.1”; A: “The court retained \$1,620,077,
20 \$1,075,035, and \$742,666 in FY 2018-19, 19-20, and 20-21, respectively, net of cost of collections and
21 the county buyout amount of \$2,105,536, which is remitted to the TCTF.”). The county buyout amount
22 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.

23 ⁶⁷ Response to Court Records Request, *supra*; see also *Item 9: History of County Maintenance of Effort*
Obligations Supporting Trial Court Operations, Trial Court Budget Advisory Committee (December
24 16, 2015) p. 40, <https://www.courts.ca.gov/documents/tcbac-20151216-fms-item9-informational.pdf>.

⁶⁸ Memorandum of Understanding, *supra*, pp. 8, 12.

25 ⁶⁹ Response to Court Records Request, *supra* (Q: “The number of accounts the Court has referred to the
26 Franchise Tax Board or a debt-collection company ... from the imposition of civil assessments pursuant
to Penal Code 1214.1”; A: “103,198”).

27 ⁷⁰ Judicial Council of California, *Trial Court Budget Advisory Committee Materials for April 30, 2020*
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).

1 83. Traffic filings have been trending downward since at least 2011, which means decreased
2 revenue for the courts so long as the system relies on imposing and collecting civil assessments.⁷¹
3 Despite its acknowledgement of the conflict of interest, and the trend in revenue reduction, the Judicial
4 Council is not on record requesting an end to civil assessments with replacement funding from the state
5 general fund.

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

8 84. Defendants/Respondents have a mandatory duty only to impose and collect civil
9 assessments in accordance with the law. Defendants/Respondents also have a duty to promulgate local
10 rules regarding civil assessments in accordance with the rule promulgation requirements contained in
11 the California Rules of Court and the California Government Code and Code of Civil Procedure.

12 85. Plaintiffs/Petitioners have no plain, speedy, and adequate remedy in the ordinary course of
13 law to stop San Mateo Superior Court's current unlawful policies and ongoing unlawful practices
14 regarding the imposition and collection of civil assessments. The vast majority of persons subjected to a
15 civil assessment without the aid of counsel or sufficient notice will be unaware of their right to challenge
16 the civil assessment itself for good cause. Relief from a civil assessment in any individual traffic case
17 would only benefit a single individual and would not prevent the Court's ongoing unlawful civil
18 assessment practices, including the automated imposition process and the deficient notices. See, e.g.,
19 *Sutco Construction Co. v. Modesto High School Dist.* (1989) 208 Cal.App.3d 1220, 1227 (“[A] suit for
20 refund is inadequate in that appellants continue to assess fees ... therefore, any suit to recover for fees
21 already paid is an incomplete remedy.”).

22 86. All Defendants expend primarily state and also local taxpayer funds in carrying out their
23 unlawful practices regarding imposition and collection of civil assessments.

24 87. All Defendants have the authority to provide the relief requested in this case.
25
26

27 ⁷¹Judicial 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)
28 [/documents/2021-Court-Statistics-Report.pdf](https://www.courts.ca.gov/documents/2021-Court-Statistics-Report.pdf).

1 **CLAIMS**

2 **FIRST CAUSE OF ACTION**

3 **Failure to Exercise Discretion in Imposing Civil Assessments**

4 **Under Penal Code, § 1214.1(a)**

5 **(All Plaintiffs/Petitioners Against All Defendants/Respondents)**

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

8 89. “[I]n infraction, misdemeanor, or felony cases, the court *may impose* a civil assessment of
9 *up to* three hundred dollars (\$300) against a defendant who fails ... to appear in court ... or who fails to
10 pay all or any portion of a fine.” Pen. Code, § 1214.1(a) (emphases added). As indicated by the statutory
11 language and corresponding court rule, judges must exercise discretion in determining “[w]hether a civil
12 assessment should be imposed,” and “[i]f so, the amount of the assessment.” Cal. Rules of Court, rule
13 4.106(c)(6)(A)-(B); see Pen. Code, § 1214.1(a).

14 90. Instead, Defendants/Respondents automatically impose a \$300 civil assessment in the first
15 instance in every traffic infraction case where an individual misses an appearance or payment deadline—
16 without a judge exercising independent judgment or having any involvement in that decision.

