

# Professional Bail Agents of the U.S.™ (PBUS™) Certified Bail Agent™ Program – Course 5



## PART 1: Legislation - Creating Your Future

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*“Imagination is more important than knowledge!”*

**Albert Einstein**

In years past, PBUS has been confronted with incidents when legislation has been proposed and, on some rare occasions, passed without our knowledge. When the legislative activity is at a near end it is usually too late to set a solid grass roots lobbying effort, therefore, we as a national association have responded by attempting to block legislation in the eleventh hour.

No longer will this be our primary means for influencing any pending legislation. It is tantamount that we exercise our real strengths, develop appropriate means for deploying our resources and determine long-range plans for what will be in the best interests of the bail industry.

In terms of a bail agent’s involvement in politics, the interaction should span the entire spectrum: from judges and prosecutors to police officials and state office holders, even to the Governor, if possible. The value of expanding the bail profession in terms that these politicians understand is beyond measure. Mistrust generally results from the lack of understanding or education.

The common denominator for bail agents across the nation is the state legislators. Although bail in the United States has evolved in hundreds of different manners in the various states and localities, the state statutes are what provide the best opportunity for uniformity and fair competition. Legislators (Assemblymen) hold the keys to the future of the bail profession.

Politicians generally have common motives:

- They have a message (or platform) and want it to be heard;
- They feel as though they have the “answer” (whether they know all the facts or not); and
- They want to create “centers of influence.”

In order for politicians to achieve these goals they need listeners, volunteers, and most importantly, funding.

One of the goals of the bail agent should be to establish a relationship with candidates that parallel their views. This should be a gradual process, and the best time to initiate a relationship with a candidate is before the election. This is the best possible time for an agent to enhance the candidate's position by arranging speaking engagements and receptions and by recruiting volunteers and donations for the candidate. The higher the level of commitment from the bail agent to the campaign, the greater the chances the candidate will listen to and hear the agent's position.

The agent must never forget to stress that he serves the victims of crime by "guaranteeing" that the defendant appears in court; those victims are best served by "secured release."

### *Contributions*

There are some localities that do not allow corporate contributions to political campaigns. In these situations, checks must be drawn on a personal account. There are also locales where the address and occupation of the contributor must be disclosed when making donations over a specific amount (i.e. \$200 or more). Limits for the total contribution vary on local, state, and national levels.

Restrictions apply to individuals as well as Political Action Committees (PACs), which is described in the following section. In federal campaigns, total calendar year contributions may not exceed twenty five thousand (\$25,000.00) dollars and candidates may not receive more than one thousand (\$1,000.00) dollars from an individual PAC.

### *Political Action Committees (PAC)*

A Political Action Committee is one of the best means of supporting multiple candidates. Private groups and associations support candidates for public office form PACs. Labor unions began forming PACs in the 1940's, but corporations were barred from doing so until the Federal Election Campaign Act (FECA) in mid-1970. FECA was amended in 1974 and 1976 to legitimize PAC involvement by corporations and trade associations. Many candidates choose not to accept PAC monies however, because there is a definite alignment of interest when they do accept such contributions.

The advantage of a PAC is that a multitude of candidates can be supported (up to the legal limit), so those with a common interest receive the resources. The end result is that the maximum number of candidates is reached by the maximum number of people.

To register a Political Action Committee, a Statement of Organization is filed with the Department of State's Bureau of Elections. A PAC may give to all elections at all levels and may give to both federal and state elections, but must first consult with the federal government. A PAC may also give to another state's elections but should first check with that state.

### *The Federal Election Campaign Act (FECA)*

#### Disclosure

The FECA requires candidate committees, party committees and PACs to file periodic reports disclosing the money they raise and spend. Candidates must identify, for example, all PACs and party committees that give them contributions and they must identify individuals who give the more than \$200.00 a year. Additionally, they must disclose expenditures exceeding \$200.00 per year to any individual or vendor.

### *Contributions Limits*

The FECA places limits on contributions by individuals and groups to candidates, party committees and PACs. The following chart shows how the limits apply to the various participants in the federal elections.

|                                       | Candidate or Candidate Committee per Election | To a National Party Committee per Calendar Year | To any other Political Committee Per Calendar Year * | Total per Calendar Year |
|---------------------------------------|---|---|--|-------------------------|
| Individual May Give                   | \$1,000                                       | \$20,000  | \$5,000  | \$25,000                |
| Multi-Candidate Committee May Give ** | \$5,000                                       | \$15,000  | \$5,000  | \$No Limit              |
| Other Political Committee May Give    | \$1,000                                       | \$20,000  | \$5,000  | \$ No Limit             |

\* Exception:

If a contributor gives to a committee knowing that a substantial portion of the contribution will be used to support a particular candidate, then the contribution counts against the donor's limit for that candidate (first column on the chart).

