




Superior Court of California

County of Alameda

Courthouse
1225 Fallon Street
Oakland, California 94612

MEMORANDUM

DATE: February 21, 2013
TO: Alameda County Board of Supervisors
1221 Oak Street
Oakland, CA 94612
FROM: Matthew McDonald 
SUBJECT: REPORT OF DISCHARGE OF ACCOUNTABILITY

Attached, solely for your information and compliance with applicable statutes, is the order of the Court discharging accountability for collection efforts on certain court ordered debt. This order is for certain traffic cases referred to the Alameda County Central Collections unit where partial payment was received. These cases have balances of \$25.00 or less, or have court dates before January 1, 2005. Alameda County Central Collections unit collection efforts have not produced payment of the balance due from the defendant.

The debts summarized on the attached meet the criteria in that the amounts owed are either less than the estimated cost of collection or the likelihood of collection doesn't warrant the expense. The Alameda County Central Collections unit exhausted reasonable collection efforts and then returned the cases to the Court. Therefore, the Presiding Judge of the Court issued the attached order discharging the Court from further responsibility for collection of the debt.

All reasonable collection efforts have been performed by the Alameda Central Collections unit:

- (1) Letters requesting payment, in accordance with collection standards
- (2) Attempts at telephone contact with delinquent debtors, in accordance with collection standards
- (3) Attempts at legal action, such as bank and wage attachments, when employment and assets are known
- (4) Filing of abstracts against current and future acquisition of real property. Abstracts are "picked up" by credit bureaus
- (5) Requests for violation of probation hearings, when needed
- (6) Referral to the Franchise Tax Board intercept and collection programs to perform enhanced collection processes for the time frames contractually agreed to
- (7) When allowed, referral to the Department of Motor Vehicles to put a hold on license renewal

Background

Government Code sections 25259.8 and 25259.9, provide for the discharge of accountability of court ordered debt when the amount owed doesn't justify the estimated cost of collections or the likelihood of collections doesn't warrant the expense. This report is prepared in accordance with California Government Code section 25259.9(b), which says (in part),

February 13, 2013

Report of Discharge of Accountability

- "Within 45 days after the end of the month in which any discharge from accountability is approved, the court shall report to the county the discharge from accountability for any court-ordered debt or bail that the court would otherwise have been responsible for collecting.
- The report shall include for each debt discharged: the case number; whether the case is an infraction, misdemeanor, or felony; the amount of debt discharged; and the number of years since the debt became delinquent."

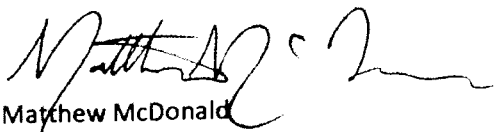
California Government Code section 25259.9(a) says (in part),

- "The order shall have the same effect as a discharge from accountability under Section 25259, which relieves the applicant from any further responsibility for collecting the discharged debt, and does not constitute a release of any person from liability for payment of any amount.
- Upon making an order of discharge, the presiding judge shall direct the clerk of court to enter record of the discharge in the court case file for each debt and to post a copy of the order of discharge on the court's internet web site for a period of not less than three weeks. "

The Court Finance Bureau will work with the Office of Information Technology to post the Court order of discharge and summary number of cases and amounts to the Court website.

The Alameda County Central Collections unit electronic case records for these traffic cases do not always indicate whether the violation was a misdemeanor or an infraction. Therefore we are unable to comply fully with section 25259.9(b). In many instances, the information is not available because the cases have been purged from the former case management system. For the remainder it would be extremely time-consuming. We estimate 870 hours just to find the cases and significantly longer to extract the information. Some of this information is possibly available in the discontinued county CASP system, but only individual case lookup is available. Each debt balance possibly relates to both misdemeanors and infractions. Analyzing each case by type would take much more time than finding each case. Moreover, the type of case has no bearing on whether it meets the discharge of accountability criteria.

Sincerely,



Matthew McDonald
Finance Director
Superior Court of California
County of Alameda

Attachments:

- Order of the Presiding Judge
- Summary of Cases

**Superior Court of California
County of Alameda**

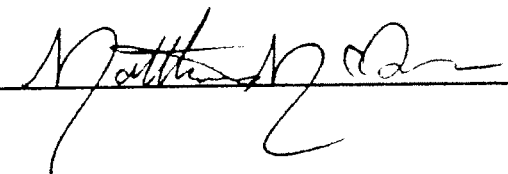
Application for Discharge of Accountability

I, Matthew McDonald, am the Finance Director for the Superior Court of California, County of Alameda (the Court), and I am authorized to submit this application on behalf of the Executive Officer and Clerk of the Court.

Government Code sections 25259.8 and 25259.9, provide for the discharge of accountability of court ordered debt when the amount owed doesn't justify the estimated cost of collections or the likelihood of collections doesn't warrant the expense.

The debts listed in the attached meet the criteria in that the amounts owed are either less than the estimated cost of collection or the likelihood of collection doesn't warrant the expense.

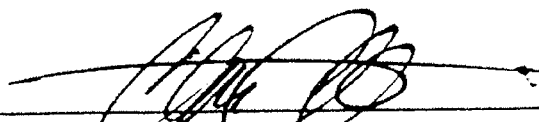
Therefore, I request the Court issue an order discharging the Court from further responsibility for collection and discharging the debt.

Date: Feb. 13, 2013 Signed: 

Order of the Court

The Clerk of the Court is hereby ordered to enter into the court's records that this debt is hereby discharged pursuant to Government Code sections 25259.8 and 25259.9.

Date: 2-19-13

Signed 
C. Don Clay, Presiding Judge

Superior Court of California, County of Alameda
 Application for Discharge of Accountability
 Summary of Cases

<u>Criteria</u>	<u>Number of Cases</u>	<u>Amount</u>	<u>% to Total</u>
1) Less than/equal to \$25	2,227	20,731.99	0.9%
2) Greater than/equal to 10 years old*	5,787	1,585,694.02	66.4%
3) Less than 10 years, greater than/equal to 8 years old* with balances less than/equal to \$100 and greater than \$25	559	35,605.83	1.5%
4) Less than 10 years, greater than/equal to 8 years old* with balances greater than \$100	1,856	744,279.78	31.2%
Totals	<u>10,429</u>	<u>2,386,311.62</u>	<u>100.0%</u>

* This is the number of years since the debt became delinquent as required by code section 25259.8(b)

This information does not include a detailed list of debtors because the order does not release the debtors from their liability for payment. The court is not notifying debtors that we are not pursuing their debt. The court is not providing information that could be used by unscrupulous companies to target debtors and charge them a fee to "negotiate" their debt.