

APPEALS

I. Pre-Appeal-Preserving the Record.

<http://www.ncids.org/>

[Training and Reference Materials](#) -- Indexed by Subject

A. Subject-Abuse, Neglect, and Dependency

[Constitutional Defenses](#)

[Preserving the Record](#) from 2004 Defending DSS Cases, April 2004

B. Subject-Preserving the Appeal

[Preserving the Record](#), by Ira Mickenberg, from Defender Trial School, July 2006

[Preserving the Record on Appeal](#), by Danielle Carman, Anne Gomez and Julie Lewis, from 2006 Spring Public Defender Conference, May 2006

II. Deciding to Appeal

A. Can the order be appealed? Should the order be appealed?

N.C.G.S. 7B-1001

N.C.G.S. 7B-1002

N.C.G.S. 7B-507(c)

III. How to Appeal

Form Notice of Appeal *Attached.*

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IV. Responsibilities of Trial Counsel in an Appeal

A. Rule 3A of the N.C. Rules of Appellate Procedure

B. IDS Policy-Division of Responsibility between Trial and Appellate Counsel
Attached.

C. Memo to Attorneys Representing Parents, April 17, 2006 *Attached.*

<http://www.ncids.org/>

[Training and Reference Materials](#) -- Indexed by Subject

A. Subject-Abuse, Neglect, and Dependency

[Appellate Rule 3A Resources](#)

[Memo to 7B Trial Counsel Concerning Rule 3A](#)

V. Pitfalls to Avoid

1. If your client wants to appeal an order, call me or e-mail me as soon as you know, preferable before you file the Notice of Appeal. I will need the information on the attached 'Appeal Notification' form in order to assign appellate counsel. You can fax it or e-mail the information.
2. If you file a Notice of Appeal, please remember that the Amended Rules of Appellate Procedure require that BOTH the client and the trial attorney sign the Notice of Appeal. If you have a case where your client told you to appeal and then disappeared before signing the Notice, please contact me before you file the Notice of Appeal.
3. Please remember that under the new rules, the Notice of Appeal must be filed within 30 days of the date the order is clocked in. **Exception:** hearings that act as 'Motions in the Cause' (e.g. review hearings and TPRs that are filed as Motions) must be appealed within 10 days of the date the order is clocked in if the original petition alleging abuse, neglect or dependency was filed prior to October 1, 2005.
4. You cannot appeal an adjudication by itself. You must appeal both the adjudication and disposition.
5. The 'Notice to Preserve Right to Appeal' referenced in G.S. 7B-507(c) and G.S. 1001(a)(5) must be filed within ten (10) days of the hearing.
6. A Notice of Appeal generally divests the trial court from hearing post-trial motions such as a Rule 59 or Rule 60 motion. Post trial motions can be done while the case is on appeal but require coordination between the trial counsel and appellate counsel. Please contact me or the assigned appellate counsel if you find yourself in this situation.
7. You will get paid for work you do to assist the appellate attorney. Use AOC-CR-426. Under "Result on Appeal," check "Other" and write in "Rule 3A Trial Counsel."

Wendy C. Sotolongo
Parent Representation Coordinator
Office of Indigent Services
123 West Main Street, Suite 500
Durham, NC 27701
919-560-3334 x 273
919-560-3288 fax
Wendy.C.Sotolongo@nccourts.org

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
JUVENILE DIVISION
00 J 00

IN THE MATTER OF:

A>A>A>
Minor child

NOTICE OF APPEAL

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

COMES NOW the Respondent-Mother, _____, pursuant to N.C.G.S. 7B- 1001(a)(3), and hereby gives Notice of Appeal to the Court of Appeals of North Carolina from the Adjudication Judgment and Dispositional Order signed by the Honorable _____, District Court Judge Presiding on March 15, 2007 and served on undersigned counsel on March 16, 2007.

REQUEST FOR APPOINTMENT OF COUNSEL FOR APPEAL

COMES NOW the Respondent-Mother _____ and respectfully requests that counsel be appointed to represent her in this appeal, in that she is indigent and has previously had counsel appointed to represent her in this case, and there has been no change in her financial circumstances since counsel was appointed.

THIS, the _____ day of _____, 2007.

Attorney at Law

Respondent-Mother

Date Signed _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF APPEAL and REQUEST FOR APPOINTMENT OF COUNSEL has been served on the parties listed below by depositing said notice in a postpaid, properly addressed wrapper in a Post Office or official depository under the exclusive care and custody of the United States Post Office Department.

