

## FEDERAL JUDGE ALLOWS LAWSUITS TO MOVE FORWARD TO TRIAL IN DEBTORS' PRISON CASES

### AGAINST CITY OF MONTGOMERY AND JUDICIAL CORRECTION SERVICES

**MONTGOMERY, ALA., July 8, 2020** — Plaintiffs challenging debtors' prison practices of the City of Montgomery and Judicial Correction Services (JCS), a private contractor that extracted payment of traffic fines and fees on behalf of the City, scored important wins in a decision yesterday from the Federal District Court for the Middle District of Alabama.

At issue is the widespread practice in Alabama, and other states, of disproportionately targeting low-income people for minor traffic offenses, assessing fines, including the automatic fines levied against those who exercise their rights to challenge the tickets and then, ultimately, imprisoning those who are unable to pay. This practice is typically executed without regard for the constitutionally-guaranteed right of the court determining if the person ticketed and fined has the means to pay the fines.

Plaintiffs in the case, *McCullough v. City of Montgomery*, include Angela McCullough and Marquita Johnson, whose experiences with former Municipal Judge Les Hayes were recently featured in the [first installment](#) of a Reuters investigative series on judicial misconduct.

U.S. District Court Judge Royce Lamberth ruled that significant portions of the Plaintiffs' lawsuits can proceed to trial on claims for damages for violations of federal constitutional due process, equal protection rights and state tort law prohibiting false imprisonment and abuse of process. The rulings will allow the Plaintiffs to proceed with motions for class action certification, so that others victimized by these practices may become part of the litigation. They are represented by Hank Sanders, Faya Toure and Martha Morgan, along with lawyers from the National Center for Law and Economic Justice (NCLEJ) and Dentons.

"This is a victory for individuals jailed – some for extended periods of time – simply for a failure to pay traffic fines," Sanders said. "It is a victory, but it is just one important step. We have been fighting these cases more than five years – since July 1, 2015. These rulings allow our cases to move toward a much needed resolution."

In the ruling, Judge Lamberth described the City's system of collecting traffic fines under which "the City's Municipal Court systemically jailed traffic offenders for failing to pay fines without inquiring into their ability to pay in violation of the Due Process and Equal Protection Clauses."

"People were taken away from their families and their jobs and put in jails where they were unable to work to provide for their loved ones or to pay the fines. They were imprisoned solely for traffic fines. It was a destructive cycle that, by design, made it impossible for the plaintiffs to pay the fines and get out of jail and directly infringed on these people's constitutional rights," said Faya Rose Toure, counsel for plaintiffs.

In a scathing reproach, the Court found that "JCS ran a business premised on the fact that many traffic offenders in Montgomery could not afford to pay their fines. They extracted as much cash as they could from probationers – some of whom they knew to be disabled, unemployed, or dependent on government benefits – and then tossed them back to the Municipal Court."

"With these rulings, we will move forward expeditiously to ensure these individuals' rights are protected and this systematic practice of jailing people for outstanding traffic fines will end. Because they were unable to pay their traffic fines, they were imprisoned. This must end, and we will continue our work to ensure it does," said attorney Martha Morgan.

"The unpayable fines levied against poor, often African American, citizens that result in a heavy economic weight is yet another example of the unjust burdens that are part of everyday life at the hands of the very institutions designed to protect citizens," said Harold Hirshman, senior counsel at Dentons. "Before the public awakening in recent weeks, efforts have been underway to combat the systematic racism which pervades many American cities."

"In the midst of both a global pandemic and national outrage over governmental abuse of power in communities of color that has exposed our country's continued racial and economic injustices, we fully intend to hold the City of Montgomery and JCS responsible for the exploitation of our clients and thousands of similarly situated residents of Montgomery, who were ticketed, jailed when they unable to pay, and often forced to work while in jail in order to pay off their debts and more quickly secure their releases," said Britney Wilson, staff attorney at the National Center for Law and Economic Justice.

Under the rulings, Plaintiffs may go to trial against JCS and against the City itself for its ratification of or deliberate indifference to JCS's policies.

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