



Five Ways a Website Can Grow Your Bail Bond Business

by Dan Kaplan and Eric Kronthal

With over 70% of the US population accessing the internet at least once a month,¹ advertising your bail bonds services online is a smart move. In this article, we'll explain the top five reasons why you should pay closer attention to your website and how it performs in the search engines.

1. Immediate Need For Your Service

Your clients need you when they need you. Let's face it. These days, when you need something, where do you go? To Google, right? You may not think so, but your clients and their family members are typing terms like "bail bonds" or "bail bondsmen" into search engines at the exact moment they need you. What better time to market to someone than at the moment they desperately need your services?

2. The "Search Market" Is Huge

550,000 times last month, someone typed "bail bonds" into Google. Add up all the searches related to bail (like "bail bondsman," "bail agent," "bail company," etc.) and you may be surprised to know that there were around 3.5 million searches last month alone.²

Obviously, only some portion of these searches is occurring in your town or city, but the point is that if you can't be found on these search terms, you're losing business to your competition.

3. It's All Trackable

Google Analytics is free and easy to implement. You can track visitors on your website; see which pages they visit; even track the keyword phrase they used to find you on Google, Yahoo! or Bing.

If you set up your website analytics properly, you can track



every dollar spent and find out what's working and what's not. With Search Engine Marketing, you can clearly understand your Return on Investment.

4. Low Cost Compared to Television, Radio & Print

Compared to the thousands of dollars you'll pay to advertise through traditional methods, optimizing and promoting your website is only a fraction of the cost. You can expect a reasonable return even by spending as little as \$3,000 to \$5,000 per month in major metropolitan areas. We wouldn't recommend replacing your Yellow Pages, billboards, or Bus Ads with online advertising, but it's not expensive to get in the game.

5. You Can Target

With search advertising, you can advertise in specific locations like a town or city. You can advertise at certain times of day. You can even advertise on a search term like "bail bonds men," which is spelled like it sounds!

Our next article will be: "The Top 5 Things Your Bail Bond Website Needs". ■

Co-owners of PeriscopeUP, Dan Kaplan and Eric Kronthal build and promote top-performing websites that help clients get more leads and sales. Call 866-446-1972 or visit www.periscopeUP.com to grow your business online and get a free website evaluation.

¹ http://www.emarketer.com/Reports/All/Emarketer_2000670.aspx

² <https://adwords.google.com/select/KeywordToolExternal>

GPS Tracking of Defendant's Car Allowed in Michigan



Michigan Senate Bill 325 became law on July 1, 2010. That bill makes it illegal for a person to place a GPS tracking device on another person's motor vehicle without the vehicle owner's knowledge. The bill, however, contains a number of exceptions, including one for licensed bail agents who are performing bail bond duties. The ability to place a tracking device on a vehicle is governed by state law and thus you should confirm the law in your state before placing a GPS on a vehicle. ■



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Contact the editor Mark Holtschneider at mholtschneider@lexingtonnational.com or 1-888-888-BAIL. Deadline for next newsletter issue content: September 15, 2010.

Important Note
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Did You Know?

Crime rates are down.

Most Americans and many criminal justice experts expected that the failing economy would lead to more crime. The most recent statistics, however, show that crime has actually fallen since the recession began in 2008. Here are some examples of changes from 2008 to 2009:

<u>City</u>	<u>Type of Crime</u>	<u>Percent Change</u>
Phoenix	Violent	Down 17%
	Property	Down 21%
Los Angeles	Violent	Down 15%
	Property	Down 15%
Dallas	Violent	Down 10%
	Property	Down 6%

According to the FBI, crime has fallen for the third straight year. ■

FBI Uses Billboards to Nab Fugitives

In 2007, the FBI started using digital billboards to publicize some of its most wanted fugitives. Today, the FBI uses digital billboards in 40 states, including about 125 digital billboards in Georgia alone.



Chris Allen, an FBI spokesman, states that the billboards can be tied directly to solving 35 cases in the last two years. He says that billboards have been more successful in helping capture fugitives than the Internet or the television show, *America's Most Wanted*. The advertising space is donated by Clear Channel Outdoor, Adams Outdoor Advertising and Lamar Advertising. ■

2009 photo by Outdoor Advertising Association

Employee Spotlight: Patricia Price

by Maryanne Arthur

This is a great group of people at Lexington National," says Patricia Price. "Everyone is so friendly. I look forward to coming to work each day."

In 2006, Patricia Price left a 30-year career in the title business. As a veteran licensed settlement officer and human resources director for a small Baltimore company, Pat thought she was ready for retirement. She left her job and prepared to pamper herself. A few months later, Brian Frank offered her a job.

