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13
14 **SUPERIOR COURT OF CALIFORNIA**
15 **COUNTY OF ALAMEDA**

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

20 Plaintiffs/Petitioners,

21 v.

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

Defendants/Respondents.

Case No. 22CV006393

**NOTICE OF RESOLUTION;
REQUEST FOR DISMISSAL; &
[PROPOSED] ORDER**

1 The Debt Collective, Community Legal Services in East Palo Alto, Anthony McCree, and
2 Lorena Gonzales Baes (“Plaintiffs”) file this notice of resolution and request for dismissal by virtue
3 of the resolution reached with the Judicial Council of California, San Mateo Superior Court, the
4 County of San Mateo , and their officers and agents (“Defendants”) in this matter. As explained
5 below, Defendants have abandoned their prior unconstitutional and unlawful civil assessment
6 programs and have issued guidance to all California trial courts that protects low-income Black
7 and brown Californians from further victimization by the court system for a profit.

8 **A. History of Civil Assessments: Courts Charge Low-Income Californians for Profit.**

9 1. Civil assessments are late fees that have been regularly assigned in thousands of
10 traffic infraction cases and have been a massive source of profit for California trial courts. Over the
11 course of the last decade, California courts collected more than \$750 million dollars in revenue
12 from imposing these fees.¹

13 2. It is well documented that these fees raise revenues by punishing the poorest.² In
14 fact, civil assessments are only used to up-charge people who already struggled to pay their traffic
15 tickets by the deadline. This is a common revenue-generation tactic for California government.
16 Instead of seeking proper appropriations and tax expenditures from the Legislature, governments
17 use hidden fines and fees to target those who can least afford to pay and who are least able to
18 advocate for themselves with hidden revenue-generating schemes.³

19 ¹ See Legislative Reports, The Judicial Branch of California, <https://www.courts.ca.gov/7466.htm>
20 (providing reports on annual allocations and reimbursements to the Trial Courts for fiscal years
21 2011-12 through 2020-21, including annual revenue figures for civil assessments).

22 ² See *Civil Assessments: The Hidden Court Fee That Penalizes Poverty*, Lawyers’ Committee for
23 Civil Rights of the S.F. Bay Area et al. (2022), pp. 9-12, [https://lccrsf.org/wp-](https://lccrsf.org/wp-content/uploads/2022/03/Civil-Assessments-Issue-Brief_v3.pdf)
24 [content/uploads/2022/03/Civil-Assessments-Issue-Brief_v3.pdf](https://lccrsf.org/wp-content/uploads/2022/03/Civil-Assessments-Issue-Brief_v3.pdf); Anne Stuhldreher, *California*
Needs to Get Rid of High Pain/Low Gain Court Fees, CalMatters (Aug. 18, 2021),
[https://calmatters.org/commentary/2021/08/california-needs-to-get-rid-of-high-pain-low-gain-](https://calmatters.org/commentary/2021/08/california-needs-to-get-rid-of-high-pain-low-gain-court-fees/)
[court-fees/](https://calmatters.org/commentary/2021/08/california-needs-to-get-rid-of-high-pain-low-gain-court-fees/) (“Only about 13% of these fees are ever collected: People simply cannot afford them.”).

25 ³ See, e.g., McCubbins & McCubbins, *Proposition 13 and the California Fiscal Shell Game*
26 (2010) 2(2) CAL. J. POLITICS & POLICY 1, 20,
27 https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5988&context=faculty_scholarship
28 (“[f]ees give the government a revenue stream that is not subject to limitation and hard for voters
to track”); Stuhldreher, *supra* n.2 (“As one California court official told me: ‘Show me the person
who reads the fine print and understands they’ll be charged the \$300 civil assessment.... It’s
archaic; no one knows about it.’”).

