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**MINUTES OF A MEETING OF  
THE BAIL SYSTEM TASK FORCE  
March 3, 2004**

10 The Task Force held its third meeting on March 3, 2004, beginning at 3:00 p.m., at the  
11 Maryland Judicial Training, Annapolis, Maryland.

12 Task Force members present were:

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

16 Also present were:

17 Joan E. Baer, Operations Manager, District Court of Maryland  
18 Dennis A. Bartlett, PhD., American Bail Coalition  
19 Hon. James K. Bredar, Magistrate Judge, U. S. District Court for the District of Maryland  
20 William G. Donahue, Maryland Insurance Administration  
21 Solomon Hamilton III  
22 Polly Harding, Administrative Services, Headquarters, District Court of Maryland  
23 Lois Highsmith, Law Office of Christopher Flohr, Esq.  
24 Lelia E. Newman, Bail Bond Commissioner, 7<sup>th</sup> Judicial Circuit  
25 Diane S. Pawlowicz, Assistant Chief Clerk, District Court of Maryland  
26 Rhea R. Reed, Esq., Director of Internal Audit, Maryland Judiciary  
27 John H. Riggle, Chief Enforcement Officer, Compliance and Enforcement Section, Maryland  
28 Insurance Administration  
29 Elizabeth Buckler Veronis, Esq., Task Force staff  
30 Linda Williams, Lead Auditor, Maryland Judiciary

31  
32 The Chair began the meeting by welcoming the Honorable James K. Bredar, Magistrate Judge  
33 for the United States District Court for the District of Maryland, and expressing appreciation  
34 for his interest in contributing to the Task Force's work. Judge Bredar had no formal

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1 presentation but wished to hear about the Task Force’s progress and contribute insight into  
2 the federal process should that prove helpful.

3  
4 The Chair then welcomed Ms. Lelia E. Newman, Bail Bond Commissioner, 7<sup>th</sup> Judicial  
5 Circuit, noting that her name had come up frequently during the Task Force meetings, as the  
6 sole bail bond commissioner in the State. The Task Force was hopeful that Ms. Newman  
7 would share her expertise. For example, how does Ms. Newman deal with property located  
8 outside the county in which pledged ? Ms. Newman responded that bond papers are faxed to  
9 her daily from every county in the 7<sup>th</sup> circuit. Clerks handle forfeitures in their respective  
10 counties but, should a property bondsman go out of business, status of the property is checked  
11 before a release is issued. Ms. Newman stated that she must property located outside the 7<sup>th</sup>  
12 Circuit.

13  
14 The 7<sup>th</sup> Circuit has no restriction on posting of property by family or friends, unlike the 8<sup>th</sup>  
15 Circuit, which allows posting only by relatives.

16  
17 Ms. Newman likened her system to a check book balance, with subtraction of expenditures  
18 and addition of credits. In response to the Chair’s query, Ms. Newman agreed that the process  
19 could lend itself to Statewide operation, assuming that the computer systems coordinated and  
20 everyone used the same procedures. Ms. Newman pointed out that currently the Prince  
21 George’s County Circuit Court and the District Court computers do not communicate well.

22  
23 Mr. Hamilton pointed out that, in Prince George’s County, a property bondsman deeds  
24 property to the State’s attorney so that it cannot be conveyed, although the Chair suggested  
25 that physically conveying the papers would not wholly protect the property interest. Mr.  
26 Hamilton noted that periodic title searches are required as well, while Mr. Frank noted that  
27 the property is not in the bondsman’s name. Ms. Reed suggested that there is a 3- to 5-year  
28 gap between title searches, which she felt is too long. Her recommendation had been that, for  
29 any property to be used, a deed of trust be filed, thereby avoiding the need for notice between  
30 counties.

31  
32 There was discussion of the number of bonds posted, with reference to the materials  
33 disseminated by Ms. Williams at the outset of the meeting.

