

LOUISIANA SUPREME COURT

DOCKET NO. 2021-CC983

JEROME MORGAN, ON BEHALF OF HIMSELF
AND ALL OTHERS SIMILARLY SITUATED,

Plaintiff/Applicant

VERSUS

BLAIR'S BAIL BONDS, INC., and
BANKERS INSURANCE COMPANY, INC.

Defendants/Respondents

A CIVIL PROCEEDING

FROM THE RULING OF THE LOUISIANA COURT OF APPEAL,
FOURTH CIRCUIT, CASE NO. 2021-C-0249

FROM THE CIVIL DISTRICT COURT,
PARISH OF ORLEANS, CIVIL CASE NO. 2019-08430, DIVISION "G-11",
HONORABLE ROBIN M. GIARRUSSO, PRESIDING

**RODERICK & SOLANGE MACARTHUR JUSTICE CENTER'S SUPPLEMENTAL
BRIEF OF *AMICUS CURIAE* IN SUPPORT OF JEROME MORGAN'S APPLICATION
FOR SUPERVISORY WRIT**

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TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

INTRODUCTION AND INTERESTS OF *AMICUS CURIAE*..... 1

ARGUMENT3

 I. Act 54 Is Antithetical to Good Governance.....3

 II. Defendants’ Actions Exploited The Vulnerability of Poor and Working-Class People
 With Loved Ones in Jail6

 III. The Bail Bond Industry Disproportionately Impacts Black New Orleanians.....11

CONCLUSION.....13

CERTIFICATE OF SERVICE

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bourgeois v. A.P. Green Indus., Inc.</i> , 2000-1528 (La. 4/3/01), 783 So. 2d 1251	3
<i>Kimball v. Allstate Ins. Co.</i> , 97-2885 (La. 4/14/98), 712 So. 2d 46.....	4
<i>Louisiana High Sch. Athletics Ass’n, Inc. v. State</i> , 2012-1471 (La. 1/29/13), 107 So. 3d 583	4
<i>Ogden v. Saunders</i> , 25 U.S. (12 Wheat.) 213 (1827).....	3, 4
Statutes	
2019 La. Act 54.....	1
La. Code of Crim. Proc. art. 316.....	1
La. Stat. Ann. § 22:1443	1, 3
Other Authorities	
10 Lon L. Fuller, <i>The Morality of Law</i> 53 (rev. ed. 1969).....	4
ACLU Campaign for Smart Justice, <i>Selling Off Our Freedom: How Insurance Corporations Have Taken Over Our Bail System</i> (2017).....	13
ACLU of Louisiana, <i>Justice Can’t Wait: An Indictment of Louisiana’s Pretrial System</i> (2020).....	2, 11
Alyssa Robillard, Dana D. DeHart, Rhonda Conerly Holliday & Kaleea Lewis, <i>An Exploratory Study Examining Risk Communication among Adolescent Children, Their Incarcerated Mothers, and Their Caregivers</i> , 27 <i>J. Healthcare for Poor & Underserved</i> 101 (2016)	8
Bernadette Rabuy & Daniel Kopf, <i>Detaining the Poor</i> , Prison Policy Initiative (May 10, 2016)	2, 10
Board of Governors of the Federal Reserve System, <i>Report on the Economic Well- Being of U.S. Households in 2019 - May 2019</i> , May 28, 2019	10