1 3. The imposition of civil assessment charges is linked to a long history of systemic
2 racial injustice and the rise of mass incarceration in California. As Plaintiffs alleged in the First
3 Amended Complaint, following the enactment of the Three Strikes Law in 1994, Black Californians
4 were incarcerated at staggeringly disproportionate rates and California’s prison population rapidly
5 expanded.⁴ California’s criminalization policies supporting the rise of mass incarceration, and the
6 attendant increase in criminal case loads and trials, placed enormous and well-documented financial
7 pressure on California superior courts in the 1990s.⁵ Following these changes, California used civil
8 assessment charges to fund the judiciary—effectively double-taxing low-income communities of
9 color to pay for the state’s own criminal injustice. Black and Brown people, who are already
10 disproportionately over-policed at traffic stops, have continued to bear the brunt of the courts’
11 revenue scheme.⁶

12 4. California trial courts have designed and proliferated civil assessment programs to
13 maximize revenue. The Judicial Council of California actively encouraged this practice for years—
14 and issued guidance to trial courts across California encouraging them to impose the maximum
15 civil assessment in all traffic infraction cases for the express purpose of revenue generation.⁷ The
16 system worked on profit incentives. The Judicial Council sent direct incentive payments to every
17 trial court as a reward for maximizing their civil assessment revenues above a certain amount—on

18
19 ⁴ Incarceration Trends in California, Vera Institute of Justice (2019),
<https://www.vera.org/downloads/pdffdownloads/state-incarceration-trends-california.pdf>.

20 ⁵ See Judicial Council of California, Legislative Briefing on Trial Court Funding (1997) p. 21,
21 [https://www.courts.ca.gov/partners/documents/TCFWG11-](https://www.courts.ca.gov/partners/documents/TCFWG11-February1997LegislativeBriefingonTrialCourtFunding.pdf)
22 [February1997LegislativeBriefingonTrialCourtFunding.pdf](https://www.courts.ca.gov/partners/documents/TCFWG11-February1997LegislativeBriefingonTrialCourtFunding.pdf) (“In addition to the *quantitative* growth
23 in demand for trial court services, three strikes law, increased prosecution of felonies, increased
caseloads in juvenile and family law, and ever-greater complexity in civil cases. . . . have caused a
significant *qualitative* growth in demand for court services.”).

24 ⁶ Lawyers’ Committee for Civil Rights of the S.F. Bay Area, *supra* note 2, p.12 (“Data reveals stark
25 racial disparities in California law enforcement targets for traffic stops. . . . Racially skewed
infraction enforcement in turn produces a racially skewed demography of civil assessments.”).

26 ⁷ First Amended Complaint ¶¶ 9 n.9, 112 n.85, *citing* Judicial Council of California, Criteria for a
27 Successful Civil Assessments Program (2005) (urging trial courts that they “should consider
imposing civil assessment[s] on all eligible cases” and that “[a] \$300 civil assessment should be
28 imposed on each appropriate case”).

1 a dollar-for-dollar basis. As a result of this obvious conflict of interest, trial courts across California
2 have imposed and collected civil assessments at astronomical rates—generating millions of dollars
3 beyond the state’s budgetary requirements to increase their own bottom line.⁸

4 5. These expressly revenue-generating programs targeting low-income individuals
5 belie any connection to the fair administration of justice. In fact, traffic courts have myriad ways to
6 collect traffic ticket fines from those who can genuinely afford to pay them—including through tax
7 intercept, bank levy, wage garnishment, and other ordinary civil collections methods.⁹ Instead,
8 courts chose to use civil assessments to up-charge the poorest for the sole purpose of revenue
9 generation. These pernicious fee practices persisted unabated until Plaintiffs filed this litigation
10 against Defendants.

11 **B. Plaintiffs Challenge San Mateo Superior Court’s Civil Assessment Program as**
12 **Clearly Illegal.**

13 6. On February 2, 2022, Plaintiffs filed this lawsuit against San Mateo Superior Court
14 and the County of San Mateo Court to challenge the legality and constitutionality of the Court’s
15 civil assessments program and the Court and the County’s collections program for civil
16 assessments.

