



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

August 1, 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 continued to engage in active and productive negotiations, and the case is to be settled by August 11, 2017 with strong protections for traffic court defendants unable to pay their fines.

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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*. Settlement discussions are ongoing.

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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 without implementing a system that violates traffic defendants' due process rights.

DMV filed a motion to dismiss the case. Alameda County Superior Court judge ruled in favor of plaintiffs, overruling the DMV's demurrer in a thoughtful decision

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