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To: Indigent Defense Attorneys
From: David Teddy, IDS Commission Chair,
Thomas Maher, IDS Executive Director
Date: November 27, 2018

NOTICE TO PRIVATE ASSIGNED COUNSEL REGARDING PARTIAL RESTORATION
OF HOURLY RATES AND CORRESPONDING INCREASE IN CONTRACT AND FEE
SCHEDULES

In May 2011, the Indigent Defense Services Commission was required to reduce the hourly rate paid to private assigned counsel. This reduction was in response to the ongoing budget crisis. The IDS Commission always believed that this reduction should be temporary and that the rates adopted threatened the ability of IDS to provide counsel with the resources necessary to provide the effective representation that our clients deserve. Since 2011 the hourly rates have been further eroded by increases in the cost of living, so that the \$5 per hour increase in 2017 only erased the impact of inflation. In short, there is a continued and pressing need to restore the private assigned counsel rate. Private Assigned Counsel should receive the same effective rate of compensation paid before the reductions in 2011. To date, however, the legislature has not provided the recurring funding necessary for restoration of the rates.

On March 2, 2018, the IDS Commission voted for a moderate increase to some of the hourly rates paid to counsel. This decision was based on our spending projections, our current budget, and concern about returning to an annual shortfall situation. **It is important to understand that the Commission fully recognizes that all of the hourly rates need to be restored, and that it is just as important to provide effective assistance of counsel to clients in all proceedings in district court as it is for clients charged with felonies.** Indeed, we intend to continue to seek recurring funding to allow for restoration of all rates, and will be asking for your active involvement in that effort. Nonetheless, with the modest recurring funding that is currently available, the following changes are being made to the hourly rates and mileage rates:

Case Type	Current Rate	New Rate	Implementation
Cases in which the highest charge against the defendant was a Class E – I felony, and felony probation violations	\$60 (SC) \$55 (DC)	\$60	Cases finally disposed on or after December 1, 2018
Cases in which the highest charge against the juvenile was a Class E – I felony adjudicated and disposed in in the juvenile division	\$55	\$60	Cases finally disposed on or after December 1, 2018
Low Level Felonies Paid by Contract	\$19,500	\$20,100	Certifications made by January 7, 2019 for work done December 1, 2018 or later
Class E – I felonies disposed in district court pursuant to uniform fee	\$230	\$250	Cases finally disposed on or after December 1, 2018
Class F – I felonies adjudicated and disposed in juvenile division pursuant to uniform fee	\$300	\$325	Cases finally disposed on or after December 1, 2018

The new hourly rate is to be applied prospectively. In no case should it be applied retroactively. In other words, interim fee applications approved under the current rate will not be revisited even if the case is finally disposed or the date of the last appellate ruling is December 1, 2018 or later.

For counsel providing representation on low level felonies under contracts, there will be a proportionate increase in the non-hourly compensation. The current compensation for a single low level felony unit under the contract system will increase by \$600.00 annually, or from \$19,500.00 to \$20,100.00. The counties operating under the Uniform Fee Pilot will see the following fee increases based on the rate restoration:

- Class E – I felonies and felony probation violations disposed of in district court will increase from \$230.00 to \$235.00; and,
- Class F – I felonies adjudicated and disposed in juvenile delinquency proceedings will increase from \$300.00 to \$325.00.

IDS is pleased that we have been able to take this small step toward addressing the low compensation for private counsel, and we are committed to continue work to restore all of the rates. We intend to continue to seek recurring funding to allow for restoration of all rates and, as noted above, will be asking for your active involvement in that effort.