\*\* A multi-candidate committee is a political committee with more than 50 contributors who have been registered for at least six months and with the exception of state party committees, has made contributions to five or more candidates for federal office.

### *Prohibited Contributions and Expenditures*

The FECA places prohibitions on contributions and expenditures by certain individuals and organizations. The following are prohibited from making contributions or expenditures to influence federal elections:

- Corporations
- Labor organizations
- Federal government contractors
- Foreign nationals

Furthermore, with respect to federal elections:

- No one may make a contribution in another person's name.
- No one may make a contribution in cash of more than \$100.

In addition to the above prohibitions on contributions and expenditures in federal election campaigns, the FECA also prohibits foreign nationals, national banks and other federally chartered corporations from making contributions or expenditures in connection with state and local elections.

## *Independent Expenditures*

Under federal election law, an individual or group (such as a PAC) may make unlimited “independent expenditures” in connection with federal elections.

An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate and which is made independently from the candidate’s campaign. To be considered independent, the communication may not be made with the cooperation or consent of the candidate or his or her campaign; nor may it be made upon a request or suggestion of either the candidate or the campaign. While there is not limit on how much anyone may spend on an independent expenditure, the law does require persons making independent expenditures to report them and to disclose the sources of the funds they used. The public can review these reports at the FEC’s.

## *Public Records Office*

### Corporate and Union Activity

Although corporations and labor organizations may not make contributions or expenditures in connection with federal elections, they may establish PACs. Corporate and labor PACs raise voluntary contributions from a restricted class of individuals and use those funds to support federal candidates and political committees.

Apart from supporting PACs, corporations and labor organizations may conduct other activities related to federal elections, within certain guidelines. For more information, call the FEC or consult 11 CFR Part 114.

### *Political Party Activity*

Political parties are active in federal elections at the local, state, and national levels. Most party committees organized at the local levels as well as some committees organized at the local level are required to register with the FEC and file reports disclosing their federal campaign activities.

Party committees may contribute funds directly to federal candidates, subject to the contribution limits. National and state party committees may make additional “coordinated expenditures,” subject to limits, to help their nominees in general elections. Finally, state and local party committees may spend unlimited amounts on certain grassroots activities specified in the law without affecting their other contributions and expenditure limits (for example, voter drives by volunteers in support of the party’s Presidential nominees and the production of campaign materials for volunteer distribution).

“LOBBYISTS ARE THE PEOPLE WE HIRE TO PROTECT US FROM THE PEOPLE WE ELECT!”

## *Lobbyists*

Generally, the best method of guiding your destiny in legislative matters is through the use of a paid lobbyist. Writing bail is a privilege, not a right, and so it must be protected. Any professional that is subject to government regulation is at risk of being eliminated by new legislation.

Because the government does not understand the day-to-day methods and operations of the bail profession, an “artificial competition” in the form of taxpayer funded bail programs (pre-trial service agencies) is often created. Many courts and some lawmakers feel that revenue is generated through taxpayer funded programs, but the truth of the matter is that they end up costing the state even more because of the high number of skips. When this happens, taxpayers are also funding recovery. Government sees its responsibility as enforcing regulations to the letter. Lobbyists are very effective at dealing with these officials, thereby minimizing the risk of too much government control.

In the legislature, lobbyists are equipped to track the myriad of bills, committee hearings, and votes occurring with great efficiency. Things can change with each hour when a session is underway. Perhaps of greatest importance, however, is that they do understand the art and importance of compromise. As a result, with their familiarity with the various legislators and regulators they can guide them to language and ideas that will ultimately be successful.

While full-time lobbyists are expensive, effective lobbyists can often be retained for a particular session or bill. The following guide has been proposed to assist you in understanding the legislative process and to act as a concrete tool for developing grass roots lobbying or advocacy strategies on the local and/or regional level.

### *Practical Considerations in Working with State Lawmakers*

It is necessary to know whom you represent. You must have a clear sense of your own image and purpose if you are to convey your concerns in a convincing and professional manner. By representing the bail industry, you must know your numbers. How many people do you really represent and do you have a mandate to represent them? Whenever possible, work through your peer group. Numbers count.

### *Problem Identification*

The next step is to identify the problem and the proponent of the bill (as relates to the bail industry).

