REGULATIONS FOR APPOINTMENT OF COUNSEL IN CASES UNDER THE INDIGENT DEFENSE SERVICES ACT FOR THE 9TH JUDICIAL DISTRICT (GREENE, LENOIR, AND WAYNE COUNTIES)

I. Applicability

A. Generally

These regulations are issued pursuant to Rule 1.5 of the *Rules for the Continued Delivery of Services in Non-Capital and Non-Criminal Cases at the Trial Level* (hereinafter "IDS Rules"). They apply to all non-capital criminal and all non-criminal cases in the trial division in the 9th Judicial District in which the provision of counsel is subject to the Indigent Defense Services Act of 2000 (G.S. 7A-498 through 7A-498.8) (hereinafter "IDS Act").

B. Exclusions

1. In cases in which the defendant is charged with first-degree murder, an undesignated degree of murder, or an offense filed contemporaneously with or subsequently joined with such murder charges, the court shall appoint the Office of Indigent Defense Services (hereinafter "IDS Office"), which shall appoint counsel in accordance with the *Rules for Providing Legal Representation in Capital Cases.* However, the court shall appoint counsel from the appropriate list in cases in which the defendant or respondent was 17 years of age or younger at the time of the alleged offense and is not eligible for the death penalty.

2. In cases in which a person is entitled to appointed counsel pursuant to G.S. 7A-451 with respect to appeal to the appellate division from an adverse ruling in the trial division, the court shall appoint the Office of Appellate Defender, which shall appoint counsel in accordance with the *Rules for Providing Legal Representation in Non-Capital Criminal Appeals and Non-Criminal Appeals.* The only exception to this procedure is in cases in which a death sentence has been returned, where the appellate entries made by the court shall reflect that appeal is taken by operation of law and that the Director of the IDS Office has appointed the Office of Appellate Defender. *See* Rule 2B.2(a) of *Rules for Providing Legal Representation in Capital Cases*.

II. Administration of Regulations

1. The President of the Judicial District Bar shall name an Administrator of these regulations in each county within the judicial district, who may be a member of the Committee on Indigent Appointments or an officer of the Judicial District Bar or the County Bar Association.

2. The Administrator shall file and keep current these regulations for the assignment of counsel with the Clerk of Superior Court in the county.

3. The Clerk of Superior Court in each county within the Judicial District shall keep a record of all counsel in the county eligible for appointment under these regulations, as provided in Article IV below, and a permanent record of all appointments made in the county.

III. Determination of Entitlement to Counsel

In each case subject to these regulations the court shall determine whether a person is entitled to have counsel appointed to represent him or her in the particular case. In cases in which the person must be indigent to receive counsel, the court shall determine indigency. When these regulations describe the functions that a court performs, the term "court" includes the Clerk of Superior Court.

IV. Appointment of Counsel

A. Order of Appointments

1. The Clerk of Superior Court shall maintain in his or her office master lists of attorneys for that county, duly qualified under Articles VII and VIII, to handle cases appointed by the court. The Committee on Indigent Appointments shall prepare such master lists, and the Administrator shall provide them to the clerk. These master lists shall be made reasonably available to the public upon request. When an appointment is to be made either by the District or Superior Court, the clerk shall provide the name of the next person on the master list to the court, who shall make the assignment as provided below.

2. If the court determines that a person is entitled to counsel, the court shall assign an attorney from the appropriate list. No appointment should be made by the court of an attorney whose name does not appear on one of the master lists on file with the Clerk of Superior Court; however, in the event that no attorney on the appropriate list is available to take an appointment, and no qualified attorney consents to appointment, the judge should consult with the IDS director or her designee and, if IDS fails to arrange for qualified counsel from any district within a reasonable time after such consultation, the judge may appoint any attorney who is otherwise qualified for appointment as provided in Section VII. C., "Lists," of these regulations and is a member of the district bar. Counsel so appointed is entitled to compensation at the IDS-approved rate.

3. The court should assign attorneys in a strict rotation in the sequence in which they appear on the list, except as permitted by these regulations. However, the court has inherent authority to appoint an attorney who is not next in sequence on the list if the attorney who is next in

sequence is unavailable or has a conflict, another attorney is already representing the particular client, or the interests of justice require that a specific attorney be appointed rather than the next available attorney. If the court passes over the name of an attorney for a reason other than the attorney's unavailability, the court should return to that attorney for the next appointment to the extent administratively feasible.

4. The court shall record the appointments it makes. This record shall be made available to the public upon request to the Administrator.

5. Entitlement to the appointment of counsel begins as soon as practicable after the indigent is taken into custody or is served with the warrant, notice, or other initiating process. Whenever a person is entitled to the appointment of counsel but the appropriate court is not in session and will not be in session within the next 48 hours, the Clerk of Superior Court shall make a determination of indigency and shall appoint counsel as provided by G.S. 7A-452(c).

6. An attorney's appointment with respect to a particular charge or proceeding shall continue until final disposition of that charge or proceeding, including all critical stages thereof as set forth in G.S. 7A-451(b), unless the attorney is relieved of his or her appointment by the court.