Bryce Covert, <i>America is Waking Up to the Injustice of Cash Bail</i> , The Nation (Oct. 19, 2017)	9
CDC FastStats, <i>Assault or Homicide</i>	7
Christopher T. Lowenkamp et al., <i>The Hidden Costs of Pretrial Detention</i> , The Arnold Fund (2013).....	7
E. Ann Carson, <i>Mortality in Local Jails, 2000-2018 – Statistical Tables</i> , NCJ 256002, Bureau of Justice Statistics (Apr. 29, 2021)	7
Elizabeth I. Johnson & Beth Easterling, <i>Coping with Confinement</i> , 30 J. Adolescent Res. 244 (2014).....	8
Emily Widra, <i>No escape: The trauma of witnessing violence in prison</i> , Prison Policy Initiative (Dec. 2, 2020)	7
Equal Justice Initiative, <i>Covid-19’s Impact on People in Prison</i> (April 16, 2021)	8
Eric Martin, <i>Hidden Consequences: The Impact of Incarceration on Dependent Children</i> , 278 N.I.J. J. 1 (2017)	8
The Federalist No. 44 (James Madison)	3, 5
Flozell Daniels, Jr. et al., <i>From Bondage to Bail Bonds: Putting a Price on Freedom in New Orleans</i> , May 14, 2018	11
Jason Szep et al., <i>Dying Inside: The Hidden Crisis in America’s Jails</i> , Reuters (Oct. 16, 2020)	7, 8
John Mathews II & Felipe Curiel, <i>Criminal Justice Debt Problems</i> , American Bar Association (Nov. 30, 2019)	7
Justice Policy Institute, <i>For Better or For Profit: How the Bail Bonding Industry Stands in the Way of Fair and Effective Pretrial Justice</i> (2012)	9
La. Const. Art. III, § 12(A)	4
La. Dep’t of Ins., Directive 214 (Feb. 20, 2019)	1
Lauren Davis & Rebecca J. Schlafer, <i>Mental Health of Adolescents with Currently and Formerly Incarcerated Parents</i> , 54 J Adolesc. 120 (2017)	8
Léon Digard, et al., <i>Justice Denied: The Harmful and Lasting Effects of Pretrial Detention</i> (2019)	7

Mathilde Laisne, Jon Wool, & Christian Henrichson, “From the Director,” “Charged from the start: Money bail,” “The crushing effect of charging for justice,” and “An outsized burden on black residents” in <i>Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans</i> , New York: Vera Institute of Justice, 2017	<i>passim</i>
Melissa L. Saunders, <i>Equal Protection, Class Legislation, and Colorblindness</i> , 96 Mich. L. Rev. 245 (1997).....	5
Milena Nikolova & Boris Nikolaev, <i>How Having Unemployed Parents Affects Children’s Future Well-Being</i> , Brookings (July 13, 2018).....	8
Minela Nikolova & Boris N. Nikolaev, <i>Family Matters: Involuntary Parents Unemployment During Childhood and Subjective Well-Being Later in Life</i> , 212 GLO Discussion Paper Series 1 (2018)	8
Monica C. Bell, <i>Police Reform and the Dismantling of Legal Estrangement</i> , 126 Yale L. J. 2054 (2017).....	5
Philip Pettit, <i>Republicanism: A Theory Of Freedom And Government</i> (1997).....	5
Press Release, New York City Comptroller, <i>Broad Coalition of Elected Officials, Legal Aid Organizations, and Labor and Faith Leaders Hail Stringer-Benjamin-Blake Proposal to Bain Commercial Bail in New York State</i> (Apr. 20, 2018).....	13
Prosperity Now, <i>The Racial Wealth Divide in New Orleans</i> (2016)	12
<i>Retroactivity of Legislation—A Brief Overview</i> , 20 La. Civ. L. Treatise, Legis. Law & Proc. § 6:4	3
Richard A. Oppel Jr. & Jugal K. Patel, <i>One Lawyer, 194 Felony Cases, and No Time</i> , N.Y. Times (Jan. 31, 2019).....	5, 6
Robert Apel, <i>The Effects of Jail and Prison Confinement on Cohabitation and Marriage</i> , 665 Annals Am. Acad. Pol. & Soc. Sci. 103 (2016)	8
Sandra G. Mayson, <i>Detention By Any Other Name</i> , 69 Duke L.J. 1643 (2020)	12
U.S. Census Bureau, <i>2018 Median Household Income in the United States</i> (Sept. 26, 2019)	10
U.S. Census Bureau, <i>QuickFacts, New Orleans City, Louisiana</i> (last visited July 7, 2021)	10

INTRODUCTION AND INTERESTS OF *AMICUS CURIAE*

This case concerns the unconscionable overcharging by Defendants Blair’s Bail Bonds, L.L.C. and Bankers Insurance Company, Inc. (“Defendants”) of tens of thousands of low-income New Orleans families. These families turned to Defendants to help secure freedom for their loved ones who had been charged, but not convicted, of any crime and who were deemed by a court to be releasable on bond.¹ Although Defendants were required under Louisiana law to charge “twelve percent of the face amount of the bond,” they routinely charged thirteen percent—an illegal one percent premium—over a fourteen-year period.²