- Who is behind the legislation being proposed and why?
- Who are the other powers involved (i.e. law enforcement, the bar, the insurance industry, or other professional organizations)?
- Do you have a clear statement as to the intent of the bill?
- Have you identified the specific repercussions of the legislation if passed?
- Have you sought advice from other bail agents that may be familiar with similar types of legislation?
- Are you ready to take a position and react in a positive manner?
- Implementation Of A Political Action Decision
- You should have available a complete listing of all senators and assemblymen/women, including their committee assignments and the districts they represent.

- Get to know the staff persons for key legislators. Often, due to the busy schedules of legislators, you are more likely to be able to meet with the staff persons than the legislators are themselves. Staff persons can be powerful allies. Treat them with respect.
- Each legislator should hear from his or her own constituents. They will be much more responsive to the concerns of those individuals who actually reside in their legislative district.
- When writing about a specific bill, the first paragraph should refer to the number of the bill, and contain a clear statement of your position, either in favor or against the bill.
- Use your own words; avoid the appearance of a form letter and make the letter only one page long.
- If you are responsible for initiating the activity, provide each individual with a prototype letter they could refer to along with any other information you may have including the bill's repercussions.

A courteous and reasonable letter that requests a response from a legislator is the ideal. Educate legislators by making a list of agents that are in key positions and committees and then have your agents visit them in the districts. It is important to see them in the district, if at all possible. They will have more time to talk with you, react to your concerns, and be more open to actively listening to what you are saying. It is critical that all bail agents contacting legislators take the same position. You should design an outline of information, which should be presented at each of these meetings, and that outline should be adhered to strictly. It is damaging when different agents tell legislators different stories. It undermines the credibility of the group as a whole. The easiest "out" for a legislator is to say "...the people just don't agree; I don't know what they really want."

If a crisis arises, call your legislator immediately. This will "buy time" for you until your network of interested parties can become involved. You should enlist the cooperation of key members of other organizations to support or defeat legislation that will likewise affect the persons they represent. When a politically sensitive bill or amendment is introduced, you must know what other parties might be supportive or resistive to such a change, and, as such, to whom you might look as a potential ally. Once identified, you should also attempt to get on the newsletter mailing list of these various groups.

Appear at all hearings in regard to the proposed bill so that any or all amendments can be clearly understood. An apparently simple amendment can change the intent and outcome of a bill and therefore change your position on the legislation. Prepare testimony so that the legislature can be advised as to your position. Ensure you:

- Survey the literature prior to writing your testimony. Consult others who have expertise on the subject matter. Study the literature and know your subject.
- Write the testimony providing opinions supported by factual data and write in "simple English." Stay with the issue.

Remember that legislators usually do not have the time to do their own research. Try to help by having available objective data relating directly to the proposals at hand (supplemental material may be attached to the testimony).

After you have finished writing out a statement, put it aside and draft a two or three page "summary-type" statement, and highlight the most important points. Use this for your actual testimony and submit the other for the record. Present your testimony, time allowing, before authorities in the field for their reactions prior to giving testimony. This should allow for constructive criticism, for revisions or for modifications, if necessary. You may want to "role play" the hearing for practice. Time your testimony to ensure that you remain within the time allotted for your testimony.

Know something about the legislators on the committee before which you will appear. By all means, know their names. Also know the functions of the committees.

A pre-hearing briefing on last minute details should take place prior to testimony to ensure all things are in order. Give sufficient good quality copies of your testimony to the committee chairperson in advance of your presentation.

### *Presentation of Testimony*

- Be presentable, professional, and moderate in appearance and dress.
- Address your comments and attention to committee members and not the audience. Address committee members by name, especially the chairperson.
- In your introduction, identify yourself and your area of expertise and the bail industry you represent; cite importance of the issue; thank the committee for allowing you the opportunity to present your remarks.
- Ask that your written statement, and attached documents, be included in the record.
- Talk - do not read – if at all possible. Speak loud enough to be heard.
- Do not waste time. Why is the proposal good or bad? What does it do? What are the fiscal implications? Where is the money to come from? Go to the heart of the matter at once.
- Be aware of what others have already testified to and do not repeat “old” data.
- Avoid substantial deviation from the subject unless absolutely unavoidable.
- Do not be antagonistic. Avoid inflammatory comments, criticizing the committee or its members. Avoid “holier than thou” attitudes.
- Close testimony with a very brief summary and offer to respond to any questions the committee may have.