"Brian and I have known each other for more than 20 years," explains Pat. "Our paths crossed many times because he was a lawyer friend of my previous employer...The transition to Lexington National was very comfortable." And, the change from title business to bail bonds was refreshing.

Pat works closely with CFO Kim Marzullo. Together they reconcile the company's bank statements for all accounts—operating, escrow and BUF. They process all quarterly filings and annual statements, manage individual licensing, and track state requirements and deadlines.

Pat admits the toughest part of her job is managing paper. "There's lots and lots of paper," she says. "The licensing and filing requirements are different in each state."

Currently, Lexington National is licensed in 45 states. For

that reason, it's been helpful for the team to form strong relationships with state insurance commissioners, particularly to stay informed of law and industry changes. Pat looks forward to potential growth as another business challenge she can handle.

Known as 'Trish' to her family, Pat enjoys spending time with her husband, Ralph, and daughter, Kristen (27), who recently purchased and refurbished a condo of her own. Pat is a notary public. Her home near Annapolis caters to her special interests—reading, shopping and spending time by the water.

"I'd like to own a boat one day," she says. Perhaps a boat is the only thing that could entice Patricia Price back into retirement! ■



The Perks of Outdoor Advertising

by Maryanne Arthur

Many bondsmen dismiss outdoor advertising — like billboards — as too expensive to even consider in their marketing plans. However, the types of outdoor advertising have increased and the costs have come down in many areas. As such, another look may be warranted.

For hundreds of years, outdoor advertising has presented eye-catching messages as part of savvy marketing campaigns that prove ‘putting the right message in the right place at the right time generates more sales’.

Using today’s technological advances, outdoor advertisements can reach a broader audience than ever before with targeted messages at affordable costs. Marketing companies produce and distribute messages on all sorts of things, such as billboards, bulletins, posters, airports, commuter rails, malls, taxis, trolleys, buses, stadiums and walls. And, the messages are more sophisticated as well, displaying on high impact billboards with tri-vision, 3D, and interactive capabilities.

Advantages of Outdoor Advertising

• Affordable Rates

According to the Outdoor Advertising Association of America, outdoor advertising is 80 percent less than television, 60 percent less than newspapers and 40 percent less than radio.

• Lasting Impact

Not only is the message usually creative and succinct, but it’s also memorable. For many bored commuters, outdoor advertising catches a wandering eye, makes for good conversation with fellow travelers and seems to stick better than print, radio or television ads.



• 24/7/365

This advertising is “on” 24 hours a day, 7 days a week for 365 days a year — without distraction or interruption.

• Targeted Messages

Regardless of the product or service, business owners know that getting your message to your target audience is fundamental to marketing success. Outdoor advertising allows you to target and follow your audience.

• Advanced Technology

The Denver Business Journal reports: “signs that previously took 40 hours to paint can now be printed in just two hours on continuous inkjet printers.” Combine this with enhanced 3D images and interactive displays and your message will soar past the competition.

Real World Example

Clear Channel Outdoor (a division of Clear Channel Communication, one of the world’s leading outdoor advertising agencies) offers mobile billboards in many prime locations. Flexibility is the main advantage of this

unique product that can be moved to cover special events, such as conventions or meetings where your key prospects gather. The display draws attention by bringing your message directly to consumers. It can be paired with other promotional programs as well to maximize impact.

Even better, the fee for this product is a fraction of typical print, radio and television advertising costs. For example, mobile billboard ads placed through Clear Channel Outdoor for a 24-week run cost a mere \$4,100 in Los Angeles, \$3,800 in Cleveland and \$5,000 in Atlanta. Imagine the creative possibilities! ■

Next issue: “How-to Select the Right Outdoor Advertising for your Bail Business”

Owner of Just Write, LLC, Maryanne Arthur helps businesses create effective communications that boost sales and build lasting relationships. Contact Maryanne at 410-256-4490 or www.justwritesolutions.com.