17 7. Plaintiffs challenged San Mateo Superior Court’s illegal practice of assigning civil
18 assessments via computer, without a judge, at the absolute maximum amount, in every single
19 applicable case—without the proper exercise of judicial discretion—in violation of the California
20 Penal Code and the California Constitution. See Pen. Code, § 1214.1(a); Cal. Const., art. VI, § 22.
21 Plaintiffs also alleged that the Court used constitutionally deficient notices that failed to properly
22 inform traffic defendants of their right to challenge their civil assessment charges. See Cal. Const.,

23 ⁸ Judicial Council of California, 2020-21 Allocations and Reimbursements to the Trial Courts -
24 Trial Court Trust Fund (2021) pp. 5, 13, www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf (identifying in Column O the amount of the
25 incentive payment the Judicial Council sent to each trial court in California from the TCTF in
26 FY20-21 “for collected civil assessment revenues that exceeded the amount of the court’s county
civil assessment buyout,” totaling \$38.5 million in incentive payments to the courts).

27 ⁹ Pen. Code, § 1214(a) (“If the judgment is for a fine ... the judgment may be enforced in the
28 manner provided for the enforcement of money judgments generally.”).

1 art. I, §§ 7(a), 15; Pen. Code, § 1214.1(b)(1); Cal. Rules of Court, rule 4.106(c)(1).

2 8. The Court earned substantial revenue through this unlawful civil assessment
3 program. Over the prior three-year period, San Mateo Superior Court had illegally imposed more
4 than 80,000 civil assessment late charges against low-income Californians, sent more than 100,000
5 late charges to collections, collected at least \$9 million dollars in unlawful fees, and was awarded
6 \$3.4 million in incentive payments from the Judicial Council of California for maximizing
7 revenue-generation.¹⁰ This ongoing direct financial incentive to collect as many fees as possible
8 created a conflict of interest that violated the California Constitution’s fundamental guarantee of
9 due process and impartial judicial decision making. See Cal. Const., art. I, §§ 7(a), 15.

10 9. Plaintiffs’ Complaint requested an injunction ordering that San Mateo Superior
11 Court and San Mateo County immediately halt collections on over \$30 million dollars in
12 outstanding civil assessments fees that were unlawfully imposed. See Complaint, Prayer for Relief,
13 ¶ (c)(ii).

14 **C. Plaintiffs Challenge the Judicial Council of California’s Unlawful Guidance to All**
15 **California Courts on Civil Assessments; A Stay is Negotiated Pending Legislative**
16 **Intervention.**

17 10. On May 25, 2022, Plaintiffs filed their First Amended Complaint naming the
18 Judicial Council of California for its role in issuing guidance that actively encouraged all trial
19 courts across California—including San Mateo Superior Court—to unlawfully impose civil
20 assessments at the maximum amount in all traffic infraction cases, without a judge, for the express
21 purpose of raising judicial revenues. See First Amended Complaint, ¶¶ 9, 112, 133.

22 11. The First Amended Complaint also sought an injunction to end the Judicial Council
23 of California’s practice of sending million-dollar incentive payments directly to San Mateo
24 Superior Court and other trial courts as a reward for imposing and collecting as many civil
25 assessments as possible from low-income traffic defendants—in obvious violation of the
26 California Constitution. See First Amended Complaint, ¶ 178; Prayer for Relief (i)(i).

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28 ¹⁰ San Mateo Superior Court’s Oct. 29, 2021 Response to Court Records Request.

1 12. The Judicial Council of California immediately negotiated a stay of this litigation
2 pending resolution of the issues in this case by action from the Governor and the California
3 Legislature. In exchange, San Mateo Superior Court agreed to suspend its civil assessments
4 program and to halt collection on \$30 million in outstanding civil assessment debts. San Mateo
5 County also agreed to permanently end its involvement as the debt collector for the Superior Court.
6 See Stipulation and Order (filed: May 25, 2022).

7 13. On June 10, 2022, Plaintiffs’ counsel and several other legal services organizations
8 sent demand letters to 30 different Superior Courts across California requesting that they
9 immediately halt their unlawful civil assessment programs and end collections on all unlawfully
10 imposed civil assessment debts.