### *Questions, Debriefing, and Follow-Up*

- Be prepared for questions – try to anticipate those likely to be asked and prepare accordingly.
- Have a thorough knowledge of the purpose, structure, and services of the bail profession.
- Do not be evasive in answering questions. Give direct and brief responses when you can. If you cannot answer, say so. Offer to look into the question and submit a statement at a later date.
- Thank the committee for allowing the presentation of your remarks and indicate that you would be happy to be available for future consultation.
- Bring an adequate supply of your remarks along for distribution to members of the committee.
- After you testify, remain in the hearing room for at least a few minutes so that you may answer any inquiries.

A debriefing session should follow hearings for assessing the impact and effectiveness of the testimony. Follow-up activities should be charted. Contact should be maintained with committee staff aides to follow the bill or issue.

### *Communicating With Legislators*

It is estimated that less than ten percent of all citizens will write to members of the state legislators in their lifetime. Yet as issues become more complex, lawmakers do not have time to seek out the opinions of their constituents on every issue and increasingly value this unsolicited input.

In writing your letter, remember these points:

- Keep it short and to the point. Time is valuable, and a concise letter will get better attention.
- Be specific and factual. At the top of the letter, identify your topic: Regarding No. \_\_\_\_, sponsor, title.
- Do not be insulting, intimidating or threatening. Don't try to lecture your legislator. Just give him or her the facts and your honest opinion.
- Back your stand with sound reasoning. If you are knowledgeable about an issue, give the legislator the information on which you are basing your opinion. If you have particular insight into a problem, make sure you present it logically.
- Use your own language. Several hundred identical letters can produce a curiously negative effect. The impact comes for the legislator knowing you care.
- Write correctly. Take time to check spelling, punctuation, and meaning to the best of your ability. It is often a good idea to let someone else check your letters for typos and mistakes.
- Write or print legibly. A typewriter isn't necessary.
- Don't write on every issue. It may lessen your letter's impact on the important issue.
- Compliment your legislators when they work or vote for a piece of legislation important to bail. Remember they are human and appreciate being recognized.
- Address your letter correctly, using appropriate titles. You can close all letters with "respectfully" and your signature.

### *Developing Your Position*

- Involve as many as possible from within the bail industry when developing your position or legislative program.
- Seek universal agreement and support from within your ranks. Work to maximize areas of agreement and minimize areas of disagreement.
- Develop concise position papers on your most important issues. Be specific in outlining the nature of the problem and the proposed solution. Document facts when possible and attempt to use third parties and other highly respected resources when citing relevant information. Be sure all of your information is accurate.
- Seek input and agreement from those state agencies and other bodies that will later be called upon by lawmakers for views and information.
- Build a coalition among organized groups that have reason to share your concerns and views.
- Identify your strengths and express them in the most meaningful terms possible.
- Keep updated on pending legislation that may strengthen or hamper your efforts.
- Create awareness of your position or program among your grass-roots membership and the public via news articles and newsletters.
- Prioritize items on your legislative program.

## *Communicating Your Position*

Develop a mutual acquaintance with your lawmakers.

- Become familiar with the personal interests and concerns of a given lawmaker prior to formal contact.
- Understand the effect and limitations of various means of contact and use the method that best meets the situation (meetings, telephone calls, letters, telegrams, petitions, etc.).

Develop a timetable for action that recognizes and interfaces with the timetable of the legislature.

- Face-to-face visits with lawmakers in their home districts are very effective.
- Identify the reason for your meeting in advance. This will allow the lawmakers and staff an opportunity to be better prepared.
- Be polite, but firm and avoid confrontations.
- Seek a specific commitment but do not necessarily interpret a lawmaker's unwillingness to make a specific commitment as opposition to your position. A lawmaker may have legitimate reasons for hesitation, none of which may be related to opposition (e.g. the need to discuss the issue with other involved groups).
- Keep the door open for future contact if a particular lawmaker appears to be opposed to your views. A lawmaker may change positions after learning more facts.
- Do not discount the value of meeting with legislative staff, particularly if it is impossible for you to visit with the lawmaker.
- Follow-up. Letters of appreciation and/or summarization should follow meetings or other verbal discussions. If you were asked to provide additional information, do so promptly.
- When you write, be sincere. Say what you want in your own words. Don't copy a form letter, and avoid covering several issues in a single letter.