After learning of Defendants’ overcharges, the Commissioner of Insurance issued Directive 214, ordering Defendants to repay the tens of thousands of families who were overcharged.³ But rather than complying with the Commissioner’s directive, the owner of Defendant Blair’s Bail Bonds lobbied the legislature to grant Defendants a retroactive immunity for their unlawful conduct. The legislature obliged, passing 2019 La. Act 54 (“Act 54”), which provides that “[i]n any parish having a population of more than three hundred thousand and fewer than four hundred thousand persons...[,] to the extent an additional one percent [premium] has been collected . . . , no repayment . . . shall be required.” The legislature’s retroactive blessing in Act 54 of this siphoning of resources from the City’s most vulnerable citizens is antithetical to good governance and rule of law.

¹ La. Code of Crim. Proc. art. 316 includes ten factors to consider in setting bail, including the nature and seriousness of any danger posed to any other person or the community by the person’s release.

² See La. Stat. Ann. § 22:1443.

³ La. Dep’t of Ins., Directive 214 (Feb. 20, 2019).

Based on the median New Orleans bail bond amount of \$50,000, Defendants illegally overcharged \$500 on average.⁴ Given that the median yearly income for people jailed in New Orleans is around \$15,000, \$500 is a large sum for many.⁵ Five hundred dollars could mean the difference between making rent and eviction. It could mean children going without school supplies or nutritious food. Or it could mean extra time behind bars as families work to raise the required amount, which in turn could result in lost jobs and other cascading harms. Thus, the actions of bail bond companies served to further impoverish New Orleans' most vulnerable citizens. Unsurprisingly, Black New Orleanians bear the brunt of this exploitation.

Amicus Roderick & Solange MacArthur Justice Center (“MJC”) is a national legal services non-profit with a Louisiana office working for a justice system that is fair, accessible, and accountable to all. As part of the New Orleans community, MJC has a long history of pursuing and supporting litigation aimed at highlighting the injustices of the cash bail system. MJC is particularly interested in shedding light on the ways in which the cash bail system disproportionately hurts the most vulnerable New Orleanians. Because this case concerns the egregious targeting and exploitation of impoverished and working-class Louisianans (and their loved ones) through cash bail, it raises matters of great public import that merit review by this Court. MJC urges this Court to grant review.

⁴ See ACLU of Louisiana, *Justice Can't Wait: An Indictment of Louisiana's Pretrial System* 41 (2020).

⁵ See Mathilde Laisne, Jon Wool, & Christian Henrichson, “Charged from the start: Money bail,” in *Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*, New York: Vera Institute of Justice, 2017, at 5-6 (hereinafter “Charged From the Start”) (*Amicus* does not cite or rely on parts of this study not expressly cited herein); Bernadette Rabuy & Daniel Kopf, *Detaining the Poor*, Prison Policy Initiative (May 10, 2016), <https://www.prisonpolicy.org/reports/incomejails.html>.

ARGUMENT

I. Act 54 Is Antithetical to Good Governance.

In at least two respects, the Framers of the Louisiana and U.S. Constitutions recognized that laws like Act 54 are antithetical to good governance and the rule of law. First, the Framers denounced retroactive lawmaking like that at issue here. Second, they condemned laws like Act 54 that serve only to benefit special interests.

First, by foreclosing the possibility of damages for Defendants' violation of La. Stat. Ann. § 22:1443, the legislature engaged in the sort of retroactive lawmaking that has long been understood as anathema to good government.⁶ At least three U.S. Constitutional provisions and six Louisiana Constitutional provisions denounce retroactive lawmaking.⁷ In the Federalist Papers, James Madison referred to retroactive laws and "laws impairing the obligation of contracts" as "contrary to the first principles of the social compact, and to every principle of sound legislation."⁸ In *Ogden v. Saunders*, Chief Justice Marshall wrote that the Framers were concerned about government "changing the relative situation of debtor and creditor, [and] interfering with contracts" after the fact.⁹ He noted that a government retroactively divesting the victim of an illegal contract of a remedy, as Act 54 did in this case, could "destroy all confidence

⁶ See *Bourgeois v. A.P. Green Indus., Inc.*, 2000-1528 (La. 4/3/01), 783 So. 2d 1251 ("*Bourgeois II*") (holding a statute violates due process when it divests persons "of their vested rights in their causes of action which accrued prior to the effective date of the Act").