11 **D. AB-199 Eliminates More than \$500M in Illegally Imposed Civil Assessment Fees and**
12 **Ends the Unconstitutional Revenue Scheme Plaintiffs Challenged in This Litigation.**

13 14. On July 1, 2022, spurred by Plaintiffs’ claims that the California courts had imposed
14 civil assessments in violation of law and with improper profit incentives, the California Legislature
15 eliminated all previous outstanding civil assessment debts. AB-199¹¹ eliminated well in excess of
16 \$500 million in civil assessment fees, including the more than \$30 million dollars in fees Plaintiffs
17 challenged in this litigation as unlawfully imposed.¹² More recent estimates suggest AB-199
18 eliminated well over \$1 billion in outstanding civil assessment fees.¹³

19 15. AB-199 also ended the California courts’ unconstitutional revenue generation
20 scheme Plaintiffs challenged in this litigation. Civil assessment fees revenue can no longer be
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22 ¹¹ AB-199 (2022), available at
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB199.

23 ¹² *California Discharges \$500 Million in Illegal Court Fees in Response to Litigation, but*
24 *Lawsuit Against the Courts Will Press On*, Lawyers’ Committee for Civil Rights of the S.F. Bay
25 Area (July 1, 2022), https://lccrsf.org/pressroom_posts/california-discharges-500-million-in-illegal-court-fees-in-response-to-litigation-but-lawsuit-against-the-courts-will-press-on/.

26 ¹³ San Diego Superior Court alone was forced to eliminate more than \$200 million dollars in
27 outstanding civil assessment fees. See Jesse Marx, *After Wiping Millions in Back Debt, Superior*
28 *Court to Tighten Budget*, VOICE OF SAN DIEGO (Aug. 18, 2022),
<https://voiceofsandiego.org/2022/08/18/after-wiping-millions-in-back-debt-superior-court-to-tighten-budget/>.

1 transmitted to the state’s judiciary fund or to the individual courts who imposed them—thereby
2 eliminating the financial incentive to maximize the imposition and collection of these fees
3 statewide, and removing Judicial Council’s role in administering or dispensing fees revenues. AB-
4 199 also provided critical backfill funding to the court system so that California courts need not
5 rely on civil assessment fees to meet the judiciary’s operating expenses.

6 16. Although AB-199 eliminated all prior civil assessment debt and removed profit
7 incentives for courts—and reduced the maximum civil assessment fee judges can impose from
8 \$300 to \$100—the new law did not abolish civil assessments altogether. As such, AB-199 did not
9 resolve claims in Plaintiffs’ litigation regarding courts’ ongoing unlawful civil assessment
10 programs, and the Judicial Council of California’s improper guidance with respect to those
11 programs.¹⁴

12 **E. San Mateo Superior Court Agrees to Fully Disband its Civil Assessment Program in**
13 **Response to Plaintiffs’ Litigation.**

14 17. Two months after plaintiffs filed the original complaint in this action, San Mateo
15 Superior Court rescinded Standing Order 16-141 regarding the Court’s civil assessments
16 program.¹⁵ The Court announced that it would no longer impose civil assessments through an
17 automatic computer process at the maximum amount, and affirmed that judges would be required
18 to exercise independent judicial discretion as to whether a civil assessment should be imposed in
19 the first place, and the amount of any such fee, on an individualized basis in each case. See First
20 Amended Complaint, ¶ 117. The Court also reported that it would amend its civil assessment
21 notices to fairly apprise all individuals of their right to challenge their civil assessment charges and
22 how to do so. *Id.*

23 _____
24 ¹⁴ See Maria Dinzeo, *California Expunges Debt from Traffic-ticket Late Fees, but Fee Remains in*
25 *Place*, COURTHOUSE NEWS SERVICE (July 1, 2022), <https://www.courthousenews.com/california-expunges-debt-from-traffic-ticket-late-fees-but-fee-remains-in-place/>.

