

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: In support of the proposed change to CrR/CrRLJ 3.2  
**Date:** Tuesday, April 30, 2024 3:39:19 PM

---

---

**From:** Paul Wagner <pwagner@snocopda.org>  
**Sent:** Tuesday, April 30, 2024 3:36 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** In support of the proposed change to CrR/CrRLJ 3.2

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

To All,

This is a fantastic change. Too often, clients of mine pay a nonrefundable fee to a bonding company to post bail with the idea that this will ensure that they follow conditions. There are multiple reasons this often doesn't work out:

1. The bonding companies can be ineffective, predatory, and poorly policed. I have had many clients tell me that because a case is taking too long to resolve, almost always due to circumstances beyond their control, that they have to pay an additional fee. I have also had clients pay a fee to a company on a case that gets dismissed, and when the case is refiled, the company will claim it's a new case and refuse to post the bond again without an additional fee.

As to the idea that bonding companies will track down individuals to get them back to court: I have many times seen bonding companies make motions to have their bonds exonerated. I have almost never, having had hundreds of clients who posted through bonding companies, seen a bonding company capture someone and bring them in on a warrant. I am allowing for the possibility of it having happened on one or two cases, but on 99.99% of my cases where someone on bond has had a warrant issue, they either turn themselves in or are arrested by the police.

2. The fee to a bonding company provides little incentive for individuals to abide by conditions, but a cash bail would. If my clients knew that they would get their money back at the end of a case for following conditions and appearing in court, they would have a far greater incentive to do so. I'm not just doing this to avoid incarceration or a further fee. I'm doing it so that I can get my money back. And many of my clients are in desperate need of money.
3. Bonds should be for those few cases where the bail is so high that cash just isn't practical. Far better for someone to be able to secure a promise to pay with collateral that is valuable but difficult to liquidate. However, so many people in our current society, especially so many charged with crimes, lack the cash or the collateral for bail set even in the amount of \$5,000, which would require a fee of \$500 to a bonding company. A bond should be a beneficial

option for those with assets they are incentivized to keep and would have difficulty liquidating. Instead, it's become a pernicious and ubiquitous requirement to post any bail amount at all. What started out as a right gifted to criminal defendants has become a curse.

Please pass this proposed rule change. It would result in more conditions of release followed. Only the bonding companies will lose.

Best,  
Paul Wagner  
WSBA# 53205