34  
35 Ms. Ritter observed that there are 12 bondsmen in Prince George’s County and inquired about  
36 the number of properties each listed annually. Ms. Newman explained that it varied. Ms. Reed  
37 expressed frustration that data are only for circuit courts in the 7<sup>th</sup> Circuit, not for the District  
38 Court and circuit courts outside the 7<sup>th</sup> Circuit. Under the 7<sup>th</sup> Circuit rules, a bondsman is  
39 supposed to keep a credit/debit account but the responses of 2 bondsmen had been a list with  
40 no equity amount available. Additionally, 1 bondsman did not respond. Commissioner  
41 Loveless reiterated that commissioners in the 7<sup>th</sup> Circuit fax information daily.

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1 Mr. Frank suggested that creation of a Statewide system for 12 bondsmen was unnecessary  
2 and repeated his suggestion for a standard form to be filed with the land records. The Chair  
3 countered that a Statewide system patterned on the 7<sup>th</sup> Circuit process would afford greater  
4 flexibility, although Mr. Frank believes the cost-benefit ratio does not justify such a system.  
5

6 In response to a query, Mr. Hamilton indicated that the problems of dealing with courts  
7 outside his county means he generally refers business to someone local.  
8

9 Mr. Frank perceives the issue as one of enforcement – that is, the District Court delists  
10 bondsmen for non-payment of forfeitures but there is no enforcement. The Chair noted that  
11 enforcement is a State’s attorney function.  
12

13 Discussion turned to the writing of property bonds outside of the 7<sup>th</sup> Circuit and the lack of  
14 regulation as perhaps a historical anomaly as a result of local rules, with the Chair advancing  
15 for consideration the need for uniform laws.  
16

17 In response to a comment by Ms. Reed, Ms. Newman affirmed that 7<sup>th</sup> Circuit licensees are  
18 informed that they cannot write bonds elsewhere. Mr. Hamilton believes that infractions are  
19 reported by other bondsmen. Ms. Reed opined, however, that licensed bondsmen differ from  
20 the informal property bondsmen operating outside the 7<sup>th</sup> Circuit. Note was made that, in  
21 Washington County for example, 1 property bondsman had been allowed to continue  
22 business until retirement, at which time the court implemented an informal policy against  
23 property bonds.  
24

25 Acceptance of a fee by other than a professional property bondsmen is proscribed in a number  
26 of jurisdictions so that fraud is being committed. Commissioners cannot check for all the  
27 requisite information without resources.  
28

29 Judge Long took the position that Statewide regulation is needed. Even if problems currently  
30 seem localized to Baltimore City and Montgomery or Prince George’s County, there is no  
31 assurance that Somerset or other counties won’t be next. Ms. Ritter directed the Task Force’s  
32 attention to Criminal Procedure Article § 5-203 (D-76 on 11/3/03 compilation).  
33

34 Mr. Frank talked about the gross premium and transfer taxes, annual audits, and quarterly  
35 suspensions for noncompliance as a factors to be considered in equitable treatment of  
36 corporate surety and property bondsmen. Mr. Frank would prefer the Task Force to focus on  
37 over-encumbrance of property. He noted that, about 5 years ago, the bail bond industry had  
38 proposed legislation for annual title searches of property.  
39

40 Ms. Ritter pointed out the hybrid bondsmen in Baltimore City, who, having reached their  
41 corporate bond limit, pledge their own or others’ property.

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1 Ms. Henneman suggested that Judge Bredar might offer some advice. Judge Bredar noted that  
2 property bonds are taken only occasionally in the federal court. In those instances,  
3 documentation must be filed in the appropriate land records and the bond cannot be released  
4 without proof of recordation being filed with the clerk. Judge Bredar observed, however, that  
5 the federal court has but 5 to 7% of the criminal caseload of a state court with perhaps 5 to 10  
6 times the resources. Hence, the federal process may not carry over.

