

NORTH CAROLINA CIVIL COMMITMENT MANUAL

2006

**LOU A. NEWMAN
JOHN RUBIN
DOROTHY T. WHITESIDE**

**North Carolina Indigent Defense Manual Series
John Rubin, Editor**



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ABOUT THE NORTH CAROLINA INDIGENT DEFENSE MANUAL SERIES

The North Carolina Indigent Defense Manual Series is a collection of reference manuals addressing law and practice in areas in which indigent defendants and respondents are entitled to the representation of counsel at state expense. The series was created to address the need for comprehensive, up-to-date reference materials for public defenders and appointed counsel, who devote their time, skill, and effort to representing poor people. In addition to assisting indigent defenders with their responsibilities, the manuals also may be useful to others who work in the court system and who need a reference source on the law. In keeping with the School of Government's commitment to practical scholarship, the manuals are written by authors with subject-matter expertise in their respective fields, experience in developing effective educational materials, and knowledge of how things actually work in practice. The editor of the series is John Rubin, a member of the School of Government faculty who specializes in indigent defense education. For a current listing of manuals in the series, see www.indigentdefense.unc.edu. Production of the series is made possible by funding from the North Carolina Office of Indigent Defense Services, which is responsible for overseeing and enhancing the provision of indigent defense representation in North Carolina.

ABOUT THE AUTHORS OF THE NORTH CAROLINA CIVIL COMMITMENT MANUAL

Lou A. Newman has been in private practice since 1980. She has represented respondents in civil commitment and incompetency proceedings, juveniles alleged to be delinquent, and the Wake County Guardian ad Litem program in abuse, neglect, and dependency and termination of parental rights proceedings. She has previously written on issues involving incompetency, juvenile justice, and abuse, neglect, and dependency, and is the lead author on the forthcoming *North Carolina Juvenile Defender Manual* from the School of Government.

John Rubin is a Professor of Public Law and Government at the School of Government. He joined the faculty in 1991 and specializes in criminal law and procedure and indigent defense education. Prior to this appointment, he practiced law for nine years in Washington, D.C., and Los Angeles. He teaches, writes for, and consults with indigent defenders, judges, magistrates, and others who work in the court system.

Dorothy (Dolly) T. Whiteside is the Special Counsel Supervising Attorney for the Office of Special Counsel of the North Carolina Office of Indigent Defense Services. She has practiced in the civil commitment field since 1979 and is responsible for overseeing the provision of legal representation for respondents by Special Counsel attorneys and appointed counsel in civil commitment proceedings.

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Preface

I am proud to introduce this first-ever manual on civil commitment proceedings. Our aim has been to create a clear, usable resource for attorneys appointed to represent respondents in civil commitment cases. We hope the manual meets that goal. We also hope the manual will be a useful source of information for others who work in this challenging area.

I have the honor of writing this preface, but the credit for the manual belongs to several others. First, the manual reflects the hard work of its lead author, Ms. Lou Newman, who had just the right combination of qualities for the project: experience as a respondent’s attorney, expertise in the law, and a talent for synthesizing the valuable but sometimes conflicting comments of a multi-person editorial board. This manual also would not have been possible without Dolly Whiteside, who shared her vast knowledge of this area and made sure we stayed on track throughout.

Second, thanks go to the members of the editorial board—Mark F. Botts, Associate Professor of Public Law and Government, UNC School of Government; Becky C. Zogry, Esq., Kernersville, NC; Judith L. Kornegay, Esq., Rocky Mount, NC; Willia G. Mills, Special Counsel, John Umstead Hospital; Rob Stranahan, Special Counsel, Dorothea Dix Hospital; and Eric J. Zogry, Juvenile Defender, Office of Indigent Defense Services. They volunteered their time to review each chapter, offer their insights into the civil commitment process, and endure long meetings to see this project to its conclusion.

Last, this manual would not have been possible without the support of the Office of Indigent Defense Services and the School of Government. Their collaboration on this and other educational projects has enhanced the resources available to indigent defense attorneys and has improved the service that indigent defenders are able to provide their clients. I also want to thank Karen Bullard, Katrina Hunt, Kevin Justice, Robby Poore, Steve Rogers, and Angela Williams with the publications division of the School of Government for their assistance in designing, producing, and distributing the manual.

Comments and suggestions are welcome. They may be sent to me at the School of Government, CB #3330, Knapp Building, The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina, 27599-3330. I can also be reached by telephone at (919) 962-2498 or by e-mail at rubin@sog.unc.edu.

John Rubin
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