## *Other Considerations*

- Study the power structure of the legislature. Recognize the composition, role and powers of the majority and minority parties in each house and understand that politics are an integral part of governing.
- Identify legislative leadership that is important to your concerns. When it is necessary or appropriate to communicate with these individuals, your own state lawmakers should be made aware of your efforts.
- Commend lawmakers for a favorable vote or response. A note or a telephone call is effective.
- If indicating displeasure to your lawmakers, be constructive and suggest alternatives. Avoid personal attacks.
- Recognize that compromise is often an essential ingredient of the lawmaking process.
- Understand the role of legislative staff and the functions of central staff versus a lawmaker's personal staff.
- Keep your group's central lobbyist informed of your work and results.
- Personal visits and written communications with lawmakers and staff must be planned as part of a continuing yearlong dialogue. Contacts over a period of time are more effective than visiting only when a bill is coming up for a final vote.

## *Letter Examples*

Example not to use:

Senator John Doe  
State Senate Your Capitol

Dear Double Crosser,

I gave you \$100.00 to your campaign last fall and today I read in the paper that you intend to repay my generosity by supporting our idiot Governor's lame brain efforts to take over the state bail system. Are you totally brain-dead or have you just sold out to all the special interests?

Our idiot Governor's plan is just plain socialism. I thought we had sent out all of our communists to Washington. I didn't know we had one left in you. Don't bother asking me for money on your next campaign.

Disgustedly,

Example to use:

Senator John Doe  
State Senate Your Capitol

RE: SB 101

Dear Senator Doe,

I am writing to you today to ask you to oppose SB 101 which would create a state-run bail system. I am in the bail bond business and this bill would put the state in direct competition with me. I employ six people and I don't think I could continue in business if I had to compete with the state. I am certain that a large number of small bail bonding business in our state feel the same way I do about SB 101.

I read in the local newspaper today that you are considering supporting the Governor's plan creating a state-run bail system. I hope that you will reconsider. This bill may help a few individuals in our state, but it will hurt a lot more people.

If you have any questions about the bail bonding business or would like to discuss this further I can be reached at (123) 555-2245.

Thank you Senator.

Sincerely,

## **Federal Legislative Process**

The introduction of a bill is a complicated and lengthy procedure. While anyone may draft a bill, it is extremely difficult for the individual to succeed. Only members of Congress can introduce legislation, and by doing so become the sponsor or sponsors of that bill. Lobbyists become very important in obtaining the support of Congress to submit a bill for introduction. An organization that has retained the services of a good lobbyist has a fair chance of getting their bill heard. The process a bill takes from drafting to enactment is described below. Although this description pertains specifically to the federal level, the procedure is similar at the state level.

There are four basic types of legislation:

- Bills
- Joint resolutions
- Concurrent resolutions
- Simple resolutions.

The official process starts when a bill or resolution is numbered; “HR” signifies a House bill and “S” a Senate bill. The bill is then referred to a committee and printed by the Government Printing Office. A series of steps is then followed from this stage to enactment as a law.

### Step One – Referral

The bill is referred to a Committee. With few exceptions, bills are referred to standing committees in the House or Senate according to carefully delineated rules of procedure.

### Step Two – Committee Action

Once a bill reaches a committee it is placed on the committee’s calendar. A bill can be referred to a sub-committee or considered by the committee as a whole. It is at this point that a bill is examined carefully and its chances for passage are determined. If the committee does not act on a bill, it is the equivalent of killing the bill.

### Step Three – Sub-Committee Review

Often time’s bills are referred to a sub-committee for study and hearings. Hearings provide the opportunity to put on record the views of the executive branch, experts, other public officials, supporter and opponents of the legislation. Testimony can be given in person or submitted as a written statement.

This is the most important stage for the organization that drafted the bill. It is during this stage that the reasons for drafting the bill and wanting it to become a law are defended. It is during this stage that all supporting evidence for the bill may be presented to the subcommittee. Again, a good lobbyist can be extremely instrumental in the success of the bill at this stage.

### Step Four – Mark-Up

Once the hearings are completed the sub-committee may meet to “mark-up” the bill, which means that they will make changes and amendments prior to recommending the bill to the full committee. If a sub-committee votes not to report legislation to the full committee, the bill dies.

#### Step Five – Committee Action to Report Bill

After the sub-committee's report on a bill has been received, the full committee can conduct further study and hearings, or it can vote on the sub-committee's recommendations and any proposed amendments. The full committee then votes on its recommendations to the House or Senate. This procedure is referred to as "ordering a bill reported."

#### Step Six – Publication of a Written Report

When a committee votes to have a bill reported, the committee chair instructs staff to prepare a written report on the bill. This report describes the intent and scope of the legislation, impact on existing laws and programs, position of the executive branch, and view of dissenting members of the committee.

#### Step Seven – Scheduling Floor Action

Once a bill is reported back to the chamber where it originated, it is placed in chronological order on the calendar. In the House there are several different legislative calendars and the Speaker and majority leader largely determine if, when, and in what order bills come up. In the Senate there is only one legislative calendar.