7  
8 **D** Mr. Frank reiterated his suggestion for title search requirement, even for “mom and pop”  
9 operations, but the Chair noted the impossibility of searching land records outside of normal  
10 business hours although tax records are available.

11  
12 Judge Bredar summarized that the current system involves unsecured bonds because of the  
13 absence of enforcement. Ms. Ritter opined that a Statewide system, coupled with some  
14 prosecutions, could enhance the deterrent effect, but Judge Bredar observed that, in 20 years  
15 as a prosecutor, lawyer, and judge, he had never seen forfeiture of a “mom-pop” bond.

16  
17 **R** Ms. Ritter suggested that the Task Force might decide on a number that, if exceeded, would  
18 trigger a flag in the system. The current Judicial Information System’s (“JIS”) computer  
19 program does allow searches for names with indicators as to surety (“SUR”) or property  
20 bondsman (“BAB”) and a determination whether a case is open or closed. Judge Waxman  
21 suggested property identification also is critical because it will not alter. Ms. Ritter said such  
22 search is possible but labor intensive.

23  
24 **A** Mr. Laye inquired about the likelihood that the JIS system would be updated, with relevant  
25 information included, noting the lack of Statewide circuit court data. Ms. Ritter noted that,  
26 due to central booking, all Baltimore City data are in the District Court computers. Ms. Baer  
27 noted, however, that lack of traffic data such as drunk driving.

28  
29 **T** Ms. Reed suggested that Ms. Williams walk the Task Force through the handout, as JIS data  
30 had been used to develop the spreadsheets. Commissioner Loveless cautioned that some data  
31 reflect manual entry by commissioners, when they remember. Mr. Frank also noted Baltimore  
32 City’s complicated block/lot land record system. Ms. Williams cited the auditors’ incorrect  
33 assumption at the outset of their 7<sup>th</sup> Circuit review as to use of surety rather than property  
34 bonds and the realization that usage varied with districts *etc.*

35  
36 Ms. Ritter feels that regulation of property bondsmen will not go to the heart of the problem  
37 and suggested that the process starts with a commissioner. Ms. Ritter propounded a process  
38 for commissioners to follow, incorporating flags for commissioners to check. The Chair  
39 responded that commissioners currently are overwhelmed with expanding duties such as  
40 domestic violence and peace orders. In response to the Chair’s question, Commissioner  
41 Loveless noted that commissioners currently must access 26 different computer systems, with

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1 14 passwords and computer numbers, to ascertain criminal history information. Judge  
2 Lamasney pointed out that the task demonstrates the beauty of having a bail bond  
3 commissioner, with note made that just last week, Ms. Newman had contacted Commissioner  
4 Loveless about an individual who was writing an excessive number of bonds. Commissioner  
5 Loveless was able to inform all of the commissioners by intranet.  
6

7 Ms. Ritter described the divided functions at central booking, at which some commissioners'  
8 sole function is operation of a bail window. Those personnel has expressed great interest in  
9 performing their duties accurately but lack the resources to check information. Simple steps  
10 could be added without overburdening them, beginning with an exchange of information  
11 amongst commissioners so that they are aware of who may be over writing on property.  
12

13 Mr. Laye questioned the figures on Baltimore City bonds, with Ms. Williams noting the  
14 caveats but also that the Office of the Coordinator of Commissioner Activity supposedly  
15 could compare releases versus bonds, to ensure some accuracy.  
16

17 The Chair closed the meeting by asking each Task Force member to draft a proposal  
18 predicated on the need, or lack of need, for a Statewide system modeled on the 7<sup>th</sup> Circuit  
19 system, reflecting the comments made during the meeting. The Chair asked that the proposals  
20 be submitted to staff 1 week in advance of the next meeting.  
21

22 There being no further business, the meeting ended at 4:45 p.m.  
23

24 Respectfully submitted,  
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26  
27 Elizabeth Buckler Veronis  
28 Staff  
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Approved: July 2, 2004

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