

FOR IMMEDIATE RELEASE

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PRESS RELEASE

Victory! San Mateo Ends Collection of Illegal Court Fees that Penalize Poverty; Settlement Talks With California's Statewide Judicial Council Continue

SAN MATEO, CA — The Lawyers' Committee for Civil Rights of the San Francisco Bay Area, the ACLU Foundation of Northern California, Bay Area Legal Aid, and the law firm of Fenwick & West LLP, celebrate a historic victory today in our [lawsuit](#) against the Judicial Council of California and San Mateo Superior Court. Read our stipulated agreement with San Mateo Superior Court [here](#)—which was filed late yesterday.

In response to our lawsuit, the San Mateo Superior Court has [agreed to stop](#) imposing the burdensome late fees known as “civil assessments”—which plaintiffs alleged the Court used to extract from low-income residents in an unlawful scheme to fund the court system. The Court's decision to abandon these fees will unburden thousands of San Mateo residents stuck in a cycle of poverty due to their inability to pay these unlawfully imposed court debts. Earlier this year, the County of San Mateo had already responded to our suit by permanently ending its role as the Superior Court's debt collector.

On January 27, 2022, we sued the San Mateo County Superior Court for unlawfully imposing an automatic \$300 late fee every time a person misses a ticket payment or court deadline on their traffic ticket. Plaintiffs alleged this additional fee, known as the “civil assessment,” was imposed without judicial review, adequate notice, or consideration for a person's circumstances—financial or otherwise. The Court would use the excess revenue from the fees to fill gaps in court funding, forcing low-income people to shoulder the cost of California's mass incarceration crisis. We also added the Judicial Council of California to this lawsuit for its decades-old role in encouraging all California trial courts to build civil assessment collection programs, which plaintiffs alleged unlawfully raised revenues from California's poorest residents—a perverse practice that is still rampant in trial courts across the state.

Our lawsuit cemented the path for [SB-199](#), new legislation that took effect on July 1, 2022, that eliminated hundreds of millions of dollars in outstanding civil assessments debt, reduced the civil assessment to a maximum of \$100, and secured proper funding for California courts while explicitly prohibiting the courts from relying on late fees as a source of additional revenue at the expense of low-income Californians.

But other California courts have continued to impose the maximum penalty on every single traffic ticket automatically by computer—without a judge, without considering individual circumstances, and without giving fair notice about the additional charge and how to challenge it.

San Mateo Superior Court's announcement that it will end its civil assessment program—once one of the biggest collections programs in the state— is a remarkable victory for fines and fees justice. Meanwh<https://www.courthousenews.com/california-court-sued-for-charging-hidden-tax-on-the-poor/><https://www.courthousenews.com/california-court-sued-for-charging-hidden-tax-on-the-poor/>hile, we will continue our settlement talks with the Judicial Council of California to fully resolve our causes of action.

Civil assessments are rooted in mass-incarceration era policies and were implemented to address funding shortages during the tough-on-crime frenzy in the 1990s. It is a [burdensome, regressive and racist tax](#) on poor Californians that serves no legitimate purpose. California must stop passing on the financial burden of mass incarceration onto the very communities most victimized by those failed policies. We will continue to litigate against California courts until their unlawful and unconstitutional practices have ended—or until the State of California finally eliminates these late fees for good.

Plaintiff Statements

"We are glad to learn that San Mateo Superior Court will be ending its practice of unjust civil assessments, but this is simply not enough. Our criminal legal system in California continues to saddle low-income communities with these needless debts. We hope that the Judicial Council can push this state in a better direction. Debt Collective will not stop until all forms of wealth extraction and carceral debts are ended!" said **Manuel Galindo, Carceral Debt Organizer, Debt Collective**

"This is an amazing victory for our low-income clients. A civil assessment used to be the normal penalty for making a mistake or not having enough money - in other words, just being human or being penalized for being low-income. Now we can tell clients and community members, particularly during this time of economic uncertainty, that they won't be automatically and illegally charged a late fee in San Mateo County any longer. We will continue to support efforts to stop imposing civil assessments in all trial courts in California and to permanently end this unfair penalty disproportionately imposed on poor communities of color." said **Katrina Logan, Executive Director, CLSEPA**

Attorney Statements:

" Although San Mateo has finally ended its illegal debt scheme, our fight is far from over. Courts across California are still unlawfully extracting millions of dollars in civil assessments from low-income Black and Brown people who cannot afford to pay their tickets on time", said **Zal K. Shroff, a Senior Staff Attorney at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCRSF)** "We will not rest until we have eliminated these illegal practices in trial courts throughout the state, or until California completely abolishes this unconscionable poverty tax. We are optimistic that the Judicial Council may share this vision for the future."

"This decision is a small step towards addressing decades of harm Black and Brown people have faced in the criminal legal system. It is particularly timely as the Reparations Task Force report has made the depth of these types of harm visible to all. Racialized wealth extraction practices such as civil assessment fees have always disproportionately impacted Black and Brown people—who, due to racism and deep biases in policing, are subject to traffic stops and citations

at much higher rates than their white peers. We applaud this effort from the Court and look forward to further action from the state to rectify these harms.” said **Brandon Green, Racial and Economic Justice Director, ACLU**

“Illegal fines and fees continue to be imposed by courts across the state of California”, said **Fawn Jade Korr, Senior Litigation Counsel at Bay Area Legal Aid**. “We hope this victory sets the stage for meaningful change.”

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