17 91. Defendants/Respondents violate Penal Code section 1214.1 (“Section 1214.1”) by
18 imposing civil assessments in individual cases where no judge has exercised discretion regarding
19 whether to impose a civil assessment and, if so, what the amount of that civil assessment should be. Cf.
20 *Cal. Hospital Assn. v. Maxwell-Jolly* (2010) 188 Cal.App.4th 559, 570 (“Mandamus may issue, however,
21 to compel an official both to exercise his discretion ... and to exercise it under a proper interpretation of
22 the applicable law”) (citation omitted).

23 **SECOND CAUSE OF ACTION**

24 **Violation of the Right to Procedural Due Process**

25 **Under the California Constitution, Article I, §§ 7(a), 15**

26 **(All Plaintiffs/Petitioners Against All Defendants/Respondents)**

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

93. Due process under the California Constitution requires the same adequate notice and an
opportunity to be heard as the U.S. Constitution. See Cal. Const., art. I, §§ 7(a), 15. “The assessment

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

3 94. Adequate notice is one basic fundament of procedural due process. Notice that does not
4 properly inform individuals of the relevant information or that is misleading is constitutionally defective
5 notice. See *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 706 (“This right to be
6 heard has little reality or worth unless one is informed that the matter is pending and can choose for
7 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.* (9th Cir. 2015) 806 F.3d 1178, 1197 (notice which was
12 “confusing” was not “reasonably certain” to provide the information required by due process); see also
13 *Memphis Light, Gas & Water Div. v. Craft* (1978) 436 U.S. 1, 22 (“Because of the failure to provide
14 notice reasonably calculated to apprise respondents of the availability of an administrative procedure ...
15 petitioners deprived respondents of an interest in property without due process of law.”).

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

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

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

98. Defendants/Respondents therefore also violate the procedural due process rights of traffic defendants under the California Constitution by imposing civil assessments in individual cases where no judge has exercised discretion regarding whether to impose a civil assessment and, if so, what the amount of that civil assessment should be—arbitrarily abdicating Defendants/Respondents’ responsibility to preserve individuals’ “fundamental procedural rights” under statute. *Penoli, supra*, 46 Cal.App.4th at p. 306; see Pen. Code, § 1214.1.

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 All Defendants/Respondents)

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

100. “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

1 right to petition that the civil assessment be vacated for good cause and must include information about
2 the process for vacating or reducing the assessment.” Cal. Rules of Court, rule 4.106(c)(1).

3 101. Defendants/Respondents violate Section 1214.1(b) and California Rule of Court
4 4.106(c)(1) by imposing civil assessments on traffic defendants who miss an appearance deadline
5 without “inform[ing] the defendant of his or her right to petition that the civil assessment be vacated for
6 good cause” under Section 1214.1(b)(1). See Cal. Rules of Court, rule 4.106(c)(1).

7 102. Defendants/Respondents violate Section 1214.1(b) and California Rule of Court
8 4.106(c)(1) by imposing civil assessments on traffic defendants who miss a payment or appearance
9 deadline without “includ[ing] information about the process for vacating or reducing the assessment”
10 for good cause. Cal. Rules of Court, rule 4.106(c)(1). This includes failure to specify how the individual
11 can timely challenge the imposition of the civil assessment and what constitutes good cause for failure
12 to appear or failure to pay.

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

18 104. Defendants/Respondents violate Section 1214.1(b)(2) and California Rule of Court
19 4.106(c)(3) by misleading traffic defendants who miss an appearance deadline that they need to pay their
20 civil assessment charge before they are entitled to challenge imposition of the civil assessment based on
21 a showing of good cause for missing the deadline.

22 105. Collectively, by failing to meet these statutory notice requirements, Defendants/
23 Respondents have unlawfully made civil assessment charges “effective” against traffic defendants in
24 violation of Section 1214.1(b).

