

**MINUTES OF A MEETING OF
THE BAIL SYSTEM TASK FORCE
December 17, 2003**

The Task Force held its organization meeting on December 17, 2003, beginning at 3:00 p.m., at the Maryland Judicial Training, Annapolis, Maryland.

Task Force members present were:

Hon. James N. Vaughan, Chair	Hon. Daniel M. Long, Vice Chair
Dino E. Flores, Esq.	Kristen M. Mahoney, Esq.
Brian J. Frank, Esq.	Joseph P. Rosenthal
Carolyn Hughes Henneman, Esq.	Hon. Rosalyn E. Pugh
Hon. Maureen M. Lamasney	Thomas Paul Raimondi, Esq.
Dennis J. Laye, Esq.	Elizabeth Ann Ritter, Esq.
Patrick H. Loveless	Hon. Barbara B. Waxman

Also present were:

Gail Bair, Staff Auditor, Maryland Judiciary
Dennis A. Bartlett, PhD., American Bail Coalition
Jacqueline Butler, Staff IT Auditor, Maryland Judiciary
William Donahue, Maryland Insurance Administration
Colette Gresham, Government Relations, Maryland Judiciary
Solomon Hamilton III
Rhea R. Reed, Esq., Director of Internal Audit, Maryland Judiciary
Elizabeth Buckler Veronis, Esq., Task Force staff
Linda Williams, Lead Auditor, Maryland Judiciary

The Chair began the meeting explaining that Task Force was unlikely to accomplish anything substantive at this meeting, but it affords an opportunity to share some basic information and to get acquainted. Due to the inclement weather, the Chair intended to move the meeting along quickly. To obviate any confusion, the Chair wished to reiterate at the outset that the Task Force has a fairly narrow focus – the procedures of the Judiciary in connection with acceptance and forfeiture of bonds. The Tasks Force would not be involved in the on-going dispute as to 10% cash bonds paid by defendants into the court and the lack of procedures for

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1 collection given the unavailability of defendants if there is a judgment. The Task Force was
2 made a diverse as possible, in light of the multiple agencies and entities with an interest but
3 relatively small so as to be workable.

4
5 The Chair asked the members and guests to introduce themselves and announced that the
6 Judiciary has established an email address (["bailsystem@courts.state.md.us"](mailto:bailsystem@courts.state.md.us)) to which
7 comments and queries could be sent.

8
9 Staff was asked to give an overview of the laws relating to the bail system. A compilation had
10 been distributed in advance of the meeting to facilitate discussion. In light of the weather, staff
11 touched only briefly on some of the overlapping and obsolete provisions and promised to post
12 the complete presentation on the Judiciary website (["www.courts.state.md.us"](http://www.courts.state.md.us)), along with
13 meeting notices, minutes, and other Task Force materials.

14
15 The Vice Chair inquired about the local rules, and staff noted that bail bond rules were among
16 five topics specifically exempted from repeal by the Court of Appeals but could offer no
17 background on this exclusion. Mention was made of the Montgomery County public local
18 laws and the opinion of the Attorney General with regard to their validity and suggestion was
19 made that other public local laws are outdated or unused as well.

20
21 Ms. Reed presented an overview of the problems identified by the auditors in the bail system
22 and possible solutions. This presentation is to be posted on the Judiciary's website as well.

23
24 Ms. Reed noted that the Judiciary's authority does not extend to all of the players in the bail
25 system, so that any process to enforce or improve the system must be collaborative.
26 Complexity of the laws, lack of written operating procedures, technology fraud such as forged
27 certified checks, and local idiosyncrasies are among factors contributing to the difficulty in
28 implementing the system effectively and in auditing compliance.

29
30 The Vice Chair inquired about the data forming the bases for the auditors' assumptions and
31 note was made of the problems stemming from incomplete record keeping.

32
33 Mr. Raimondi has brought with him materials relating to laws from other states. Mr. Bartlett
34 later noted that a compendium of laws appears on the American Bail Coalition website
35 (["www.americanbailcoalition.com"](http://www.americanbailcoalition.com)) although cautioning that some, such as Florida laws are
36 outdated. Mention also was made of the federal procedure and the Chair noted that the
37 Honorable James K. Bredar, United States Magistrate Judge, had been in touch, offering to
38 provide relevant information.

39
40 Ms. Reed concluded by noting some myths that have grown since the issuance of the auditors'
41 report, typified by the recent discussion on the Mark Steiner Show in which Chief Judge Bell

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1 asserted that the Task Force is focused on Judiciary responsibilities, regardless of the
2 misconception of Professors Douglas Colbert and Bryon L. Warken that the Task Force
3 involves bail bonds themselves. An auditor’s concern is the control points at which current
4 laws and procedures can be monitored for compliance.

5
6 Ms. Butler next gave a demonstration of a professional property bond database, which, if fully
7 developed, could allow the Judiciary to share needed information among jurisdictions and
8 agencies. The suggestion was made that the State Department of Assessment and Taxation
9 be contacted in connection with making land records accessible.

10
11 The Chair solicited comments from Task Force members about future meeting sites and
12 scheduling.

13
14 The Chair noted that the Honorable Robert M. Bell, Chief Judge of the Court of Appeals, had
15 intended to offer remarks. The meeting being shortened due to the weather would prevent the
16 Chief Judge from attending as the Court was still sitting for Bar admissions.

17
18 There being no further business, the meeting ended at 4:45 p.m.

19
20 Respectfully submitted,

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22
23 Elizabeth Buckler Veronis
24 Staff
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Approved: July 2, 2004

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