26 ¹⁵ See Standing Order No: 22-167, ORDER RESCINDING STANDING ORDER NO. 16-141
27 RE CIVIL PURSUIT OF TRAFFIC INFRACTIONS AND AUTHORIZING ASSESSMENT OF
28 \$300 FOR FAILURE TO APPEAR,
https://www.sanmateocourt.org/documents/standing_orders/22-167.pdf.

1 18. On November 9, 2022, San Mateo Superior Court issued a public notice
2 immediately disbanding its civil assessment program in its entirety, noting that “the San Mateo
3 Superior Court no longer intends to add civil assessments under Penal Code section 1214.1 for
4 failure to appear or failure to pay.” See **Exhibit A**. Public records confirm that the Court did not
5 issue a single civil assessment fee in the month following the Court’s announcement.¹⁶

6 19. If individual judges wish to impose a civil assessment fee in any future case in
7 disregard of the Court’s new policy, they must issue formal orders reflecting their proper exercise
8 of discretion as to the specific facts and circumstances of each and every case. See Traffic Aging
9 Workflow Rev. 2.0X 11-10-2022 (“San Mateo Superior Court no longer imposes civil assessments
10 under Penal Code section 1214.1 for failure to appear or failure to pay. However, judicial discretion
11 will remain in individual traffic cases *via specific orders/notices on the docket*”) (emphasis added);
12 see also Pen. Code, § 1214.1.

13 **F. The Judicial Council of California Changes its Policies Regarding Civil Assessments,**
14 **Explicitly Correcting its Guidance to Courts in Response to Plaintiffs’ Litigation.**

15 20. On July 15, 2022—seven weeks after Plaintiffs filed their First Amended
16 Complaint—the Judicial Council rescinded its August 2005 policy regarding statewide criteria for
17 civil assessments.¹⁷ The Judicial Council’s 2005 guidance had resulted in California trial courts
18 unlawfully imposing civil assessments via an automated process at the maximum amount in all
19 traffic infraction cases—without a judge exercising individualized discretion. See First Amended
20 Complaint, ¶¶ 9, 112, 133.

21 21. On December 6, 2022, the Judicial Council issued new guidance to California trial
22 courts regarding civil assessments and the appropriate implementation of AB-199. See **Exhibit B**.
23 The Judicial Council’s new guidance confirms, in relevant part, the ways in which California trial
24 courts must disband their civil assessment programs to comply with California law.

25 _____
26 ¹⁶ San Mateo Superior Court’s Jan. 3, 2023 Response to Court Records Request.

27 ¹⁷ Meeting Minutes available at:
28 jcc.legistar.com/View.ashx?M=M&ID=869107&GUID=7982B915-4E53-4539-9B54-8536AB5EF9A1.

1 22. **Only Judges Can Issue Civil Assessments—And Must Exercise Discretion.** The
2 Judicial Council’s new guidance is explicit that judges have discretion to determine whether a civil
3 assessment should be imposed and, if so, in what amount—implicitly acknowledging that
4 computerized systems that automatically impose civil assessments *without the involvement of a*
5 *judge* are unlawful. See Ex. B at 3 (“Question 9: What is the role of judicial officers in civil
6 assessments? [Answer:] Judicial officers have discretion under Penal Code section 1214.1(a) to
7 determine whether a civil assessment should be imposed and, if so, the amount of the
8 assessment.”).

9 23. Judicial Council’s corrected guidance complies with California law and the
10 California Constitution. Cal. Pen. Code § 1214.1(a) (civil assessments “may [be] impose[d]” in
11 discretion); Cal. Rules of Court, rule 4.106(c)(6)(A)-(B) (judges must properly evaluate “[w]hether
12 a civil assessment should be imposed”); *Cal. Hospital Assn. v. Maxwell-Jolly* (2010) 188
13 Cal.App.4th 559, 570 (“Mandamus may issue ... to compel an official both to exercise his
14 discretion ... and to exercise it under a proper interpretation of the applicable law”); Cal Const.
15 Article VI, § 22 (outlining the appropriate delegation of judicial duties).