⁷ See § 6:4, *Retroactivity of Legislation—A Brief Overview*, 20 La. Civ. L. Treatise, Legis. Law & Proc. § 6:4 (2020 ed.).

⁸ The Federalist No. 44 (James Madison).

⁹ 25 U.S. (12 Wheat.) 213, 354-55 (1827).

between man and man.”¹⁰ Other scholars have gone further, declaring that “a retroactive law is truly a monstrosity. . . . To speak of governing or directing conduct today by rules that will be enacted tomorrow is to talk in blank prose.”¹¹ Act 54 does precisely what these thinkers worried about: After fourteen years during which Defendants operated in breach of the rules, they are now insulated “by rules that will be enacted tomorrow.”

Second, by narrowly targeting Act 54 to immunize only the actions of Defendants, the legislature enacted a “local” and “special law,” in plain violation of La. Const. Art. III, § 12(A).¹² A “special law” is one that serves no purpose besides bestowing favors on special interests. As this Court explained in *Louisiana High School Athletics Association v. State*, the prohibition against special or local laws “represent[s] an important safeguard against the abuse of legislative power on behalf of special interests . . . [by barring laws] directed to secure some private advantage or advancement for the benefit of private persons.”¹³ This prohibition “can be found as early as the Constitution of 1879, in Art. 46, and has been included in every Louisiana Constitution since then.”¹⁴

These pronouncements about good governance do not find their authority solely in the exhortations of respected elders; rather, there is good reason why the law should confine itself to *prospective* (rather than retroactive) and *general* (rather than special or local) commands. Both

¹⁰ *Id.*

¹¹ 10 Lon L. Fuller, *The Morality of Law* 53 (rev. ed. 1969).

¹² See *Kimball v. Allstate Ins. Co.*, 97-2885 (La. 4/14/98), 712 So. 2d 46.

¹³ *Louisiana High Sch. Athletics Ass’n, Inc. v. State*, 2012-1471 (La. 1/29/13), 107 So. 3d 583, 601 (internal citations omitted).

¹⁴ *Kimball*, 712 So. 2d at 52.

are understood as essential bulwarks against the use of public power for private ends. First and most simply, retroactive lawmaking makes it impossible for any citizen to rely on today’s laws for protection from wrongdoing. Second—as made clear by this case—both retroactive and special lawmaking allow the “powerful elements of society [to] gain control of the government and use it to advance their own private interests at the expense of the weaker.”¹⁵ The concern for unfair advantages to be handed to the powerful at the expense of the weak is the heart of what it means to govern well in the republican tradition.¹⁶ As a law retroactively impairing a vested interest *and* a favor bestowed upon a special interest group, Act 54 is precisely the sort of abuse of legislative power that most concerned the Framers and that continues to be understood as toxic to just governance.¹⁷

¹⁵ See Melissa L. Saunders, *Equal Protection, Class Legislation, and Colorblindness*, 96 Mich. L. Rev. 245, 252-55 (1997) (explaining that special laws were offensive to early U.S. courts and lawmakers because the “decision to bestow a special favor upon one group” corrupts the republican political process); see also The Federalist No. 44 (James Madison) (“[Retroactive] legislative interferences . . . become jobs in the hands of enterprising and influential speculators, and snares to the more-industrious and less informed part of the community.”).

¹⁶ See generally, Philip Pettit, *Republicanism: A Theory Of Freedom And Government* 52-55 (1997).

