

WHY DO A BAIL REVIEW HEARING?

BAIL REVIEW HEARINGS...

...make all the difference for your clients. Bail review hearings can:

- reunite people with their families and communities
- help connect people with services they need
- **drastically alter people's case outcomes** – often times, leading to dismissal or acquittal

...are winnable

- 70% of UCLA law students' bail hearings resulted in a reduction of bail or the client's release without any money bail being set

...don't take a lot of extra time

- You can raise the issue of bail at hearings already on calendar, including preliminary hearings and at an arraignment on the complaint and arraignment on the information

...save people thousands of dollars

- So far, bail review hearings have saved our clients **\$407,000** – and counting – in bail!

...prove to judges that clients released O.R. come back to court

- Of all the clients UCLA law students have worked with on bail hearings, 100% of those released with future court dates returned to court

WHAT IS THE LEGAL BASIS FOR YOUR BAIL HEARING?

In re Humphrey held that defendants are entitled to have bail set in an amount they can afford to pay.

But what if the judge says *Humphrey* is only persuasive, not binding? Cite other laws!

In some cases, including serious and violent felonies, California law requires the court to consider ability to post bond at a bail hearing § 1270.1(c). Failure to consider ability to pay violates equal protection and the California Constitution, and may also violate Due Process. *In re Young* (1973) 32 Cal. App. 3d 68, 75; cf. *Bearden v. Georgia*, 461 U.S. 660 (1983).

THREE HUMPHREYS YOU SHOULD KNOW ABOUT



Humphrey Bogart



Hubert Humphrey



Kenneth Humphrey

3 SIMPLE STEPS TO HELP SECURE YOUR CLIENT'S FREEDOM:

- 1 TALK TO YOUR CLIENT**
- 2 GATHER EVIDENCE**
- 3 FILE MOTION**

You can find a helpful PDF that includes a sample bail motion, and a bail hearing preparation checklist at:
www.law.ucla.edu/criminaljusticeprogram