FOURTH CAUSE OF ACTION
Unlawful Delegation of Judicial Authority in
Violation of California Constitution, Article VI, § 22
(All Plaintiffs/Petitioners Against All Defendants/Respondents)

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

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

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

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

110. Defendants/Respondents violate this provision by unlawfully delegating to Defendant/Respondent CEO and clerks, who are not subordinate judicial officers, the duty of automatically imposing civil assessments via computer when a defendant misses an appearance or payment deadline in a given case.

FIFTH CAUSE OF ACTION
Adopting and Implementing Local Rules Without Proper Public Notice
and Comment in Violation of Civil Procedure Code § 575.1
(All Plaintiffs/Petitioners Against All Defendants/Respondents)

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

112. “The presiding judge of each superior court may prepare, with the assistance of appropriate committees of the court, proposed local rules designed to expedite and facilitate the business of the court.” Code Civ. Proc., § 575.1(a). “Rules prepared pursuant to this section shall be submitted for

1 consideration to the judges of the court and, upon approval by a majority of the judges, the judges shall
2 have the proposed rules published and submitted to the local bar and others, as specified by the Judicial
3 Council, for consideration and recommendations.” *Ibid.*

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

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

16 115. Defendants/Respondents violated California Code of Civil Procedure section 575.1 by
17 issuing and implementing Standing Order 16-141 and the Court’s Traffic Protocol, and by adopting its
18 practice of imposing civil assessments in every traffic infraction case where the individual misses their
19 appearance or payment deadline—even when the court deems the individual to have opted for a trial by
20 declaration. These policies and practices each operate as local rules without public notice and comment.

21 **SIXTH CAUSE OF ACTION**
22 **Adopting a Local Rule Inconsistent with Law in**
23 **Violation of Government Code, § 68070**
(All Plaintiffs/Petitioners Against All Defendants/Respondents)

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

26 117. “Every court may make rules for its own government and the government of its officers
27 *not inconsistent with law* or with the rules adopted and prescribed by the Judicial Council.” Gov. Code,
28 § 68070(a) (emphasis added).

118. Defendants/Respondents violate Government Code section 68070 by issuing and implementing Standing Order 16-141 and the Court's Traffic Protocol and by adopting its practice of imposing \$300 civil assessments in every traffic infraction case where the individual misses their appearance or payment deadline. These policies and practices each operate as local rules that are inconsistent with the California Constitution, the California Penal Code, and the California Rules of Court.

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)

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

120. 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).

121. 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 ("procedural 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).

122. "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 decision making 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, supra*, 273 U.S. at p. 532).

123. 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, 654-59 (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 conflict of interest”), *affd. sub nom. Cain v. White* (5th Cir. 2019) 937 F.3d 446, *cert. den.* (2020) __ U.S. __, 140 S. Ct. 1120.

124. In this context, even the appearance of impropriety gives rise to a conflict of interest that violates due process. *Brown v. Vance* (5th Cir. 1981) 637 F.2d 272, 284 (conflict of interest is assessed “as the system works in practice and as it appears to defendants and to the public”); *Brucker v. City of Doraville* (N.D. Ga. 2019) 391 F. Supp. 3d 1207, 1212 (“the Court’s focus should be on the municipal structure as a whole and whether it would appear, to the average citizen, that the system potentially fuels impropriety in judicial proceedings”).

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

EIGHTH CAUSE OF ACTION
Taxpayer Action Pursuant to Code Civil Procedure, § 526a
(All Plaintiffs Against All Defendants)

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

127. All Defendants expend primarily California state taxpayer funds in carrying out their unlawful practices regarding the imposition and collection of civil assessments, including when making and maintaining invalid local rules regarding civil assessments. See *Blair v. Pitchess* (1971) 5 Cal.3d 258, 268 (“[T]he mere expending [of] the time ... in performing illegal and unauthorized acts

1 constitute[s] an unlawful use of funds which could be enjoined under section 526a.” (internal quotations
2 and citations omitted)).

3 128. Defendant San Mateo County is responsible for collecting civil assessment debts
4 unlawfully imposed against individuals by San Mateo Superior Court.