¹⁷ Moreover, for the criminal legal system to achieve its own aims of reducing crime, the judiciary must ensure that it operates in a fair and just way. When those expectations are not met, when people are treated unfairly, it generates a deep “legal cynicism”—or, a cultural orientation that agents of the law are “illegitimate, unresponsive, and ill equipped to ensure public safety.” See Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 Yale L. J. 2054, 2066 (2017). This consequence in turn has been shown to reduce compliance with the law and increase crime, as people are less likely to comply with a system that they view as illegitimate. Richard A. Oppel Jr. & Jugal K. Patel, *One Lawyer, 194 Felony Cases, and No Time*, N.Y. Times (Jan. 31, 2019), <https://www.nytimes.com/interactive/2019/01/31/us/public-defender-case-loads.html>. In short, everyone benefits when the government treats all groups equally and fairly. The Legislature’s grant of special favors to influential beneficiaries of the criminal legal system through Act 54 thus undermines the well-being of all Louisianans.

II. Defendants' Actions Exploited the Vulnerability of Poor and Working-Class People with Loved Ones in Jail.

Act 54's endorsement of the preying on the weak by the wealthy is more than just a theoretical affront to the rule of law. The Act allows for the exploitation of the poorest New Orleanians at the precise moment that they are at their most vulnerable—when their only options are to either pay for their freedom or the freedom of a loved one, or face a lengthy stay behind bars despite having been convicted of no crime. In other words, Defendants' actions came at a time when people who have few options are at the nadir of their bargaining power. Those most often paying the price for their loved one's freedom are not even themselves accused of crime.

In a city in which four out of five criminal defendants are too poor to hire a lawyer, the commercial bail bond business is booming.¹⁸ In practice, commercial bail bonds are the primary way that pretrial detainees in New Orleans secure release.¹⁹ As recently as 2015, ninety-seven percent of people arrested for a felony charge and sixty-nine percent arrested for a misdemeanor who paid bail did so by purchasing a commercial bail bond.²⁰ Instead of paying the bail amount in full, commercial bail bonds allow defendants to pay only a percentage of the total bail amount as a premium.²¹ But unlike cash bail, these premiums—which the legislature capped at twelve percent—are non-refundable, no matter how the case is resolved.²²

¹⁸ Richard A. Oppel Jr. & Jugal K. Patel, *One Lawyer, 194 Felony Cases, and No Time*, N.Y. Times, Jan. 31, 2019, <https://www.nytimes.com/interactive/2019/01/31/us/public-defender-case-loads.html>.

¹⁹ “The crushing effect of charging for justice” in *Past Due*, *supra* note 5, at 18.

²⁰ “Charged from the start” in *Past Due*, *supra* note 5, at 6.

²¹ *Id.*

²² *Id.*

People turn to these for-profit companies because they are desperate to avoid the “negative implications for court appearance, conviction, sentencing, and future involvement with the justice system” that come with pretrial incarceration.²³ Pretrial incarceration can also result in violence, illness, job loss, and other escalating consequences.²⁴ One study found that, even after controlling for individual characteristics, people detained for just two to three days had higher long-term recidivism rates than those detained for only one day.²⁵ And the consequences of spending a month or more in jail are even more grave.²⁶ Close to eighty percent of people surveyed as part of one study reported that pretrial incarceration “had negative effect on employment later on.”²⁷ Jail also exposes people to an increased risk of violence. For example, homicide accounted for three percent of all jail deaths in 2016, compared to only a hundredth of one percent of deaths among the total population.²⁸ And people behind bars are more susceptible

²³ Léon Digard, et al., *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention* 3 (2019).

²⁴ John Mathews II & Felipe Curiel, *Criminal Justice Debt Problems*, American Bar Association (Nov. 30, 2019), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-justice/criminal-justice-debt-problems/.

²⁵ Christopher T. Lowenkamp et al., *The Hidden Costs of Pretrial Detention*, The Arnold Fund (2013), https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_hidden-costs_FNL.pdf.

²⁶ See Jason Szep et al., *Dying Inside: The Hidden Crisis in America’s Jails*, Reuters (Oct. 16, 2020) <https://www.reuters.com/investigates/special-report/usa-jails-deaths/>.

²⁷ “The crushing effect of charging for justice” in *Past Due*, *supra* note 5, at 17.

