

Jenner & Block Authors Amicus Brief on Cash Bail on Behalf of American Bar Association

News

April 7, 2021

On April 5, Jenner & Block filed an amicus brief on behalf of the American Bar Association (ABA) in *Shannon Daves, et al. v. Dallas County, Texas, et al.* in support of Plaintiffs' challenge to Dallas County's money bail system, wherein judges treated pre-set money bail amounts as binding and set bail in closed-door proceedings that lasted under 30 seconds.

The brief explains the ABA's research and analysis on the subject of money bail. It is the ABA's position that money bail systems should not operate as de facto pretrial detention by detaining release-eligible defendants who cannot pay bail, and that money bail systems also must consider nonmonetary alternatives and ability to pay. The ABA argued that money bail systems that do not follow these three principles can result in excessive, unjustifiable pretrial detention that harms the criminally accused and does not serve the fair and proper administration of justice. For these reasons, the ABA asks the court to clarify that money bail systems should never operate akin to de facto pretrial detention, should always consider the least restrictive conditions necessary to ensure the accused's release and reappearance, and should always take into account the accused's ability to pay.

The Jenner & Block team includes Partner Lindsay C. Harrison and Associates Grace C. Signorelli-Cassady and Alexander E. Cottingham.

Related Attorneys



Lindsay Harrison

Managing Partner, Washington, DC
lharrison@jenner.com
+1 202 639 6865

Grace C. Signorelli-Cassady

Associate
gsignorelli@jenner.com
+1 312 840 7281

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