

Attorneys Acting as Sureties or Bail Bondsmen

In order to issue surety bonds for defendants who have cases and/or warrants in the Lakeway Municipal Court of Record Number One, Presiding Judge Kevin R. Madison requires that each attorney/law firm to submit a notarized Personal Financial Statement of Attorney Surety that is attached. In addition, initial applicants are required to submit a copy of their driver's license and a copy of their Texas State Bar card.

Upon completion and submission of these documents, each attorney is required to resubmit (annually) an updated Personal Financial Statement of Attorney Surety by January 1. Please complete the form, and return it to our office with any one of the following supporting documents:

1. A copy of your latest tax return,
2. An audited financial statement, or
3. A letter from your bank confirming your net worth.

If the Court receives credible information that your financial situation differs from the Personal Financial Statement of Attorney Surety on file, we reserve the right to suspend your privilege of writing surety bonds for defendants who have cases pending in the Lakeway Municipal Court of Record Number One. If this occurs, you will be required to provide additional information to verify your net worth, excluding any assets exempt by law from forced sale. Assets exempt by law from forced sale include your homestead and such should not be included as assets in your financial statements.

If you have defaulted on a Surety Bond or have a judgment or debt on a forfeited bail bond where you or your law firm acted as a surety, in any jurisdiction in Texas, you will not be allowed to write surety bonds in this court and all outstanding surety bonds pending with this court will be recalled.

Please provide us a notarized list of any employees that you authorize to write bonds on your behalf, as well as a copy of their signature. It will be your responsibility to keep us informed of any changes to this list. If you have any questions, please feel free to contact our office.

ATTORNEYS WHO ACT AS BAIL BONDSMEN OR WHO BIND THEMSELVES AS A SURETY FOR THEIR CLIENT WHO IS A DEFENDANT IN THIS COURT

The Professional Ethics Committee For the State Bar of Texas issued Ethics Opinion 599 (August 2010) in regards to the question as to whether a lawyer who serves as bail bondsman for his client in a criminal prosecution may add in the bail bond form a provision in which the client agrees that, if the client fails to appear in court, the attorney is authorized to enter a "no contest" plea that will result in a fine and may result in the issuance of a warrant for the client's arrest?

SYNOPSIS OF PROFESSIONAL ETHICS COMMITTEE'S DECISION

“Loyalty to a client is impaired . . . in any situation when a lawyer may not be able to consider, recommend or carry out an appropriate course of action for one client because of the lawyer’s own interests or responsibilities to others. The conflict in effect forecloses alternatives that would otherwise be available to the client.”

CONCLUSION

The Professional Ethics Committee For the State Bar of Texas held that under the Texas Disciplinary Rules of Professional Conduct, it is not permissible for a lawyer who serves as bail bondsman for his client in a criminal prosecution to add to the bail bond form any provision in which the client agrees that, if the client fails to appear in court, the attorney is authorized to enter a “no contest” plea that will result in a fine and may result in the issuance of a warrant for the client’s arrest. Such an arrangement is a prohibited business transaction between lawyer and client that is not on terms fair and reasonable to the client, creates an impermissible conflict of interest for the lawyer, and impermissibly purports to eliminate the lawyer’s duty to consult with, and abide by the decision of, the client concerning the entry of a plea.

THEREFORE, BASED ON THE ETHICS OPINION OF THE STATE BAR OF TEXAS, IT IS ORDERED THAT ANY LAWYER WHO APPEARS IN THIS COURT AS LEGAL COUNSEL FOR A DEFENDANT AND IS ALSO ACTING AS A BAIL BONDSMAN OR SURETY FOR THAT DEFENDANT IS REQUIRED TO ADVISE THE COURT OF THIS FACT BEFORE ENTERING ANY PLEA OF "NO CONTEST" OR "GUILTY" AND MUST HAVE THE CLIENT/DEFENDANT PERSONALLY WITH THEM IF SUCH PLEAS ARE GOING TO BE SUBMITTED TO THE COURT OR MUST HAVE WRITTEN CONSENT FROM THE CLIENT TO DO SO.

