



THE BAIL CLINIC

About The Bail Clinic

The Bail Clinic at Lawyers' Committee for Civil Rights of the San Francisco Bay Area provides free legal services to people who have used commercial bail bonds services in California. People experience a range of issues related to bail contracts: not understanding their contract, unmanageable debt and payment plans, risk of losing personal property (cars and homes put up as collateral), threats and harassment from bail agents and debt collectors, or being sued by a bail bonds company.

Because California's bail amounts are so high, most people who post bail to get out of jail must do so through a commercial bail company. The bail bonds industry makes its money by charging a non-refundable fee between 7-10% on each contract, and aggressively pursuing these debts. This worsens the cycle of debt and detention faced by many folks with criminal legal system contact.

The Bail Clinic is part of the effort to change how the California Money Bail system operates. Our goal is to alleviate, and document, the hardships experienced by the communities most impacted by the money bail system as we work towards broader reform.

Who should be referred to The Bail Clinic?

We will speak with anyone who has used a bail bonds company to bail themselves or a loved one out of jail. An essential goal of The Bail Clinic is community education and empowerment: we want everybody who comes through the clinic to have a clear understanding of their obligations under the contract they signed, and how to protect themselves. The law on remedies against bail companies is being developed, and it will vary from person to person, but we will take on fuller representation in cases in which there are legal theories available.

Because legal services specific to bail bonds services have not been traditionally offered, your clients may assume that nothing can be done and therefore may not self-report these issues. However, if legal service providers begin screening for these issues, we may be able to reach a lot of people who are in great need of advocacy and legal support. The second page of this document contains some information about the referral process and potential screening questions.

Please have clients call or email The Bail Clinic at:

bailclinic@lccr.com

415.578.0841

Referral Process

As of January 2018, Bail Clinic services are being offered by appointment in locations convenient to individual clients. If you would like to host appointments, or regular clinic hours in your office, please contact Danica Rodarmel at drodarmel@lccr.com.

Prior to having someone reach out to the clinic, it is best (though not mandatory) if they gather the bail contract they signed and any other supporting documentation (billing statements, letters from the bail bonds company attempting to collect the debt, any related court documents). One obstacle to offering these services has been that people often don't keep their contracts after they've signed them. Some bail bonds companies are willing to provide copies upon request. However, if the underlying criminal case is still ongoing, please have the client reach out to us before they do anything.

Screening for Potential Bail Clients

If your clinic would like to screen for bail issues, below are some good questions to use to identify people for referral to the clinic:

1. Have you used a bail bonds company to bail yourself or a loved one out of jail?
 - *This question is designed to determine if they have either a) signed a bail bonds contract on their own behalf, or b) if they have cosigned on behalf of a loved one. There are more potential remedies for cosigners than defendants, but both can be referred to the clinic for assistance.*
2. Is the criminal case that bail was posted for still active, or has it been resolved?
 - *This question is important because as long as the underlying criminal case is active, the bail company has the authority to "remand" the person who was bailed out back into jail for virtually any reason. If the person answers yes, please encourage them to speak to us before taking any additional steps (including attempting to get a copy of their contract, if they don't already have one).*
3. Do you currently owe money to the bail bonds company?
 - *If the client no longer owes money on the contract, there's likely not much that can be done for them. However, if the client has a strong story, would like to get in touch with us to learn more about their rights, or would like to get involved in advocacy efforts, send them our way!*
4. Are you having any other issues as a result of using a bail bonds company's services?
 - *This is an opportunity to gather a bit more information about the client's situation and potential urgency of the matter. For example, from asking this question it may become clear that the client is in fact being sued on their debt by the bail bonds company, in which case we would want to be in touch with them ASAP to ensure they don't have a judgment filed against them.*

If you have additional questions, would like more information about these issues, or would like to collaborate with The Bail Clinic contact Danica Rodarmel at LCCR: drodarmel@lccr.com or (415) 543-9444 EXT 220