Out and About



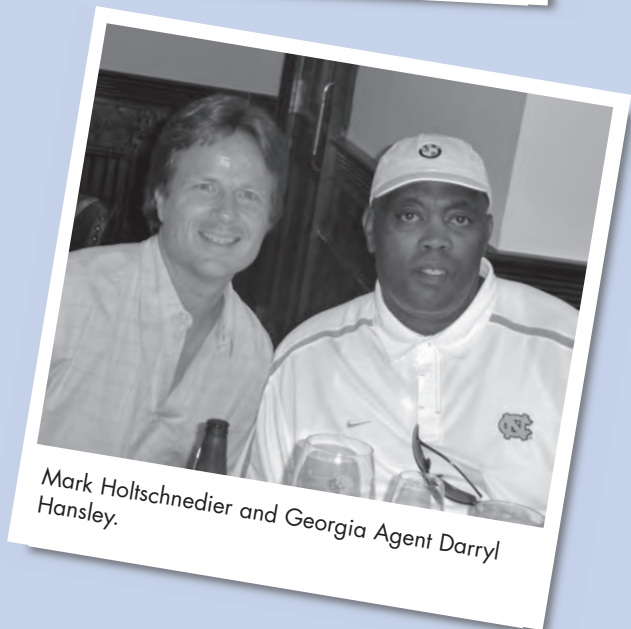
Dennis Sew and Poe, Baltimore Ravens' mascot.



Maryland Agent Aaron Mossman.



Lexington National Employees Fran Whiting, Lisa Slater and Kristie Marquess.



Mark Holtschneider and Georgia Agent Darryl Hansley.



California Agent Terry Fowler and Randy Parton.



Maryland Agents Marvin and Jackie Shuman.

Legal Beat: Recent Cases Impacting the Bail Industry

by Mark Holtschneider, Esq.



Motion to Vacate Must Be Filed Before Final Judgment Hearing – California

The defendant failed to appear in Los Angeles County in April 2007, and the court declared a forfeiture. In July 2007, the surety apprehended the defendant and surrendered him in San Bernardino County. The bondsman did not file a motion to extend the appearance period or a motion to vacate the forfeiture, and thus a Summary judgment was entered against the surety in December 2007. The next month, the surety moved to vacate the summary judgment, set aside the forfeiture and exonerate the bond. The trial court denied the bondsman's request and the case was eventually decided by the California Supreme Court. The high court held that if the motion to vacate had been filed within the appearance period, it would have been granted pursuant to Penal Code §1305(c)(3) because the defendant was returned to custody outside of Los Angeles County. But, because the motion was filed after the appearance period, it was not timely and thus was properly denied. *People v. Indiana Lumbermens Mutual Ins. Co.* (CA. 2010)

Lesson Learned: If the defendant is arrested, within the appearance period, in a California county other than the one where the bond was issued, a bondsman must file a motion to vacate forfeiture before the expiration of the appearance period. It is also important to remember that in this Supreme Court case, the defendant had been arrested by the surety on the Los Angeles County warrant, but was surrendered in San Bernardino County. Nonetheless, the Los Angeles County warrant was served, which is a pre-requisite of filing a 1305(c)(3) motion. Had the defendant been arrested by law enforcement for a separate offense in a county other than Los Angeles, the bondsman would have had to have the Los Angeles warrant served on the defendant in the county where he or she was detained prior to seeking relief by motion.

Defendant's Inability to Re-enter U.S. does not Discharge Bond – California

The defendant was released on a \$50,000 bond subject to an ICE hold and then failed to appear for a court hearing. The surety obtained conflicting information that the defendant was either deported or voluntarily returned to Mexico or Guatemala. The surety obtained one extension of the appearance period to obtain further information and to locate the defendant. Summary judgment was entered at the end of the extended period. The surety then moved to set aside the summary judgment and discharge the bond on the ground that it was impossible to return the defendant because he could not legally enter the United States. The trial court denied the motions and the surety appealed.

The government argued that the surety's motion was untimely because it was filed after expiration of the appearance period. The Court agreed and held that the surety's motion

had to be filed within the time limits set forth in the statute. The Court nevertheless considered the surety's arguments that it would be violating federal immigration law if it brought the defendant back to the U.S. The Court held that the surety or the defendant could have sought permission for the defendant to enter the U.S. to appear in court pursuant to 8 U.S.C. §1182(d)(5)(A). The Court therefore denied the surety's request to overturn the forfeiture judgment. *People v. Indiana Lumbermens Mutual Ins. Co.* (Cal.App. 2010).

Lesson Learned: First, in California, if the fugitive cannot legally return to the U.S., whatever motions the surety has to vacate the forfeiture should be filed within the appearance period. Second, the surety should consider filing a motion pursuant to 8 U.S.C. §1182(d)(5)(A) to allow the defendant to return to the U.S. to attend his hearing.

Proper Documents Needed to Show Deportation - California

The defendant was taken into custody by federal authorities on the same day he failed to appear and was deported a short time later. The surety filed a timely motion to vacate the forfeiture or to extend the appearance period, but supported it with affidavits rather than a government document proving the deportation. The trial court denied the surety's motion. On appeal, the surety argued that the defendant's deportation amounted to a permanent disability pursuant to Penal Code §1305(g). Before the trial court, however, the only proof of the deportation was two hearsay declarations. The appeals court held that this evidence was not sufficient and thus affirmed the trial court's forfeiture of the bond. *People v. Bankers Insurance Co.* (Cal.App. 2010).