Judge Kevin R. Madison

December 7, 2010

PERSONAL FINANCIAL STATEMENT OF
ATTORNEY SURETY

Attorney Name: _____ Statement Date: _____
Address: _____ DOB: _____
City, State, Zip: _____ SBN: _____
Firm Name: _____ Cell: _____
Phone: _____ Fax: _____

STATEMENT OF INCOME AND EXPENSES**

Current Annual Income

Salary, Bonus, and Commissions \$ _____
Dividends and Interest \$ _____
Rental and/or Lease Income (Net) \$ _____
Other Income (Explain) \$ _____
Total Annual Income \$ _____

Current Annual Expenses

Mortgage Payments \$ _____
Other Major Expenses (specify) _____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____
Total Annual Expenses \$ _____

Total Annual Income \$ _____
Total Annual Expenses (\$ _____)
NET INCOME \$ _____

Net Income for the previous 3 years (from income tax returns):

20____ \$ _____ 20____ \$ _____ 20____ \$ _____

ASSETS**

Cash \$ _____

\$ _____

Cert. of Deposit \$ _____

\$ _____

Present Value of
Stocks & Bonds \$ _____

\$ _____

Real Estate (other
than homestead) \$ _____

\$ _____

\$ _____

Present Value of
Automobiles
Owned \$ _____

\$ _____

\$ _____

Cash Surrender Value,
Life Insurance \$ _____

\$ _____

Present Value of Other
Personal Property \$ _____

\$ _____

\$ _____

\$ _____

Business Assets (other,
subject to forced sale) \$ _____

\$ _____

Bank & Type of Acct. _____

Bank & Type of Acct. _____

Bank & Maturity Date _____

Bank & Maturity Date _____

Description, Number of Shares,
Bonds, Face Value _____

Description, Number of Shares,
Bonds, Face Value _____

Address: _____

Address: _____

Address: _____

Description: _____

Description: _____

Description: _____

Insurance Co., Policy Type &
Face Amount: _____

Insurance Co., Policy Type &
Face Amount: _____

Description: _____

Description: _____

Description: _____

Description: _____

Description: _____

Description: _____

Total Assets \$ _____

LIABILITIES**

Secured Liabilities

Real Estate (other than homestead)	\$ _____	Address: _____
	\$ _____	Address: _____
	\$ _____	Address: _____
Automobiles	\$ _____	Description: _____
	\$ _____	Description: _____
	\$ _____	Description: _____
Personal	\$ _____	Description: _____
	\$ _____	Description: _____
	\$ _____	Description: _____
Business Debts	\$ _____	Description: _____

Unsecured Liabilities

Credit Cards	\$ _____	Description: _____
	\$ _____	Description: _____
	\$ _____	Description: _____
	\$ _____	Description: _____
	\$ _____	Description: _____
Personal Loans	\$ _____	Description: _____
	\$ _____	Description: _____
Business Debts	\$ _____	Description: _____

Total Liabilities \$ _____

Total Assets \$ _____

Total Liabilities (\$ _____)

NET WORTH \$ _____

CURRENT OUTSTANDING BOND LIABILITY AND BOND FORFEITURE LIABILITY**

Total face amount of active surety bonds (attach list of cause numbers with corresponding bond amounts):

\$ _____

Total face amount of surety bonds in bond forfeiture status (attach list of cause numbers with corresponding bond amounts):

\$ _____

Do you have any unpaid final judgments in bond forfeiture cases? Yes _____ No _____
If yes, attach list, including cause numbers, and amounts of judgments.

**Attach additional pages as needed.

Signature of Attorney

STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, who, having been by me duly sworn, deposes and says that every statement in the foregoing instrument and its attachments is within his/her personal knowledge, and is true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires: _____

THIS SECTION FOR TCSO USE ONLY

DATE AND TIME RECEIVED BY TCSO: _____

RECEIVED BY: _____

REVIEWED BY: _____