THIS, the _____ day of _____, 2007.

Attorney at Law

DSS attorney

GAL attorney

Other parties

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
JUVENILE DIVISION
00 J 00

IN THE MATTER OF:

Minor child

NOTICE TO PRESERVE RIGHT TO APPEAL

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

COMES NOW the Respondent-Mother, _____, pursuant to N.C.G.S. 7B-1001(a)(5) and N.C.G.S. 7B-507(c), and, within ten (10) days of the hearing wherein the trial court found that reasonable efforts to reunify the family should cease, hereby gives Notice to Preserve the Right to Appeal to the Court of Appeals of North Carolina the Order rendered by the Honorable _____, District Court Judge Presiding on the ___ day of _____, 2007 .

Attorney at Law

Respondent-Mother
Date Signed _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE TO PRESERVE RIGHT OF APPEAL has been served on the parties listed below by depositing said notice in a postpaid, properly addressed wrapper in a Post Office or official depository under the exclusive care and custody of the United States Post Office Department.

THIS, the _____ day of _____, 2007.

Attorney at Law

Agency Attorney
_____ Co. Dept. of Social Services

Attorney Advocate for the Guardian Ad Litem
Office of the Guardian Ad Litem

Attorney for Respondent-Father

APPEAL NOTIFICATION

To: Wendy C. Sotolongo, Parent Representation Coordinator
Fax: 919-560-3288
Wendy.C.Sotolongo@nccourts.org

From: Please include name, mailing address, phone, fax and e-mail.
(Include e-mail only if you use it!)

Date:

County: _____

Judge: _____

Name of case: _____

File No(s): _____

Client's name, address and
Phone (if available): _____

Is client indigent? _____

Co-Respondent information: _____

Type of Hearing: _____

Date of Hearing(s): _____

Additional information:

DIVISION OF RESPONSIBILITY BETWEEN TRIAL AND APPELLATE COUNSEL
WHO ARE PROCEEDING UNDER APPELLATE RULE 3A(b)(2)

IDS Policy:

Under Appellate Rule 3A(b)(2), appellate counsel appointed by the Office of the Appellate Defender and trial counsel for an indigent respondent in an abuse/neglect/dependency or termination of parental rights proceeding have joint responsibility for preparing and serving the proposed Record on Appeal. The following policies are intended to delineate the responsibilities of the respective counsel.

Consistent with Appellate Rule 3A, and as set forth below, trial counsel will be paid at the rate applicable for trial court representation for reasonable time and expenses associated with the work they do as part of the appellate representation.

In most cases, trial counsel will not be on the roster of counsel qualified to represent indigent persons in appellate proceedings. Trial counsel's responsibility necessarily will be subordinate to the judgment and experience of appellate counsel, even if trial counsel is on the roster of appellate counsel. Otherwise, there would be the appearance of a conflict in situations where appellate counsel must consider the possibility of raising issues concerning trial counsel's performance.

The following policies are intended to insure excellent appellate representation for indigent persons under the expedited procedures required by Appellate Rule 3A. These policies do not place trial counsel in the role of making final decisions on the content or form of the proposed record; all substantive decisions about the proposed record will be the responsibility of appellate counsel. While appellate counsel should solicit the views and insights of trial counsel, the ultimate responsibility for decisions in all phases of the appellate representation remains with appellate counsel.

In addition to filing notice of appeal consistent with the requirements of Rule 3A(a) when directed to do so by the client, including obtaining the client's signature on the notice of appeal, trial counsel will have the following responsibilities in connection with the appeal:

- (1) In addition to the fee application that is submitted to the trial judge for the trial-level representation in these cases, trial counsel should submit to the Office of Indigent Defense Services a fee application (on form AOC-CR-426) for work done pursuant to Appellate Rule 3A and the following policies.

- (2) Trial counsel must notify the Office of the Appellate Defender by email (AppellateDefender@nccourts.org), facsimile (919-560-3288), or telephone (919-560-3334) following the conclusion of a hearing in which a decision adverse to the respondent has been announced by the trial court when the decision of whether to appeal is pending consideration between attorney and client, or when the client's initial inclination is to direct counsel to enter notice of appeal. This notice must be given by noon of the next business day.

Counsel shall not delay notification to the Office of the Appellate Defender on the basis that the trial court's written order has not been filed or that the client later might abandon the appeal.

