



**SIX-MONTH REPORT TO THE BARBARA MCDOWELL AND  
GERALD S. HARTMAN FOUNDATION**

**March 29, 2017**

Western Center on Law & Poverty is grateful for the Barbara McDowell and Gerald S. Hartman Foundation's generous support this year, which has allowed us to litigate on behalf of the thousands of Californians who have their driver's licenses suspended because they are unable to pay fines and fees related to minor traffic citations, such as failing to wear a seat belt, or other non-traffic infractions such as littering. These cases include:

*Rubicon Programs v. Solano County Superior Court.*

*Rubicon* aims to stop the defendant court from enhancing fines for traffic defendants and referring them to Department of Motor Vehicles (DMV) for automatic license suspensions for "willful" failure to pay or failure to appear without determining ability to pay.

Plaintiffs filed suit on June 14, 2016 in Solano County Superior Court. Because the Superior Court judges had a conflict of interest, the case has been assigned to a retired Santa Clara Superior Court judge.

The parties have engaged in active and productive settlement negotiations.

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*Alvarado v. Los Angeles County Superior Court.*

*Alvarado*, filed August 2, 2016 in Los Angeles Superior Court, raises most of the same issues that *Rubicon Programs* does. Plaintiffs contend that while state law requires courts to refer traffic defendants to the DMV for license suspension when those defendants willfully refuse to pay their fines, the court makes the referrals without making any determination of ability to pay. This violates provisions of the California Vehicle Code and the due process clauses of the state and federal constitutions.

The case has been assigned to the same retired judge presiding over *Rubicon*. There are ongoing settlement discussions.

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*Hernandez v. Department of Motor Vehicles.*

*Hernandez*, filed October 25, 2016 in Alameda County Superior Court, attacks DMV's role in suspending traffic defendants who have never been found to have "willfully" refused to pay their

fines or appear in court. Plaintiffs contend that DMV should not suspend licenses without notification that the referring courts have made a willfulness determination. Plaintiffs also charge DMV with implementing a system that violates traffic defendants' due process rights.

DMV filed a motion to dismiss the case. The judge's tentative decision was to grant that motion, but after oral argument he asked for supplemental briefing on one of the issues.

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