#### Step Eight – Debate

When a bill reaches the floor of the House or Senate, there are rules or procedures governing the debate on legislation. These rules determine the conditions and amount of time allocated for general debate.

#### Step Nine – Voting

After the debate and the approval of any amendments, the bill is passed or defeated by the members voting.

#### Step Ten – Referral to Other Chamber

When a bill is passed by the House or Senate it is referred to the other chamber where it usually follows the same route through committee and floor action. This chamber may approve the bill as received, reject it, ignore it, or change it.

#### Step Eleven – Conference Committee Action

If only minor changes are made to a bill by the other chamber, it is common for the legislation to go back to the first chamber for concurrence. However, when the actions so the other chamber significantly alter the bill, a conference committee is formed to reconcile the difference between the House and Senate versions. If the conferees are unable to reach agreement, the legislation dies. If the committee members make recommendations for changes, both the House and the Senate must approve of the conference report.

#### Step Twelve – Final Actions

When a bill has been approved by both the House and the Senate in identical form, it is sent to the President. If the President approves of the legislation, he signs it and it becomes law. On the other hand, the President can take no action for ten days while Congress is in session, it automatically becomes law. If the President opposes the bill he can veto it; or if he takes no action after Congress has adjourned its second session, it is a "pocket veto" and the legislation dies.

### Step Thirteen – Overriding a Veto

If the President vetoes a bill, Congress may attempt to override the veto. This requires a two-thirds roll call vote of the members who are present in sufficient numbers for a quorum.

As it can be seen in the above process, it is not easy to have a proposed bill succeed and be enacted as a law. A single individual that drafts a proposed bill has little chance in succeeding to have that bill enacted as a law. An organization, along with the efforts of a lobbyist, has a much greater possibility to see a proposed bill through. An organization represents large numbers of constituents (voters) and can influence the decisions of legislators based on those numbers alone.

Turning an idea or proposal into a law is not a simple process and it has many hurdles to overcome before it can actually become law. State procedures differ slightly from the federal procedure so it is important to know the exact process that your own state legislation takes to go from draft to law. The steps involved on the federal process show that it takes a great deal of time and energy to get a bill enacted into law. This also shows the need for support from organizational members, the general public, and above all, legislators in order to accomplish the task of getting legislation passed into law.

The legislature is the place where new law is created and existing law is amended. It is impossible to legally influence the judiciary. Neither the Court nor a Judge can be lobbied. The Court is where law is enforced and upheld or declared unconstitutional, but it has no power in the decision making process of enacting that law.

## **PART TWO: The Importance of Associations**

*“I like the dreams of the future better than the history of the past!”*

**Thomas Jefferson**

### *State and Local Associations*

When the founders of this country settled on the final form of government, it was a hard fought decision to give the individual states most of the power. It was believed that by keeping the power of government within the states, it would give more power to the people. Most issues of political importance are local by nature. There are, after all, only two issues that must be handled on a state level thus allowing the people effective control of the government.

PBUS has a purpose to facilitate the bail profession on a national level. It is designed as a clearinghouse of information, a forum for sharing new ideas while developing new markets, benefits and educational programs. PBUS provides “armed forces.” Although it is without tanks and planes, its membership provides the soldiers who have the knowledge, the experience and the motivation to fight taxpayer-funded bail on a national level.

A state association is designed to operate on a more regional level. It gives bail agents from each individual state a voice in the way they are regulated through legislative and judicial initiatives. A state association provides the format for control of the profession through meaningful legislative and educational accomplishments.

All politics are local, and so the importance of local associations cannot be overstated. In past years, there would only be one bail agent in any geographic area. This has since changed. The more competition there is, the more important a need for a local association becomes. Not only does it provide a vehicle for settling disputes but, just as importantly, it gives the profession a voice with local authorities that may otherwise not be clearly heard.

To ensure success, an association must provide the following minimum criteria:

- Leadership
- Equality of opportunity
- Communication
- Orderly and effective meetings
- Education

### *Leadership*

Dynamic, communicative, educated, accomplished individuals whose main agenda is the success of the association are the most vital ingredients to its continued success. Cutting-edge leadership will recognize the fiercely competitive nature of our profession while extracting the best from everyone in a talent-rich association.

At the core of the leadership development process is the age-old argument of whether leaders are born or made. We cannot afford to be stagnated by this debate. It is important for us to realize that whether one believes that leaders are born or made makes no difference.