²⁸ E. Ann Carson, *Mortality in Local Jails, 2000-2018 – Statistical Tables*, NCJ 256002, Bureau of Justice Statistics, tbl. 2 (Apr. 29, 2021) (compiling homicide statistics in jails); CDC FastStats, *Assault or Homicide*, <https://www.cdc.gov/nchs/fastats/homicide.htm> (compiling homicide statistics for the United States); see also Emily Widra, *No escape: The trauma of witnessing violence in prison*, Prison Policy Initiative (Dec. 2, 2020), <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence/> (“Early this year . . . five people were killed in Mississippi state prisons over the course of one week. A civil rights lawyer reported in February that he was receiving 30 to 60 letters each week describing pervasive beatings, stabbings, denial of medical care, and retaliation for grievances in Florida state prisons. That same month, people incarcerated in the Souza-Baranowski Correctional Center in Massachusetts filed a lawsuit documenting allegations of abuse at the hands of correctional officers, including being tased, punched, and attacked by guard dogs.”) (internal quotation marks omitted).

to illness—a fact that came into tragic focus over the last year, when incarcerated people were infected by the coronavirus at a rate more than five times higher than the nation’s general population.²⁹ Compounding the problem, medical care in jails is notoriously inadequate, resulting in needless suffering and even death.³⁰ Those who have loved ones awaiting trial in jail are acutely aware of these realities.

These consequences have a cost not just for the incarcerated individual but also for his or her family. The impact of a parent’s incarceration on a child’s psyche and well-being has been thoroughly studied. For example, one study found that children of people who experienced even short detentions are more likely to experience unemployment in adulthood than those whose parents were never incarcerated.³¹ And even short terms of incarceration of one month or less are disruptive to marital and cohabitating relationships.³²

²⁹ Equal Justice Initiative, *Covid-19’s Impact on People in Prison* (April 16, 2021), <https://eji.org/news/covid-19s-impact-on-people-in-prison/>.

³⁰ See Szep et al., *supra* note 26 (examining 7,571 deaths in more than 500 U.S. jails from 2008 to 2019, an increase of thirty-five percent in death rate over a decade, and noting that at least two-thirds those who died were never convicted of the charges on which they were being held).

³¹ See Milena Nikolova & Boris Nikolaev, *How Having Unemployed Parents Affects Children’s Future Well-Being*, Brookings (July 13, 2018); Minela Nikolova & Boris N. Nikolaev, *Family Matters: Involuntary Parents Unemployment During Childhood and Subjective Well-Being Later in Life*, 212 GLO Discussion Paper Series 1 (2018); see also Eric Martin, *Hidden Consequences: The Impact of Incarceration on Dependent Children*, 278 N.I.J. J. 1 (2017); Lauren Davis & Rebecca J. Shlafer, *Mental Health of Adolescents with Currently and Formerly Incarcerated Parents*, 54 J. Adolesc. 120 (2017); Alyssa Robillard, Dana D. DeHart, Rhonda Conerly Holliday & Kaleea Lewis, *An Exploratory Study Examining Risk Communication among Adolescent Children, Their Incarcerated Mothers, and Their Caregivers*, 27 J. Healthcare for Poor & Underserved 101 (2016); Elizabeth I. Johnson & Beth Easterling, *Coping with Confinement*, 30 J. Adolescent Res. 244 (2014).

³² Robert Apel, *The Effects of Jail and Prison Confinement on Cohabitation and Marriage*, 665 Annals Am. Acad. Pol. & Soc. Sci. 103 1-26 (2016).

It is no wonder, then, that families paid thirteen percent instead of the legal twelve percent to secure release for their loved ones without questioning the percentage charged by Defendants. Bail bond companies prey on people in their most desperate moments, often offering to set up installment plans and charging interest if the accused cannot afford the bondsman's fee up front.³³ These payment plans give immense power to the bail bonding industry, allowing bondsmen to maintain “almost unlimited control over the lives of people they bond out” long after their case has ended.³⁴ As a result, bail bondsmen force the families of jailed people to choose between scrounging up their limited resources to owe long-term debt to a for-profit company or suffering for months in pretrial detention.