16 24. **Civil Assessments Cannot Be Automatically Assigned at the Maximum.** The
17 Judicial Council’s updated guidance further clarifies that civil assessments can only be charged at
18 an amount “*up to \$100*” in judicial discretion. See Ex. B at 2 (emphasis in original); see also Ex.
19 B at 3 (judges should exercise discretion as to “the amount of the assessment”).

20 25. This is a stark departure from the Judicial Council’s former guidance—which
21 unlawfully instructed courts that “[a] \$300 civil assessment should be imposed on each appropriate
22 case”—directly contrary to the appropriate exercise of judicial discretion. See First Amended
23 Complaint, ¶ 133. This updated guidance likewise conforms to California law. Cal. Pen. Code
24 § 1214.1(a) (civil assessments “may [be] impose[d]” in discretion); Cal. Rules of Court, rule
25 4.106(c)(6)(A)-(B) (judges must properly evaluate “the amount of the assessment”).

26 26. **Notices Must Fairly Apprise Individuals of Their Right to Challenge.** The
27 Judicial Council’s updated guidance makes clear that courts must correct their notices to ensure
28

1 that individuals are properly informed of their right to challenge their civil assessments for good
2 cause—and that indeed individuals can have their civil assessments vacated upon request even
3 without demonstrating good cause. Individuals must be appropriately informed of these rights. Ex.
4 B at 2 (“Courts should continue to advise defendants of their right to petition the court to vacate
5 the civil assessment for good cause. Courts also continue to have discretion to vacate or reduce the
6 amount of the civil assessment for reasons other than good cause. Notices should be reviewed in
7 consideration of the requirements provided for in Penal Code section 1214.1 and Rule of Court,
8 rule 4.106”); see also Cal. Rules of Court, rule 4.106(c)(1) (notices “must inform the defendant of
9 his or her right to petition that the civil assessment be vacated for good cause and must include
10 information about the process for vacating or reducing the assessment”).

11 27. San Mateo Superior Court’s notices did not comply with these requirements at the
12 outset of this litigation—nor did the notices of a large number of trial courts surveyed by Plaintiffs’
13 counsel—resulting in civil assessments becoming “hidden fees” individuals did not know how to
14 challenge. See First Amended Complaint, ¶¶ 4, 87-98, 134-150.

15 28. **Courts Should Reform Their Civil Assessment Programs to Respond to the**
16 **Judicial Council’s Rescission of its Former Policies.** The Judicial Council’s new guidance
17 likewise explicitly clarifies that courts should correct their civil assessment programs in response
18 to the Judicial Council’s new guidance. Courts should revise or remove all prior materials
19 regarding their civil assessment programs that are impacted by this change in policy. Ex. B at 3
20 (“the Judicial Council rescinded its August 2005 policy regarding statewide criteria for civil
21 assessments ... [a]ccordingly, documents or resources currently available on individual court
22 websites affected by rescission of the August 2005 policy should be revised or removed”). In short,
23 courts have been told to remedy their unlawful civil assessment programs in accordance with the
24 Judicial Council’s rescission and new guidance.

25 29. The Judicial Council’s guidance also suggests that the Judicial Council itself no
26 longer wishes for courts to rely on civil assessment late fees. Ex. B at 3 (“The Judicial Council has
27 been working for several years to alleviate financial pressures for individuals struggling with court
28

1 debt—including most recently with the passage of AB 199, which eliminated all outstanding civil
2 assessment debts and resulted in additional funding for trial courts to end the need for courts to
3 assign these late fees.”). This is a significant departure from the Judicial Council’s prior policy—
4 which encouraged reliance on civil assessment late fees as a source of revenue. See First Amended
5 Complaint, ¶¶ 9, 112, 133.