- (3) At the request of the Office of the Appellate Defender, trial counsel must make or cause to be made an accurate and complete photo copy of all documents in the entire trial court file, including any documentary exhibits, and mail them to appellate counsel appointed by the Office of the Appellate Defender. The copy must be mailed within three business days of trial counsel's receipt of the request.
- (4) Trial counsel must prepare a list of all non-documentary exhibits tendered or admitted in the trial proceedings and forward them to appellate counsel within three business days after trial counsel has received notice of the appointment of appellate counsel.
- (5) Trial counsel must consult with appellate counsel at mutually convenient times concerning trial counsel's view of the potential issues in the case.
- (6) Trial counsel shall undertake all other responsibilities and tasks that trial and appellate counsel jointly determine will expedite the filing of a proposed record that constitutes a reliable basis for appellate review, including participating in activities necessary to settle the record on appeal, if requested to do so by appellate counsel.
- (7) Trial counsel shall not be responsible for the specific form and content of the proposed record on appeal, for the filing of the appellate brief, or for oral argument.

Policy effective March 1, 2006.

Authority:

G.S. 7A-451(b)(6), 7A-452, 7A-458, 7A-498.3, 7A-498.5, 7A-498.8; IDS Rules 3.2(a2) (adopted Feb. 10, 2006), 3.3

MEMORANDUM

TO: ATTORNEYS REPRESENTING RESPONDENT PARENTS IN CHAPTER 7B CASES FROM:
STAPLES HUGHES, APPELLATE DEFENDER
RE: **ROLE OF TRIAL COUNSEL UNDER APPELLATE RULE 3A, EFFECTIVE MAY 1**
DATE: APRIL 17, 2006

CONTENTS:

- I. Will you get paid for the work you do on the appeal? Will you be ethically or legally liable for the appellate representation?
- II. What is trial counsel's duty under Rule 3A and the IDS policy?
- III. What happens after trial counsel mails the court file to appellate counsel?
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- VIII. We can't appeal a cease reunification order any more?
- IX. How does trial counsel preserve the cease reunification decision for later appellate review?
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- XII. What if I have questions after reading this memo and the documents posted on the IDS website?

Dear Colleague:

This memo is long and detailed because the topic is complex and the information crucial to you and your parent clients. You are getting the memo because our records indicate that you represent or have represented parents and other respondents in district court abuse, neglect, dependency, and termination of parental rights cases. **On May 1, Appellate Rule 3A will come into effect for cases appealed on or after that date.** Rule 3A expedites the appeals of Chapter 7B cases by mandating shortened time deadlines for appeals in these cases. **It also directs that trial counsel be involved in the initial phases of the appeal.** This does not mean that you will have to become an appellate lawyer, develop practice skills you don't already have, or be responsible for the briefing of the case. It does mean that you and the appellate lawyer will need

to work more closely to provide the client with the best appellate representation. You know about the day to day reality of trial practice in 7B cases. The appellate lawyer should have a good sense of what may be successful on appeal, and what may not be successful. Working as a team and communicating with one another and with the client, you may be able to avoid appeals that won't help the client, and to give the client the best chance of relief where something went wrong in district court.

To save mailing costs (this memo is going to nearly 1,300 lawyers across the state), we have not enclosed hard copies of several important documents; instead, we have posted them on the IDS website, www.ncids.org. Access the "Attorney Resources" link on the lefthand side of the home page, and then access the "Appellate Rule 3A Resources" link. You will need the free and downloadable Adobe Acrobat Reader (Fn. 1) to access these documents.

They are:

1. The text of Appellate Rule 3A
2. The text of H.B. 1150, which is the legislation passed in the last session of the General Assembly that significantly affected appeals in Chapter 7B cases
3. IDS policy on the role of trial and appellate counsel under Appellate Rule 3A
4. An article I wrote for the February 2006 issue of Trial Briefs, the magazine of the North Carolina Academy of Trial Lawyers, about recent legislative and appellate rule changes affecting appeals in Chapter 7B cases. (Fn.2)
5. The text of this memorandum

If you read these documents carefully, you'll get the big picture on Rule 3A and recent legislative changes affecting appeals in Chapter 7B cases, and on the role of trial counsel in the appeal. The work you do in district court is a calling and an honor, and is some of the most difficult lawyering there is. Rule 3A is a sign that we all are shaking things up for the good of our clients and the good of the law.