Defendants' behavior in this case went beyond the “normal” predation inherent to their industry. By charging tens of thousands of New Orleanians an extra one percent on all bonds over a fourteen-year period—in direct violation of the state legislature's command—they flouted the law and exploited the most vulnerable people in the city. Being forced to pay an extra \$500—one percent of the median \$50,000 bail—can be devastating for impoverished New Orleanians. The amounts represented by the overcharges certainly forced those impacted to forego basic necessities.

Five-hundred dollars is a significant sum for the average American—a 2019 Federal Reserve report found that thirty-nine percent of adults do not have even \$400 in savings to use in

³³ Bryce Covert, *America is Waking Up to the Injustice of Cash Bail*, *The Nation* (Oct. 19, 2017), <https://www.thenation.com/article/archive/america-is-waking-up-to-the-injustice-of-cash-bail/>.

³⁴ Justice Policy Institute, *For Better or For Profit: How the Bail Bonding Industry Stands in the Way of Fair and Effective Pretrial Justice* 11 (2012).

times of emergency.³⁵ That number is likely even higher in Louisiana, which has the nation's third highest poverty rate, including nearly a quarter of New Orleanians living below the poverty line.³⁶ And given that people in jail have a median income of less than half the median non-incarcerated person's income (\$15,598 versus \$39,600 for men and \$11,071 versus \$22,704 for women), \$500 is especially burdensome for the impacted population.³⁷ For someone with a \$15,000 annual income, \$500 represents more than half a month's earnings.

Thus, even when an arrested person or their family raises the funds necessary to pay a bail bond company, that person and their family sacrifice money that would otherwise go toward paying rent, taking care of children, or meeting other pressing needs.³⁸ In a 2015 survey of thousands of New Orleanians involved in the criminal punishment system, two-thirds of people reported that it was "difficult" or "very difficult" to raise the money required to post bail.³⁹ More than two-thirds of New Orleans residents surveyed said bail and other out-of-pocket costs associated with their arrest "had a major impact on the financial stability of their families."⁴⁰ Too often, "mothers and grandmothers are forced to choose between paying bail for someone they

³⁵ Board of Governors of the Federal Reserve System, *Report on the Economic Well-Being of U.S. Households in 2019 - May 2019*, May 28, 2019.

³⁶ U.S. Census Bureau, *2018 Median Household Income in the United States* (Sept. 26, 2019), <https://www.census.gov/library/visualizations/interactive/2018-median-household-income.html>; U.S. Census Bureau, *QuickFacts, New Orleans City, Louisiana*, <https://www.census.gov/quickfacts/fact/table/-neworleanscitylouisiana/INC110219> (last visited July 7, 2021).

³⁷ Rabuy & Kopf, *supra* note 5; *see also* "Charged From the Start" in *Past Due*, *supra* note 5, at 5-6 (finding that more than a third of previously arrested New Orleanians surveyed reported an annual income of less than \$15,000).

³⁸ "Charged From the Start" in *Past Due*, *supra* note 5, at 5-6.

³⁹ *Id.*

⁴⁰ "The crushing effect of charging for justice" in *Past Due*, *supra* note 5, at 16.

love and paying rent or utilities.”⁴¹ Several reported that their mothers even took out mortgages or otherwise “risked losing” their homes to pay the bail bond.⁴² Talking about the cost of bail, one person recalled, “My momma said she put up about, I want to say about \$1,500. . . she didn’t pay her light bill a couple times. She didn’t pay her rent a couple times.”⁴³ Others recounted that “their children had to do without school supplies.”⁴⁴ One interviewee explained that the burden of the debt for bail took over his life: “Wake up in the morning, that’s all you think about What can I do?”⁴⁵ For the people targeted and exploited by Defendants, every dollar spent to secure freedom requires a sacrifice elsewhere.

III. The Bail Bond Industry Disproportionately Impacts Black New Orleanians

Black New Orleanians bear the brunt of the devastating consequences caused by commercial bail bonds. This is, in part, because Black people are disproportionately represented at every stage of the city’s criminal justice system. In New Orleans, Black people are arrested at two and a half times the rate of white people.⁴⁶ Once arrested, Black people are more than twice as likely to be sent to jail.⁴⁷

⁴¹ “From the Director” in *Past Due*, *supra* note 5, at ii.

