

# WHAT DO YOU DO WHEN YOUR CLIENT GETS ARRESTED?



deal, which co-defendants are able to get because of bad advice from you, you may not only lose your client, but also potentially be subjected to malpractice. Thus, your next actions are critical.

If the charges are state charges, your client will be taken first to the police substation then to the county jail. It is best to advise the police immediately that you are invoking your client's right to remain silent, confirm with a fax, and then head to the station.

If the client is already booked into the jail, you need find out if the offense is bondable. There are three manners of posting bond at the state level: cash bond, a bondsman or a property bond. A cash bond is posted at the main jail and the poster gets the cash back upon completion of the case. Bondsmen require 10 percent of the bond as a nonrefundable premium, in addition to collateral to secure the bond. A property bond is the most involved type of bond and is usually only utilized in cases where the bond is very high. If the client cannot afford a bond, then an attorney can file a motion to reduce bond. This requires setting a hearing in front of the court and often takes several days, if not longer, to get set.

If the offense is not bondable, then it must be handled differently. Life felonies, for example, require special hearings called Arthur Hearings, where evidence is presented and the court determines whether an individual is entitled to bond.

In federal court, the bonding process is similar to state court. However, the client appears in front of the magistrate to set the bond and the federal courts often allow some portion of the bond to be covered by personal guarantees made by signature. Bondsmen charge 15 percent of the bond as a premium, but collateral requirements are the same.

The best thing you can do is keep the super-secret cell phone number of your favorite criminal defense attorney\* on speed dial so that when your client gets arrested, you can tell the family that you are calling a criminal defense attorney to handle this emergency.

\*Mine is 954-465-0111 ↕

**It's** 2:00 a.m. and your super-secret cell phone rings. Startled, you realize that the call isn't going to be about good news. Your best client has been arrested. The client's spouse is in a panic. What do you do?

You need to first find out what police agency arrested your client. Then, you need to find out if the police are going to question your client or offer any substantial assistance deals which must be commenced to avoid more serious problems down the road. How you handle everything at this point can have a substantial impact on the outcome of your client's case. If you secure their release and keep your client from self-inculpation, you will be a hero. If you can't get your client out on bond or do not manage a cooperation



BY LEAH H. MAYERSOHN, ESQ.  
MAYERSOHN LAW GROUP, P.A.  
1 FINANCIAL PLAZA, SUITE 1514  
100 SOUTHEAST THIRD AVE.  
FORT LAUDERDALE, FL 33394  
(954) 765-1900  
[WWW.MAYERSOHNLAW.COM](http://WWW.MAYERSOHNLAW.COM)