The following is an attempt to answer the most obvious questions you may have about Rule 3A and to give you more detailed information. Please ask your fellow members of the parents' bar if they have received this memo. If they have not, please give them a copy.

I. Will you get paid for the work you do on the appeal? Will you be ethically or legally liable for the appellate representation?

You will be paid for all work you do on the appeal and for all expenses connected with that work. As trial counsel, you are not responsible for any final decision concerning the form or content of the proposed record, or any other decision concerning any aspect of the appellate representation. Rule 3A simply says that trial counsel "shall have a duty to assist appellate counsel." The IDS policies repeatedly refer to trial counsel's role in the appeal as "subordinate." This takes trial counsel out of any ethical duty and liability with regard to final decisions made in the appeal.

¹ You can download the Reader from <http://www.adobe.com/products/acrobat/readstep2.html>.

² Thanks to the Academy for permission to post this article. Note that Rule 3A was amended after this article was written, so you should closely read the text of the Rule itself.

II. What is trial counsel's duty under Rule 3A and the IDS policy?

The short answer is that you and appellate counsel become a team working for the client even before notice of appeal is entered.

The long answer: assume the judge announces a decision in open court at the end of the hearing, and it isn't good news, or the judge doesn't announce a decision, but the handwriting is on the wall. Here's an outline of the immediate steps you should take:

A. The first thing you do is contact the Office of the Appellate Defender (OAD) if there is any possibility that the client is going to direct you to appeal or that you are going to recommend to the client that he or she appeal. You would not contact OAD if the client's whereabouts are unknown and there is reason to believe that he or she is never going to show up. In this circumstance, there will be no appeal. You can't enter notice of appeal under G.S. 7B-1001(c) unless the client instructs you to do so after the hearing. Under Appellate Rule 3A(a), the client must sign the notice of appeal.

B. Contact OAD by sending an email to appellatedefender@nccourts.org. Put in the subject line of the email "Urgent – Likely 7B Appeal." If you don't have email, call 919 560 3334 and tell the person who answers the phone or the voice mail at extension 137 that you have a likely 7B appeal. In the body of the email (or in the phone call) please tell us:

1. Your name
2. The county the case comes from
3. The district court docket number
4. Your client's name and relationship to the child or children
5. Number of children involved
6. The first child's name
7. The type of action (i.e., abuse, neglect, and/or dependency, review hearing, PPR, TPR)
8. The date of the hearing in which the judge made a decision, or stated that he or she will announce the decision in a written order filed at a later date.

C. When you contact OAD, it usually will be appropriate for us to immediately provisionally appoint appellate counsel ("provisionally" meaning without a court order) even though notice of appeal has not been filed, and even though there isn't a written order. If we wait around for a written order, we may not be able to provide the client adequate appellate representation because there may not be enough time to do so.

D. OAD will email or call you and appellate counsel with contact information for you both. I almost always will request that you get the clerk to make a copy of the court file for appellate counsel. Trial and appellate counsel should contact one

another and discuss likely issues, the client's attitude toward the district court litigation, the absence of any issues, etc. Talk about the timing of getting a copy of the court file to appellate counsel.

E. Tell the clerk you need a complete and accurate copy of the entire district court file as soon as possible, diplomatically monitor the production of the copy, and mail it to appellate counsel as soon as possible. This is the only copy the clerk will have to make. Currently, this copy of the court file is ordered as part of the appellate entries the judge signs after notice of appeal is filed. Again, if we wait until then, we lose valuable time. The IDS policy provides that you should mail the file to appellate counsel within three business days of our request. This obviously will be controlled to a certain extent by the clerk's work load.

In a complex case with a big court file, one of the real tasks for appellate counsel is to organize and digest the court file, which, as you know all too well, can be big, can contain a lot of detailed information, and can be confusing. Appellate counsel needs to begin working with the court file in order to confer with you and the client about the appeal.

III. What happens after trial counsel mails the court file to appellate counsel?

There are many possible scenarios -- after the appellate lawyer looks over the file, and both lawyers discuss the case, they might tentatively agree that they should recommend to the client that he or she not appeal. This may be an obvious recommendation even after just an examination of the court file and discussion between lawyers.

Usually, however, the recommendation should not be final until appellate counsel has had a chance to read the transcript, which will not be available until after notice of appeal is filed. The decision to appeal is, of course, the client's, but given that the client can be stuck with a lien for counsel fees if an appeal is unsuccessful, some clients may follow good advice, particularly in non-TPR appeals. An appeal can be withdrawn after notice of appeal is filed.