Lesson Learned: Every effort should be made to obtain documentation from the Department of Homeland Security regarding deportation. Hearsay affidavits may not be sufficient.

Increased Charges Do Not Relieve Surety - California

The bond provided that the surety undertook that the defendant would appear to answer "any charge in any accusatory pleading based upon the acts supporting the complaint filed against him/her and all duly authorized amendments thereof." Although the various amended complaints and informations filed against the defendant significantly increased his potential punishment, they all arose out of the same armed robbery. The trial court therefore held that the increased charges and potential punishment did not operate to discharge the surety. The appeal court reached the same conclusion. *People v. International Fidelity Insurance Co.*, (Cal.App. 2010).

Lesson Learned: In California, the charges against a defendant can be increased, and thus the bondsman's risk, after the bond is written as long as they relate to the same original complaint. Therefore, the bondsman should consider what additional charges could be made before writing the bond.

Court Cannot Reinstate Bond Without Surety Consent – New Jersey

The defendant failed to appear and the bond was forfeited. The following month, he was arrested on a traffic charge in another county. The court converted the bench warrant to a detainer and reinstated the bond without the surety's knowledge or consent. The defendant again failed to appear, and a judgment was entered on the bond. The surety appealed, and the Appellate Division recognized that the court could not increase the surety's risk without the surety's consent. Here, at the time the court erroneously reinstated the bond, the defendant was in custody and had been a fugitive for only four weeks. The surety could have refused to reinstate the bond and sought remission pursuant to the remittitur guidelines. Instead, the surety was exposed to a far higher risk when the defendant again failed to appear in court. Therefore, applying basic principles of suretyship law, the Court held that reinstatement of the bond increased the surety's risk. *State v. Giusini* (N.J.App. 2010)

Lesson Learned: In many states, a bond is discharged if the bond is reinstated without the surety's consent or the surety's risk is increased in any other way.

Surety Could Not Challenge Amount of Service Fee in Forfeiture Case – Texas

The defendant failed to appear and his \$5,000 bond was forfeited in Denton County, Texas. The Court imposed a \$68 fee for serving the citation by certified mail. The bondsman argued that the fee was excessive. The trial court denied the motion and the bondsman appealed. The appeals court held that the bondsman could not challenge the reasonableness of the service fee in a forfeiture case. Rather, the bondsman would have to file a direct action against the County Commissioners Court to determine whether the service fee was proper. *Burgess v. State* (Tex. App. 2010).

Lesson Learned: In Texas and many other states, the reasonableness of a court cost or other fee cannot be challenged in a forfeiture hearing.

Surety Must Be Represented by Attorney – Arizona

The defendant failed to appear and the court set a bond forfeiture hearing. At the hearing, the president of one of the bail bond agents appeared as the "agent" of the bail bond agency and the corporate surety. She was not, however, an attorney. The trial court heard her arguments and evidence that the defendant was dead and entered judgment forfeiting the bond. The agents and surety, by counsel, asked for a new trial and appealed when it was denied. The Court held that as business entities the agency and surety could appear only by counsel. Since they effectively had not appeared or offered evidence to show a ground to set aside the forfeiture until after judgment was entered, they could not challenge the judgment on appeal. The Court recognized that practices with regard to representation of bail agents and sureties had not been consistent and

that the trial court acquiesced in the non-attorney's participation in this case, but neither the litigants nor the trial court can change the rules on practice of law. *State v. Eazy Bail Bonds* (Ariz.App. 2010)

Lesson Learned: In Arizona, and most states, a corporate surety can only be represented in court by an attorney.

Inability to Return Fugitive From Oregon Does Not Discharge Bond – Idaho

Bond was posted for the defendant in Idaho. The defendant failed to appear and the bond was forfeited. The surety located the defendant in Oregon, but he refused to return to Idaho. The surety moved to exonerate the bond on the ground that Oregon law did not permit it to seize and return the defendant, therefore the surety had done everything it could. The trial court disagreed and the appeals court affirmed. The appeals court held that the lower court correctly applied the factors in *State v. Fry*. The appeals court pointed out that the defendant's breach was willful and the surety, even though it knew his location, did not notify law enforcement authorities and seek their help in returning the defendant to Idaho. *State v. Two Jimm, Inc.*, (Idaho App. 2010)

Lesson Learned: When a defendant runs to Oregon, the bondsman must work with the local Oregon authorities to apprehend the fugitive and seek extradition of the defendant. ■

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