

NOTICE TO ATTORNEY-SURETIES

The *Notice of Appearance and Affidavit of Representation by Attorney/Surety* currently provided to the Dallas County Sheriff attorney bail bonds is NOT an appearance as contemplated by the Occupations Code, but is an acknowledgment to the Sheriff that the attorney/surety has entered an appearance and represents the person for whom the bond is written.

For an attorney to qualify to write an attorney bail bond in Texas, the Texas Occupations Code requires that “at the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record **in the criminal case for which the bond was executed or surety provided or submits proof that the person has previously filed with the court in which the criminal case is pending the notice of appearance as counsel of record.**” TEX. OCC. CODE ANN. § 1704.163(a)(2) (West Supp. 2014) (emphasis added).

An attorney who posts a bond for a person whom the attorney does not represent subjects himself or herself to discipline by the Board and possible criminal prosecution. TEX. OCC. CODE ANN. §§ 1704.163(a)(2); 1704.163(b); 1704.303 (West Supp. 2014). **Writing a bail bond without compliance with the attorney exemption is a Class B misdemeanor.** TEX. OCC. CODE ANN. § 1704.303(c)(2) (West Supp. 2014).

Attorneys, please be sure that you are in compliance with the Dallas County Bail Bond Board Local Rules and the Texas Occupations Code when writing a bail bond for your client.