

## Judicial Council of California Agrees to Cease Traffic Court Late Fees after Complaint Filed by Social Justice Groups

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PC: [lccrsf.org](http://lccrsf.org)

By Anna Olsen

OAKLAND, CA – As a result of a lawsuit filed by multiple Bay Area social justice organizations the Judicial Council of California has agreed to cease debt collection for the time being for its willful involvement in the illegal “civil assessment program.”

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San Mateo Superior Court's "civil assessment" program enforces a fine of \$300 for individuals who miss important deadlines or payments during traffic court cases. This fine is sent through an automated computer program and lacks any judge or general judicial oversight.

Lawyers for the plaintiffs characterize the case as a test case for whether the federal government can sue a private company. The case is examined by a judge before a jury trial.

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As was emphasized in the [pleading \(https://lccrsf.org/wp-content/uploads/2022/05/First-Amended-Verified-Petition-for-Writ-of-Mandate1.pdf\)](https://lccrsf.org/wp-content/uploads/2022/05/First-Amended-Verified-Petition-for-Writ-of-Mandate1.pdf), these fines “disproportionately impact societies most poor and marginalized communities,” arguing that if an individual is unable to pay the \$300 fine, they are often victims of wage garnishment – court ordered withholding of money from monthly paychecks – as well as property and bank liens.

Marginalized communities not only constitute a large portion of the low income population, but also are often victims of unfair traffic stops, said the plaintiffs.

“I have had to choose between paying my bills, paying for childcare, or paying my late fees. Civil assessments hurt families like mine. Not having to pay that debt, even temporarily, is a huge relief,” said Lorena Gonzales Baes, a plaintiff in this lawsuit.

This program has generated approximately \$9 million in total revenue and \$3.4 million in net revenue for the Court over the last three years, said the plaintiffs, adding the Judicial Council consistently rewarded both trial courts and the San Mateo Superior Court for their collection of civil assessments.

This ongoing financial incentive for the Court to collect fines is evident, the complaint noted, and said it acts in direct violation of the California Constitution’s commitment to due process, because in effect, the nation’s poorest communities are funding the California court system while the state continues to turn a blind eye.

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Governor Gavin Newsom will have an estimated \$100 billion budgetary surplus this year to distribute, but it is yet to be decided if an adequate portion of this money will be used to fund the courts.

The Judicial Council of California and San Mateo Superior Court agreed to stop the debt collection and imposition of late fees while awaiting measures from the Governor and Legislature to permanently terminate civil assessments.

Many individuals representing racial justice organizations spoke out about the positive impact this legislation has had and could have on Black and Brown communities.

“The \$30 million in temporary debt relief we have secured today for thousands of low-income Californians is just the first step in undoing the damage that civil assessments have caused to Black and Brown communities and other justice impacted groups who have been disproportionately burdened by the criminal legal system,” maintained Brandon Greene, the Director of the Racial and Economic Justice Program at the ACLU of Northern California.

Zal Shroff, the Senior Racial Justice Attorney at the Lawyers’ Committee for Civil Rights of the SF Bay Area, said she is “heartened that the Judicial Council clearly recognizes the need for the Legislature and the Governor to end these exorbitant late charges and to finally give the courts the funding they need so they aren’t illegally extracting wealth from Black and Brown communities.”

“As an organization fighting to free debtors from the burdens of unjust debt,” said Manuel Galindo, a Carceral Debt Organizer at Debt Collective, “the Debt Collective celebrates today’s announcement that the San Mateo Superior Court will stop collections on over \$30 million dollars of hidden late fees.”

He added, “These civil assessments devastate California’s low-income Black and Brown communities and further the criminalization of poverty. The state should get out of the business of criminalizing poverty. It should never impose or collect these debts again.”

Others noted the progress that has been made but emphasized the need for further legislation.

“We have seen first-hand how these hidden \$300 late fees can derail our clients’ financial security,” stated Katrina Logan, the Interim Director of Programs at Community Legal Services of East Palo Alto.



“While this temporary relief is worth celebrating, what is truly needed is permanent debt relief. The state should adopt the Senate’s budget plan, which includes permanently ending civil assessments and eliminating the debt associated with them,” Logan added.

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