



PREVENTIVE MAINTENANCE

GETTING BACK TO THE FUNDAMENTALS

Plant your right foot when starting your swing at a baseball. Watch the ball into your hands when catching a football. Keep your head down while hitting a golf ball. These are a sample of the fundamentals which must be employed if you are going to be successful in baseball, football and golf. Sometimes bail agents will wander from the very fundamentals that made them successful and some agents never employ the basic fundamentals thus cementing their ultimate failure even before they write their first bond.

At a recent meeting of the Georgia Bail Agents, Raymond Phillips of Dallas County, referred to an article I had written called "Produce or Pay" while addressing the general meeting. He was making the point that bail agents have to remember why they're in business; to see their clients make all their required appearances in court, the point of my article.

There is a particular method of managing clients which is employed by at least one bail agent. This method is effectively called "throwing caution to the wind." These bail agents require their clients to find their own way to court and their next appearance date. This type of agent operates in a constant "crisis" management mode. They don't start paying attention until a bond forfeits. At that time they spring into action working night and day to locate, apprehend and return their defendant to custody or pay a recovery agent to make the recovery. Of course, if they are unable to locate the defendant the bond must be paid.

This is not a healthy way to run a bail agency. Writing bail is risky enough without exacerbating the risk by not properly managing your clients.

The bail agents I've visited throughout the United States who are successful are those who are applying time-tested fundamentals of managing clients. Completing a bond facesheet and power of attorney, submitting it to the jail to obtain the release of a defendant, while a fundamental, is not what I am referring to. You don't have a client if you cannot complete this basic function. What I am referring to is taking care of your client after the sale, after they've been bonded out of jail.

The fundamentals begin with getting a complete and thorough application on your defendants and indemnitors. Make sure your agents and employees understand the need for accurate information. Why it is essential to always get a current address, social security number and date of birth.

Secondly, you must get your clients to court. If you want to ensure your client gets to court, see to it your office staff makes them aware of each and every appearance date. This should be done in writing immediately upon your becoming aware of the new date and by phone the day before or the morning the day of court.

Carl Pruett, owner of Allied Bonding in Houston, Texas and a bail agent for more than 25 years has an excellent system. He assigns the responsibility to his third shift underwriter to begin contacting his clients at 6:30 A.M. the day they're to appear in court. As a result he is able to maintain a remarkably low forfeiture percentage of total bonds written. He still has clients who fail to appear but this number would be significantly higher if he chose to let his clients keep track of their own court dates. The time and effort put in on the front end is directly related to a reduction in time and expense required on the back end.

Many times when a client is contacted just prior to a court date they will admit they were not aware of their appearance date, or they were not going to court because they have yet to hire an attorney, or they don't know where the court is located. Contacting a client before court allows you to address these issues and ensure that your client will get to the right court at the right time.

Another fundamental which often gets overlooked is requiring your clients to check in by phone each and every week.



Mike and Stephanie in Savannah attending GAPB Fall Meeting

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Who opposes bail reform and why?

There is a contingency of bail agents in Connecticut who seem to thrive in the market as it is now. They appear to consider it a competitive advantage to charge less than the legal limit and plant people in and around the jail to solicit clients.

The leaders of the Hispanic and Black caucus have also rallied against passage of bail reform because by enforcing the collection of full premium they believe their constituents would be unduly harmed.

How does premium discounting hurt the public and the bail industry?

When someone is arrested and brought before a judge, bail is set in accordance with the defendant's risk of flight. If a bond is set at \$100,000 the premium

charged should be \$7,150. If a bail agent then charges only 4% or \$4000 the client may get a break financially,

because their assailants are not being required to meet the full burden of obtaining release, part of which is paying the full premium for the bond. Additionally, enabling easier release through reduced premiums lessens the deterrent value of regulated rates, as well as inevitably making surety agencies insolvent and unable to pay the costs of fugitive recovery and bond forfeiture obligations to the state.

To counter this problem judges are now doubling or tripling bonds to force the defendants to meet the financial requirement of the premium. Additionally, with higher bonds, they become more difficult to secure with adequate collateral and

bail agents and sureties are exposed to more risk.



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Hartford, Connecticut

but the system itself has been circumvented. Public safety and victims of these crimes are being short changed

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Typically, checkins are scheduled for the same day for all clients. Those agents with an exceptionally large client base may have to spread the calls out over an entire week.

In your county the court may not notify you of court dates and you might have to go to court to check each case for a new court date. Believe it or not many agents do just that, research each case on a regular basis. However, this can be avoided by having your clients check in on a weekly basis and after each court date. You can obtain a court date from your clients. You can then research those instances where your client is not aware of their next appearance date. A client checking in can also make you aware when their case has been resolved so you can exonerate the bond and release any secured collateral.

Those of you who are BARS subscribers are familiar with the excellent tools for tracking court dates, generating court notice letters and reports which make the process of keeping track of court dates much easier.

Keeping in constant contact with your clients will foster a business relationship which will result in repeat business and referrals. People want to deal with those who are familiar and helpful. Taking a client's money, giving them their first court date with a pat on the back and a "good luck" is not going to prevent problems for you and increase your business.

Remember, this is a business, and that business is to see your clients get to court thus keeping losses and expense to a minimum resulting in your staying in business for a long, long time.

Employing these fundamentals in your business will free up more time for you to

teach the fundamentals of sports and life to your kids, both are time well spent.

In my last column I talked about including my kids on some of my business trips so they can see what dad does on the road. This past July I took my son Nathan (13) to San Diego for the PBUS convention where he had a great time and now wants to move to San Diego. More recently, I took my daughter Stephanie (7) to Savannah for the GAPB meeting where she was a big hit and had a great time.

While it was a joy to have them with me I'm not sure they got the complete picture of what I do on the road. They now believe all I do is fly on airplanes and eat fancy lunches and dinners with other people. I still have two more kids (Sarah and Samantha) to go so I have an opportunity to make my job seem more difficult.