⁴² “Charging for Justice” in *Past Due*, *supra* note 5, at 1; “Charged From the Start,” in *Past Due*, *supra* note 5, at 8-9.

⁴³ “From the Director” in *Past Due*, *supra* note 5, at ii.

⁴⁴ “An outsized burden on black residents” in *Past Due*, *supra* note 5, at 19.

⁴⁵ *Id.* at 22.

⁴⁶ Flozell Daniels, Jr. et al., *From Bondage to Bail Bonds: Putting a Price on Freedom in New Orleans*, DataResearch.org, May 14, 2018, at 1.

⁴⁷ See ACLU of Louisiana, *supra* note 4, at 8.

While Black residents are most likely to be incarcerated pretrial, they are also the population least likely to be able to pay the price set for their freedom. Black families are disproportionately poor, with six times as many Black households in New Orleans living in income poverty than white households.⁴⁸ The median income among Black households is a mere \$26,819—fifty-seven percent lower than the median income of white households in New Orleans.⁴⁹ Black workers are also three times more likely to be unemployed than white workers, and a full seventy-one percent of Black households lack the savings necessary to live above the poverty level for just three months if they lose a job, face a medical crisis, or suffer another income disruption.⁵⁰ With Black residents having so little financial resources, a bail order for a Black defendant is often “a de facto detention order.”⁵¹ In New Orleans, eight out of ten felony defendants who spend more than two days in jail simply because they cannot pay bail are Black.⁵²

For those who are able to scrounge up the money, Black people are also the biggest customers for bail bond companies. Black residents of New Orleans pay eighty-four percent of the bond premiums and associated government fees each year.⁵³ As a result, these mounting costs “siphon off millions of dollars a year” from Black communities that are “already hardest hit

⁴⁸ Prosperity Now, *The Racial Wealth Divide in New Orleans* 1 (2016).

⁴⁹ *Past Due*, *supra* note 5, at 2.

⁵⁰ Prosperity Now, *supra* note 48, at 1.

⁵¹ Sandra G. Mayson, *Detention By Any Other Name*, 69 Duke L.J. 1643, 1646 (2020).

⁵² “Charging for Justice” in *Past Due*, *supra* note 5, at 35.

⁵³ *Id.* at 18.

by mass incarceration,” ensuring that the racial wealth gap in New Orleans only continues to grow.⁵⁴

But while Black New Orleanians are selling their belongings or going into debt just to afford their freedom, this money is going directly into the pockets of bail bondsmen.⁵⁵ By allowing these predatory companies to exploit the suffering of the most vulnerable for their own financial gain, the bail bond system ultimately facilitates a mass injustice for Black New Orleanians. This systematic transfer of wealth from the poorest residents to some of the wealthiest and most politically connected elites must be challenged.

CONCLUSION

This case presents issues of great public importance. Amici respectfully urge this Court to grant review in this case and allow Plaintiffs to challenge Act 54 in district court, which has the authority to declare the Act unconstitutional. Having abused its power advantage over the vulnerable families and loved ones of arrested individuals, the bail bond industry must not be insulated by special interest legislation to prevent the restitution that the families and loved ones of arrested persons in New Orleans deserve.

⁵⁴ See Press Release, New York City Comptroller, *Broad Coalition of Elected Officials, Legal Aid Organizations, and Labor and Faith Leaders Hail Stringer-Benjamin-Blake Proposal to Ban Commercial Bail in New York State* (Apr. 20, 2018), <https://comptroller.nyc.gov/newsroom/broad-coalition-of-elected-officials-legal-aid-organizations-and-labor-and-faith-leaders-hail-stringer-benjamin-blake-proposal-to-ban-commercial-bail-in-new-york-state/>.

⁵⁵ See generally ACLU Campaign for Smart Justice, *Selling Off Our Freedom: How Insurance Corporations Have Taken Over Our Bail System* (2017).

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CERTIFICATE OF SERVICE

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CERTIFICATE OF AUTHORITY

Pursuant to Rule XLII, Section 5(b) of the Rules of the Supreme Court of Louisiana undersigned counsel certifies that they are authorized to submit electronically the foregoing document on behalf of all signatories to this brief.

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