5 **NINTH CAUSE OF ACTION**

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

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

10 130. Respondents have a mandatory duty to impose and collect civil assessments in accordance
11 with the law. Respondent San Mateo Superior Court also has a duty to promulgate local rules regarding
12 civil assessments in accordance with the rule promulgation requirements contained in the California
13 Rules of Court and the California Government Code and Code of Civil Procedure.

14 131. Respondents’ compliance with these laws involves a public right.

15 132. All Petitioners are beneficially interested in issuance of the writ and/or have an independent
16 interest in enforcement of this public right. *Save the Plastic Bag Coalition v. City of Manhattan Beach*
17 (2011) 52 Cal.4th 155, 166.

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

21 134. Respondent CEO and Respondent Traffic Commissioners are “inferior persons” with
22 respect to this Superior Court as provided in Civil Procedure Code section 1085(a).

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

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

1 **PRAYER FOR RELIEF**

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

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

6 b. Declare that Defendants/Respondents' manner of imposing civil assessments operates as a
7 local rule invalidly promulgated pursuant to California Government Code section 68070 and California
8 Code of Civil Procedure section 575.1;

9 c. Grant injunctive relief restraining Defendants from:

10 i. Imposing and/or collecting civil assessments in a manner that violates the
11 California Constitution Article I, sections 7(a), 15; California Constitution Article
12 VI, section 22; California Penal Code section 1214.1; and California Rule of Court
13 4.106;

14 ii. Maintaining or collecting outstanding civil assessment charges unlawfully imposed
15 by Defendants against traffic defendants; and

16 iii. Promulgating or maintaining local rules in a manner that violates California
17 Government Code section 68070 and California Code of Civil Procedure
18 section 575.1;

19 d. Grant mandate relief directing Respondents to:

20 i. Impose civil assessments only in a manner that complies with California
21 Constitution Article I, sections 7(a), 15; California Constitution Article VI,
22 section 22; California Penal Code section 1214.1; and California Rule of Court
23 4.106;

24 ii. Maintain or collect civil assessment charges only when lawfully imposed by
25 Respondents against traffic defendants; and
26
27
28

1 iii. Promulgate and maintain local rules in a manner that complies with California
2 Government Code section 68070 and California Code of Civil Procedure
3 section 575.1;

4 e. Order Defendants/Respondents to pay Plaintiffs/Petitioners' attorneys' fees and costs; and

5 f. Grant Plaintiffs/Petitioners such further relief as the Court deems just and proper.
6

7 DATED: January 27, 2022

Respectfully submitted,

8
9 /s/ Zal K. Shroff

Zal K. Shroff

Rio Scharf

10 Elisa Della-Piana

11 Lawyers' Committee for Civil Rights of the
12 San Francisco Bay Area

13 Eric Ball

Katherine A. Marshall

14 Fenwick & West LLP

15 Novella Coleman

Fawn Jade Korr

16 Bay Area Legal Aid

17 Brandon L. Greene

18 John Thomas H. Do

19 ACLU Foundation of Northern California

20 *Counsel for Plaintiffs/Petitioners*
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24
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VERIFICATION

1 I, Manuel Galindo, am the Carceral Debt Organizer at Debt Collective. I have read this Verified
2 Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in the matter of Debt
3 Collective *et al.* v. Superior Court of California, County of San Mateo *et al.* I am informed, and do
4 believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. In
5 addition, the facts within paragraph 12 are within my own personal knowledge, and I know them to be
6 true.

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

9 Executed on January 26, 2022 in Los Angeles, California.

DocuSigned by:



E087076B1C7D4C8...

Manuel Galindo

VERIFICATION

1 I, Anthony McCree, have read this Verified Petition for Writ of Mandate and Complaint for
2 Declaratory and Injunctive Relief in the matter of Debt Collective *et al.* v. Superior Court of California,
3 County of San Mateo *et al.* I am informed, and do believe, that the matters herein are true. On that ground
4 I allege that the matters stated herein are true. In addition, the facts within paragraph 13 are within my
5 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 January 26, 2022 in Oakland, California.