Another possibility that may occur is that trial counsel can give appellate counsel an early heads up on a significant preserved issue in the case, and appellate counsel can begin working on it, as well as organizing the trial court file.

IV. Who files the notice of appeal and when is it filed?

Trial and provisional appellate counsel should confer on the timing of the filing of the notice of appeal. Under Rule 3A, trial counsel must file the notice of appeal, which makes sense because trial counsel is usually there in the county in which the case was tried. Appellate counsel may practice in a relatively distant county. Again, in a case with a large court file, appellate counsel may need all the time the rules provide for digesting and organizing the file,

discussing the issues with trial counsel, doing some preliminary research, perhaps talking with the client about the decision of whether or not to appeal, etc. Notice of appeal does not have to be filed until thirty (30) days after the court files its written order, so please do not enter notice of appeal until appellate counsel and you have talked over the timing.

V. What do we do about cases in which the notice of appeal must be filed on May 1 or very shortly after May 1?

Contact me asap. We'll move as quickly as possible and do the best we can.

VI. What if your client says he wants to appeal, but may be hard to reach when time comes to enter written notice of appeal?

After a judge announces an adverse decision in open court, the client may say, "I want to appeal." You can't file notice of appeal at that point, because notice of appeal must be (1) in writing, (2) signed by the client and counsel, and (3) filed after the court has filed its written order. (Fn.3) Oral notices of appeal and written notices filed before the court's written order is filed at best cause headaches and at worst may present grounds for dismissal. AOC is instructing clerks to notify lawyers that notices of appeal filed before the written order is filed are not legally effective, but you may not get the word, so just make it a blanket rule to never give oral notice of appeal and never file a written notice before a written order is filed.

Assume that the client may be difficult to contact after the written order is filed. So what do you do? I can only give you my ideas, because I do not think we have a clear answer yet. My thought is that you would be wise to have a written notice of appeal filled out for the client to sign at the time the court announces an adverse decision. This satisfies Rule 3A since the client signs it, and it may satisfy G.S. §7B-1001(c) since it is executed "by following direct instruction of the appealing party after the conclusion of the proceeding," assuming that the court's oral decision marks "the conclusion of the proceeding." If you don't do this, you may be getting into ethical hot water, since your client arguably has directed you "at the conclusion of the proceeding" to appeal, and you will not be able to enter written notice after the court's written order is filed if the client is not available to sign it. I would have the client date the signature line as of the date he or she signs, so there will be no question of your misrepresenting that date. If anyone questions the discrepancy between that date and the date you later sign the notice of appeal, you can point out that there's no other way to avoid putting yourself in a very precarious position ethically unless you get the client to sign when the direction to appeal occurs following the hearing. This is a matter on which reasonable minds can differ, and I am only telling you what I would do in the absence of any clear direction from a case or rule.

HOWEVER, the best way to avoid this whole problem is to get the client to come in AFTER the written order is filed to discuss the decision to appeal. That discussion can take place after the client's emotions may have subsided, after appellate counsel has had a chance to

³G.S. §7B-1001(c); Appellate Rule 3A(a).

look over the case file, and after you and appellate counsel have examined the precise wording of the order. Again, the best advice you can give to a client may be to not appeal or to withdraw an appeal.

In any event, let someone else be the lawyer whose case decides the issue of whether the client's signature at the end of the hearing is effective for a proper notice of appeal. You may be forced, however, to be that lawyer if you cannot locate the client after the hearing in time to get a signature on a notice of appeal filed after the written order is filed.

VII. This memo makes repeated references to not appealing or to withdrawing appeals. Is the Appellate Defender trying to discourage parents from appealing?

The increase in the numbers of appeals in 7B cases in the last few years has been a very good thing for the law, for parents, and for children. It has tended generally to make judges more closely observe the rule of law and has led to the correction of error in specific cases. When counsel believe that a judge has committed error that may have prejudiced the client, I would nearly always recommend that they advise the client to appeal.

That said, clearly futile appeals don't help anyone and waste resources. To be sure, if the client says "appeal," you have to file the notice of appeal and appellate counsel must perfect the appeal, but taking advantage of the chances we have to counsel with clients and help them see that they may be wasting their money and clinging to false hope is a good thing. In many situations, parents who understand that what they really need to do to reunite the family is to satisfy the judge that they are taking advantage of whatever resources are available are much better off than parents who invest irrational hope in a futile appeal. By believing that a meritless appeal is going to undo the court's order, some parents may be avoiding the hard work of making positive changes, when you and appellate counsel know an appeal will accomplish nothing.