6 30. As a result of these changes in Judicial Council policy, numerous other trial courts
7 across California have joined San Mateo Superior Court in fully disbanding their civil assessment
8 programs—including Butte Superior Court, Fresno Superior Court, Kern Superior Court,
9 Mendocino Superior Court, Napa Superior Court, San Bernardino Superior Court, San Francisco
10 Superior Court, Sierra Superior Court, and Sutter Superior Court.¹⁸

11 **G. The Judicial Council of California Pays Plaintiffs \$80,000 in Attorneys’ Fees.**

12 31. The Judicial Council of California has agreed to pay Plaintiffs \$80,000 in attorneys’
13 fees to resolve this action. See *Godinez v. Schwarzenegger* (2005) 132 Cal.App.4th 73, 89 (“The
14 catalyst theory, authoriz[es] an award of attorney fees when a plaintiffs suit is a catalyst to
15 defendants changed behavior”) (internal quotations omitted). In return, Plaintiffs executed a
16 release acknowledging the complete resolution of each of the causes of action in the First Amended
17 Complaint with prejudice.

18 32. Nothing in the release precludes Plaintiffs from seeking further relief against the
19 Judicial Council of California or San Mateo Superior Court for any future unlawful conduct with
20 respect to civil assessments following dismissal of this action—none of which was addressed in
21 the First Amended Complaint.

22 **H. Recitals and Request for Dismissal.**

23 WHEREAS, San Mateo Superior Court halted its civil assessment program and stopped
24 collection on more than \$30 million in unlawfully imposed civil assessment debts in response to
25 Plaintiffs’ litigation;

26 ¹⁸ Responses to October 4, 2022 Judicial Records Requests from the Police Advocacy Clinic at UC
27 Berkeley School of Law. San Bernardino’s notice announcing disbandment is also at: [www.sb-
court.org/sites/default/files/News%20Notices/PUBLICNOTICE_AssemblyBill199CivilAssessme
28 nts.pdf](http://www.sb-court.org/sites/default/files/News%20Notices/PUBLICNOTICE_AssemblyBill199CivilAssessments.pdf).

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Dated: April 25, 2023

BAY AREA LEGAL AID

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Dated: April 25, 2023

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[PROPOSED] ORDER

IT IS HEREBY ORDERED that:

1. Plaintiffs' First Amended Complaint is dismissed with prejudice as to all claims and all parties.

Dated: _____, 2023

The Honorable Frank Roesch
Judge of the Superior Court

EXHIBIT A



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
400 County Center
Redwood City, CA 94063

PUBLIC NOTICE

IMPLEMENTATION OF ASSEMBLY BILL 199: CIVIL ASSESSMENTS

Released: November 9, 2022

Redwood City, California – Pursuant to Assembly Bill 199, the maximum civil assessment under Penal Code section 1214.1 was reduced from \$300 to \$100, and all outstanding debts related to these assessments were repealed effective July 1, 2022.

Effective immediately, the San Mateo Superior Court no longer intends to add civil assessments under Penal Code section 1214.1 for failure to appear or failure to pay.

In alignment with statutory authority, judicial discretion will remain.

For media related inquiries, contact Sarah Lind at slind@sanmateocourt.org.

###

EXHIBIT B

AB 199: Civil Assessments Frequently Asked Questions

Assembly Bill 199 (Stats. 2022, ch. 57), made changes to the imposition of civil assessments, by amending Penal Code section 1214.1. This bill decreased the maximum civil assessment from “up to \$300” to “up to \$100” effective July 1, 2022. It further requires that revenue collected be transmitted to the State Treasurer for deposit into the State General Fund, rather than the Trial Court Trust Fund. This legislation also requires courts to vacate any civil assessments imposed prior to July 1, 2022, and makes any amounts owed prior to this date uncollectable, by amending Penal Code section 1465.9.

The Legislature passed AB 199 on June 29, 2022, and the Governor signed it on June 30, 2022, and the changes are effective as of July 1, 2022.

1. What do we do with civil assessments collected on or before June 30, 2022, which have not been distributed?

Civil assessments which have been collected on or before June 30, 2022, will continue to be reported on the TC-145 form and deposited in the special account established by Government Code section 68085.1. They will in turn be deposited in the Trial Court Trust Fund.

2. What do we do with civil assessments imposed prior to July 1, 2022, but not collected by that date?

As of July 1, 2022, the balance of outstanding court-imposed civil assessments is unenforceable and uncollectible. Any portion of a judgment imposing those assessments shall be vacated.