Leadership is a developmental process that requires training. We can ill afford to move into the new millennium utilizing trial and error method of leadership development. There's far too much at stake. The bail profession is changing rapidly and moving swiftly in new directions and we must develop new leadership, capable of giving guidance, inspiration and new vision at any given time.

Leadership can be difficult to define. It could mean many different things to many different people. A working definition of leadership is one that will guide the bail agent in this exploration of the dynamics of leadership development. By a "working definition" we mean that this is not a conclusive definition. It's a definition in its developmental stages. It is also important to note that leadership is defined not only by what it is, but also by what it does. As a matter of fact, one can say that leadership empowers, motivates and organizes people to achieve a common objective and provides moral guidance. It is a service to the people and a vision for the future. It is also very important to note that as we discuss what leadership is, we must take into consideration what leadership is not.

- Leadership is not a position; almost anyone can be elected, selected, anointed, self-appointed, promoted or succeeded.
- Leadership is not building a personality cult; giving too much power to one individual is detrimental to the leader, to the followers and to the cause.
- Leadership is not being indispensable; effective leadership is being dispensable. The mark of a true leader is demonstrated by the fact that the show must and can go on without him or her.
- Leadership is not about blaming others; leadership is first and foremost being responsible for the decisions you make or fail to make.

Certainly this is not an exhaustive list on what effective leadership is not. It is just as important to know what effective leadership is not, as it is to know what effective leadership is.

### *Motivation*

Motivation can be defined as something that causes a person to act: a stimulus to action or relating to motion. Effective leadership provides stimulation, inspiration, and information. These qualities are:

- Lead with high energy and boundless enthusiasm.
- Lead people a sense of purpose and direction.
- Plan for success. Nothing succeeds in motivating people more than being successful; nobody wants to be associated with failure.
- Dish out plenty of praise and encouragement.
- Create opportunities for people to get attention.
- Demonstrate confidence and faith in peoples' abilities.
- Encourage achievable tasks.
- Give people a sense of history and hope.
- Develop a collective vision for the future.

In summary, leadership is vision, motivation, organization and action. Leadership gives people a sense of power, hope and makes things happen. Leadership creates the future, provides guidance, direction, and inspiration and empowers people to realize their leadership potential. We dare you to accept the awesome challenges and responsibilities of leadership.

### *Equality of Opportunity*

All licenses, potential licensees, company personnel and anyone and everyone interested in the bail profession should be allowed to join. All dues-paying members should have the right to speak and vote their opinion. Consideration should be given to the sociological geography of your state or area. Personalities differ, as do levels of involvement and responsibility.

Managing General Agents, company owners, supervisors, Executing Agents and Recovering Agents all will view the association's goals and accomplishments from a different perspective. All should be heard and considered for their input, as greater diversity in leadership produces more insight. An open forum is a must.

### *Communication*

Regularly scheduled meetings that are more frequent during legislative sessions are the keys to getting to know one another and to share knowledge and experience. Aside from meetings, the best overall communication is an Association's newsletter. It is the most cost-effective method of disseminating information and should be sent to all licensed bail agents. Doing so will bring peer pressure on non-members to join the association.

Bail agents have a specific audience. Judges, prosecutors, clerks and law enforcement officials are dealt with on a daily basis. They should be included on the newsletter mailing list. They will be able to realize the deliberate efforts toward self-improvement, whereby your professional image will be enhanced. Educating other professionals through the newsletter will have the same obvious results.

## *Orderly And Effective Meetings*

One of the most important ingredients of a successful association is a successful meeting, whereby orderliness is the key operative term. Adherence to **Roberts Rules of Order** is called for to guarantee a successful gathering of different opinions and ideas. A Sergeant-at-Arms is an asset. Those wishing to be heard should be recognized on a rotating basis to ensure that a few members do not dominate the meeting. How many times have you attended a meeting which promised to be “brief” and then has gone on and on for hours? There is a solution; know the rules of order in a meeting and use them!

The most effective meetings have been conducted by a president who knows Robert’s Rules of Order, who has sent the agenda, has provided any pertinent information to the members before the meeting and has provided paper and pencil for the members to write down motions.

Let’s take a look at these factors:

Presidents who know the rules know how to keep discussion moving and when to take a vote without someone having to “call for a question.” The president knows that no one can discuss an issue unless a motion is made first and then seconded. This saves time! If a motion isn’t seconded, it isn’t discussed (a second does not mean someone is in favor of the idea but that it should be discussed). How many times has only one person wanted to do something and no one else wants to discuss it, and because no one knows or follows the rules, valuable time has been lost by allowing this person to stand and ramble on and on without motion on the floor.