VIII. We can't appeal a cease reunification order any more?

You cannot immediately appeal a cease reunification decision (unless your client is not the parent but is the custodian or guardian of the child). You can, however, preserve the issue for review in a later appeal of a termination of parental rights. If you are representing a parent, you must either orally preserve the right to appeal the cease reunification decision when it is announced or preserve it in writing within ten (10) days after the decision is announced (not ten days after the written order is filed) in order to be able to actually appeal the decision in a future appeal of a termination. G.S. §7B-507(c), §7B-1001(a)(5).

IX. How does trial counsel preserve the cease reunification decision for later appellate review?

Don't call it a "notice of appeal." Calling it that will confuse clerks and judges and will waste a lot of time untangling the confusion.

Call it, "Notice of Preservation of Cease Reunification Decision under G.S. 7B-507(c)." Always file a written preservation notice. Although oral notice is legally effective to preserve the issue, without the written notice, there might be problems down the line establishing that the right to appeal the cease reunification decision was preserved. AOC is training clerks to look for the word "preservation" to differentiate this notice from a notice of appeal from an order from which there is an immediate appeal of right.

X. How does trial counsel get paid for work on the appeal?

The IDS policies require that you submit a fee application to IDS, not the trial judge, for the work you do as part of the appeal (meaning anything you do that is required under Rule 3A and the IDS policies). I know this is an extra step, but without it, IDS will not be able to track and analyze the costs of the appellate representation in a reliable way. Another reason for this requirement is that it insures that you will be paid for all the time you spend doing what the policies require. I think that appellate counsel will tell you that IDS makes a very concerted effort to get lawyers paid as promptly as possible. Trial counsel should submit a fee application when the record is settled, and should claim not only their time, but also miscellaneous expenses, such as postage and long distance telephone calls.

To get paid, download and fill out the appellate fee application (form AOC-CR-426) from the IDS website at the following address:

<http://www.nccourts.org/Forms/Documents/139.pdf> (Fn. 4)

Under "Nature of most serious conviction or proceeding that was appealed," check either "Abuse/Neglect/Dependency (*Parent Or Custodian*)" or "Termination of Parental Rights." Under "Result on Appeal," check "Other" and write in "Rule 3A Trial Counsel." For more specific directions about reimbursement for expenses, see "Attorney and Expert Fee and Expense Policies" under the "IDS Rules and Procedures" link on the IDS website.

XI. How can you get on the listserv for parents' counsel in 7B cases?

IDS manages a listserv for attorneys who represent parents and other respondents in Chapter 7B proceedings. This listserv is a forum for quick feedback on particular issues or challenges you are confronting, and is a place to exchange ideas about litigating and negotiating

⁴ Step by step is: Go to www.ncids.org; access the "Forms and Applications" link; then access the "Fee Applications" link; then the link to AOC-CR-426. Again, you will need the Acrobat Reader to view and print the form.

in your clients' cases. Exchanges on the listserv are not bound by attorney-client privilege and should not be considered confidential, but members are expected not to forward email to fulltime DSS counsel, to full time employees of the GAL program, or to judges. You will need an email account to participate.

If you are interested in joining this listserv, please send an email to 3Aresource@nccourts.org and put in the subject line "Want to join parents' counsel listserv." In the body of the message, please give us your full name, your firm or organization if any, your preferred email address, your mailing address, and your telephone number. By requesting membership on the listserv, you are attesting that your practice includes substantial representation of parents and other respondents in Chapter 7B cases, that you are not a full-time employee of DSS, the Attorney General's Office, or the GAL program. You also are attesting that you will not forward listserv messages to full-time employees of those programs, to judges, or to anyone else with the intent of disadvantaging a lawyer who is a member of the list or disadvantaging his or her client.

XII. What if I have questions after reading this memo and the documents posted on the IDS website?

If you have questions about the operation of Rule 3A after reading this memo and the documents posted on the IDS website, please either post a message to the parents' counsel listserv or contact me (staples.s.hughes@nccourts.org, 919-560-3334, ext. 137). Please bear in mind, however, that this memo is going out to over a thousand lawyers. If you can utilize the listserv, that may be the most efficient way to get your question answered.