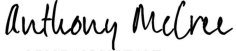
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10 DocuSigned by:
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EXHIBIT 1

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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)
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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

14 
15 John L. Grandsaert, Presiding Judge

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EXHIBIT 3

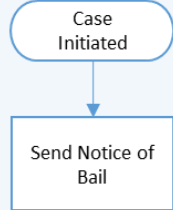


Traffic Aging – Failure to Appear (FTA) / Failure to Pay (FTP)

May
2021

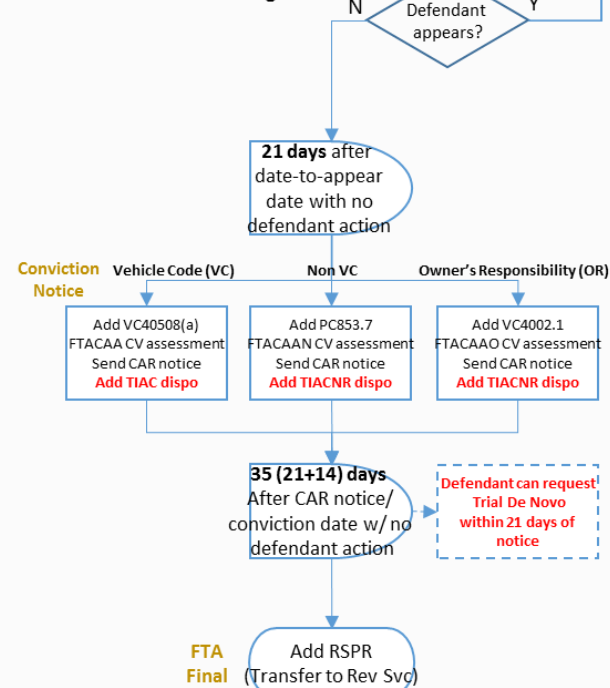
Case Initiation

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

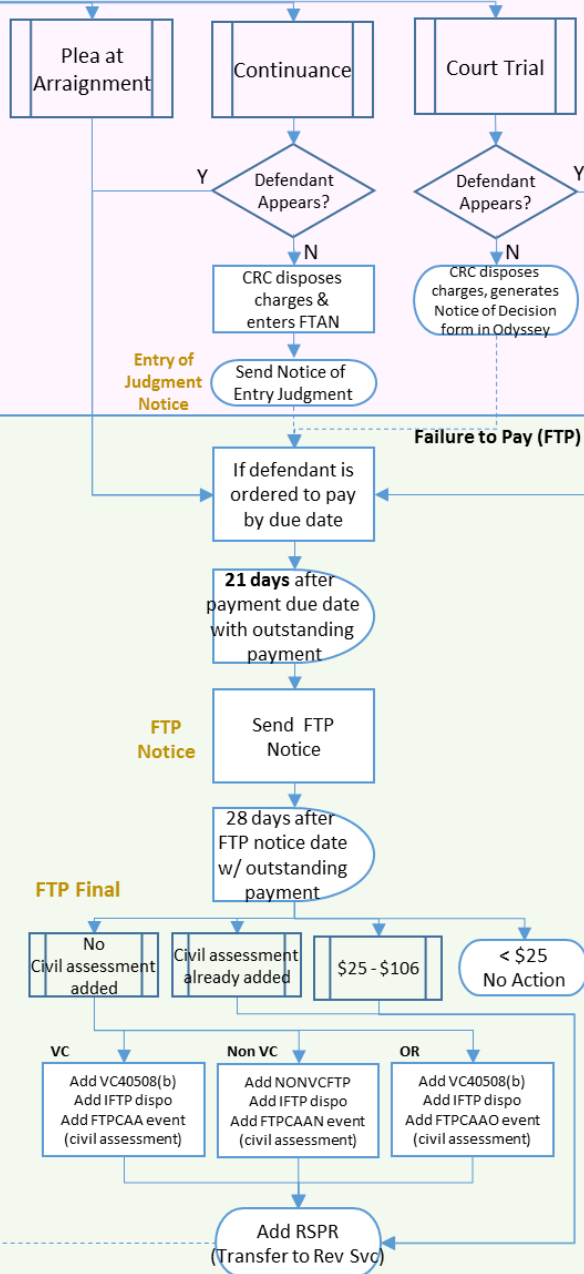


EXHIBIT 4



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

- † 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.

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