3. Can we modify civil assessments outstanding as of July 1, 2022, lowering the amount to \$100?

No. As of July 1, 2022, all outstanding civil assessments are uncollectible and shall be vacated, as stated above.

4. What do we do with civil assessments imposed on or after July 1, 2022?

Civil assessments imposed on or after July 1, 2022, and later collected, are to be reported on the TC-31 form and included with criminal-related fines, fees, penalties, and assessments. The funds are to be deposited in the state General Fund.

5. What do I do if there isn't a line on the TC-31 form for reporting the civil assessment remittance ?

The TC-31 form includes blank lines for reporting remittances not listed on the form. Until a line is added to the form, use one of the blank lines and enter the code number 001-250-164400. You may also contact the State Controller's Office at lgpsdtaxaccounting@sco.ca.gov and verify the proper code number.

6. If a defendant failed to appear or pay before July 1st, 2022, but the court has not yet imposed a civil assessment, can the court impose a civil assessment of up to \$100?

No. A civil assessment may be imposed only if the failure to appear or failure to pay occurs on or after July 1, 2022. Courts should not impose a civil assessment if the failure to appear or pay occurs prior to that date.

7. How should the court change civil assessment notices?

Courts should change the notices to reflect the new amount *is up to* \$100 - wherever applicable—i.e., “the court may impose a civil assessment of up to one hundred dollars (\$100).…” This language reflects the new maximum civil assessment amount under AB 199.

As before, the assessment shall not become effective until at least 20 calendar days after the court mails a warning notice to the defendant. Courts should continue to advise defendants of their right to petition the court to vacate the civil assessment for good cause. Courts also continue to have discretion to vacate or reduce the amount of the civil assessment for reasons other than good cause. Notices should be reviewed in consideration of the requirements provided for in Penal Code section 1214.1 and Rule of Court, rule 4.106.

8. My court has gone live with MyCitations. How does this impact our reporting of amounts forgiven through Ability to Pay determinations for the purposes of backfill (per GC 68645.7).

Effective July 1, 2022, the balance of all civil assessments imposed in previous fiscal years will be \$0. Civil assessment charges will no longer be applicable to Ability to Pay backfill reporting as civil assessments going forward will be deposited to the state general fund. On the 2022-23 Collection Reporting Template, civil assessments will be reported as an adjustment.

9. What is the role of judicial officers in civil assessments?

Judicial officers have discretion under Penal Code section 1214.1(a) to determine whether a civil assessment should be imposed and, if so, the amount of the assessment. For at least 20 calendar days after a court mails the defendant notice of the assessment under Penal Code section 1214.1(b)(1), and before the civil assessment imposed may become effective, the defendant has the right to request that the court vacate the civil assessment for good cause. A judicial officer who receives such a request must vacate the civil assessment upon a showing of good cause. Even if the defendant does not establish good cause, a judicial officer may still exercise their discretion to vacate or reduce the civil assessment. In exercising discretion, judicial officers may consider such factors as a defendant's due diligence in appearing or paying after notice of the assessment has been given and the defendant's financial circumstances.

10. Has the Judicial Council updated its policies for courts regarding civil assessments after AB 199?

Yes. At the Judicial Council's July 15, 2022 meeting, the Judicial Council rescinded its August 2005 policy regarding statewide criteria for civil assessments (<https://jcc.legistar.com/View.ashx?M=M&ID=869107&GUID=7982B915-4E53-4539-9B54-8536AB5EF9A1>). Accordingly, documents or resources currently available on individual court websites affected by rescission of the August 2005 policy should be revised or removed.

The Judicial Council has been working for several years to alleviate financial pressures for individuals struggling with court debt—including most recently with the passage of AB 199, which eliminated all outstanding civil assessment debts and resulted in additional funding for trial courts to end the need for courts to assign these late fees.

11. Whom do I contact if I have questions about civil assessments?

If you have questions about traffic notices and forms email: crimjusticeoffice@jud.ca.gov.

If you have questions about the collection or reporting of civil assessments email: collections@jud.ca.gov.

