

MANDATORY MITIGATION SPECIALIST ROSTERS

IDS Policy:

An in-state individual who wants to be eligible to be retained as a mitigation specialist in a capital case at the post-conviction level must be approved for one of three Mitigation Specialist Rosters. An appointed attorney can not retain a mitigation specialist who is based in North Carolina in a capital post-conviction case, unless he or she has been approved for one of the three rosters. Requests to retain mitigation specialists who are based in another state will be addressed on a case-by-case basis, and the mitigation specialist does not have to be approved for one of the rosters.

The three levels of mitigation specialists (Mitigation Specialist I, Mitigation Specialist II, and Mitigation Specialist III) are based on educational background and experience. The qualifications for the three levels are set forth in the “Standards for Mitigation Specialists in Capital Cases” ([click here](#)). To access the Mitigation Specialist Roster Application, [click here](#). Completed applications should be sent to: Office of the Capital Defender, Attn.: Mitigation Specialist Applications, 123 West Main Street, Suite 401, Durham, NC 27701.

The hourly rates approved by the IDS Commission for the three different roster levels are \$35 for a Mitigation Specialist I, \$45 for a Mitigation Specialist II, and \$55 for a Mitigation Specialist III.¹ If an application to be placed on one of the three rosters is denied, the applicant may seek review of the Capital Defender’s decision from the Review Committee of the IDS Commission ([Click here for the Review Committee procedures](#)).

Policy announced January 16, 2006. Policy effective April 17, 2006. Policy updated June 8, 2011.

Authority:

G.S. 7A-454, 7A-498.3(c), 7A-498.3(d), 7A-498.5(c)(6), 7A-498.5(f); IDS Rules, Part 2D.

¹ The applicable rate will go into effect for fee applications received at the IDS Office on or after April 17, 2006. Effective for authorizations dated on or after June 1, 2011, the rate for a Mitigation Specialist III was reduced from \$60 per hour to \$55 per hour.