Another time-waster is an ill-conceived motion. Providing members with paper and pencil to write a clearly thought out motion can save time because it doesn’t have to be amended many times to make it clear; or it doesn’t have to be withdrawn and then start over again. A well thought out motion includes what the group is to do, how and when it is to be done and how much time and money is to be spent.

Here’s another way to save time. Give the people the information they need before the meeting so they can have their ideas well formulated before they discuss them.

An additional time-waster is calling on committee chairpersons to give reports when they don’t have one to give or they aren’t there. The president should call every committee chairman who is to give a report before the meeting to make sure that he/she will be at the meeting and have a report to give. Only those chairpersons who have a report ready to give should be called on. To expedite the giving of reports, chairpersons should sit in the front so that they don’t waste time getting to the front to give their reports.

If you have a committee that is researching a project and that committee is supposed to give a recommendation to the members in its report, phrase the recommendation as a “motion,” not a recommendation.

The motion should come at the end of the report and the reporting member of the committee (usually the chairperson) states, "By direction of the committee I move that..." A motion coming from a committee does not need a second because at least one other committee member has agreed that it should be discussed. This cuts out a step. If a committee makes a recommendation, someone still has to make a motion to accept the committee's recommendation.

The president needs to know when to call for the vote: let's say someone has made a motion and the chairperson has repeated it, it is then "moved and seconded to...Is there any discussion?" If the chairperson looks around and no one is standing to discuss it, the chairperson can say, "As many as are in favor say 'Aye' (wait for the response from the group); those opposed say, 'No' (wait for response). Announce the vote. "The 'ayes' have it and the motion is carried and we will do...will carry it out." Or, "The 'noes' have it and the motion is lost." Then go on to the next business in order.

Another thing many people don't know is that a member can only speak twice to a motion, but only after everyone who wants to speak for the first time does so. This certainly keeps debate going and stops any member that is always popping up to talk after each member speaks. An effective president or leader provides his membership with information so that they know how to keep meeting moving.

Every bail agent should know how to conduct him or herself at a meeting according to Robert's Rules of Order. She/he should know:

- How to obtain the floor to make a motion or to speak to a motion.
- How to phrase a motion.
- The rankings of motions (Presidents and Secretaries need to know this, too)
- Member's rights in a debate.
- When the president has over-stepped his role as facilitator and how to correct it.
- How the rules in large meetings differ from rules in small boards and committees. (Those under twelve (12) members).

The object of Robert's Rules of Order is to assist an assembly to accomplish in the best possible manner the work for which it was designed. To do this, it is necessary to restrain the individual somewhat as the right of an individual in any community to do what he pleases is incompatible with the interests of the whole. Where there is no law, where every man does what is right in his own eyes, there is the loss of real liberty. Experience has shown the importance of definiteness in the law; and in this country, where customs are so slightly established and the published manuals of parliamentary practice so conflicting, no society should attempt to conduct business without having adopted some work upon the subject as the authority in all cases not covered by its own special rules.

While it is important that an assembly has good rules, it is more important that it be not without some rules to govern its proceedings. It is much more important, for instance, that an assembly has a rule determining the rank of the motion to postpone indefinitely than that it gives this motion the highest rank of all subsidiary motions. Except to lay on the table, as in the U.S. Senate, or give it the lowest rank, as in the U.S. House of Representatives, or give it equal rank with the previous question, to postpone indefinitely, and to commit so that if one is pending none of the others may be moved as under parliamentary law.

It is important that there should be a rule to go by rather than what the rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the chairperson or captiousness of the members. It is very important that order, decency and regularity be preserved in a dignified public body.

## *Education*

Associations should promote pre-license and continuing education programs. By developing the curriculum, an association can generate additional revenue and guarantee member participation.

An equally important agenda item should be the education of an association's special audience. An association working towards educating the law enforcement and judicial community regarding the basics of the profession, is building the foundations that will keep private bail agencies viable in the future. Earning the privilege to teach a basic class to every new recruit to law enforcement academies in the area should be the goal of every association. Being able to teach a one-hour class to students in law school would do wonders towards improving the profession's relationship with attorneys. Attending and instructing at seminars at judicial, prosecutor and court clerk association meetings improves the understanding of the bail profession.

Education, legislation and community involvement are the three greatest challenges facing the future of bail agents and the bail industry in general. Local and state associations, in partnership with PBUS, are the training grounds for the future. Individual involvement is imperative to equip bail agents for the leadership roles necessary to meet the challenges the industry faces.