B. Notice

Upon assigning a case to private counsel, the court or clerk shall furnish the notice of appointment to the attorney and shall furnish to the client instructions about contacting his or her attorney. In abuse, neglect, or dependency, termination of parental rights, and delinquency proceedings, the court or clerk shall also forward the summons and petition to the appointed attorney by the most expeditious means possible.

C. Multiple Counsel

1. In assigning cases to private counsel, the court should seek to appoint the same attorney on all pending matters concerning the defendant or respondent if the attorney is on the appropriate list. Where a criminal defendant is discharged after a finding of no probable cause in District Court but is later indicted in Superior Court, the attorney appointed in District Court should be appointed to represent that defendant on the charge in Superior Court if he or she is qualified to do so under Article VII of these regulations. However, if new charges are brought against a former criminal defendant after disposition of unrelated, previous charges, there shall be no presumption that the attorney who represented the defendant on the previous charges should be appointed to represent that defendant on the new charges.

2. If an attorney is appointed to represent a client on one matter, and the attorney learns that the client requires representation on another pending matter for which the attorney is not on the appropriate list, the attorney shall notify the court. The court may remove the attorney from the case so that the court may assign all of the pending matters to other counsel who is on all of the appropriate lists.

3. If no single attorney is on all of the appropriate lists, the attorneys appointed to represent the client should consult with each other to assure that the client's interests are protected.

V. Committee(s) on Indigent Appointments

A. Establishment of Committee in Each County within the District

A Committee on Indigent Appointments (hereinafter "Committee") is hereby established in each county within the judicial district to assist in the implementation of these regulations.

B. Membership of Committee(s) and Terms

1. Each Committee should consist of not less than three members of the bar in the county who are appointed by the President of the Judicial District Bar.

2. Members of the Committee shall be appointed for terms of two years. Any member who resigns or becomes otherwise ineligible to continue serving as a member should be replaced for his or her term as soon as possible.

3. The President of the Judicial District Bar shall appoint one of the members of each Committee to serve as Chair. Every January, the President of the Judicial District Bar shall provide the IDS Director with the identities of all Committee members and their contact information.

C. Qualifications

All members of the Committee(s) shall be attorneys who:

1. Have practiced in one or more of the areas covered by the appointment lists for not less than three years in the county or the judicial district; and

2. Are knowledgeable about practicing attorneys in the county(ies) covered by the Committee(s).

D. Meetings

1. Meetings of the Committee(s) should be called by the Chair(s) on reasonable notice. The Committee(s) shall meet as often as necessary to dispatch the Committees' business, but not less than quarterly.

2. A majority of each Committee must be present at any meeting in order to constitute a quorum. The Committees may take no action unless a quorum is present. A majority vote of

the members present in favor of a motion or any proposed action shall be required in order for the motion to pass or the action to be taken.

3. The Committee(s) may invite persons to appear at their meetings or to be interviewed.

E. Responsibilities

The Committee(s) are responsible for determining the eligibility of attorneys for appointment to cases under these regulations. In discharging this responsibility, the Committee(s) shall have complete authority to:

1. Supervise the administration of these regulations;

2. Review requests from attorneys concerning their placement on any list and obtain information pertaining to such placement;

3. Approve or disapprove an attorney's addition to or deletion from any list or the transfer of any attorney from one list to another, provided that an attorney's request to be deleted from a list or transferred to a lower-numbered list shall not require Committee approval;

4. Establish procedures with which to carry out their business; and

5. Interview attorneys seeking placement on any list and persons for or against such placement.

F. Administrative Assistance

The Administrator(s) of these regulations shall assist the Committee(s) in performing their duties, including as necessary:

1. Notifying Committee members of meetings;

2. Attending meetings of the Committee as appropriate;

3. Serving as the secretary to the Committee;

4. Providing the Committee with materials pertinent to their business;

5. Providing the Committee, prior to the Committee's meeting, with the names of attorneys who are requesting placement on any list pursuant to Article VI and the nature of the request;

6. Assuring that all requests properly filed are brought to the attention of the Committee as soon as practicable and no later than the next scheduled meeting of the Committee, except for good cause shown;

7. Upon request of the Committee, assuring that all District and Superior Court judges for the judicial district, as well as any other court officials at the Committee's discretion, are advised of a request concerning placement on any list and given an opportunity to comment;

8. Maintaining records relating to the actions of the Committee;

9. Keeping current the lists of attorneys;

10. Assisting the courtroom clerks and the Clerk of Superior Court in carrying out these regulations; and

11. Performing other administrative tasks necessary to the implementation of these regulations.

VI. Placement of Attorneys on Lists in Each County Within the Judicial District

A. Application

1. Any attorney who wishes to have his or her name added to any list shall file a written request with the Administrator. The request should include information that will facilitate the Committee's determination whether the attorney meets the standards set forth in Article VII for placement on the list. All materials required by Article VII must be attached to the request.

2. By submitting a request for placement on any list, an attorney consents to a confidential inquiry by the Committee of any references listed in the request and others familiar with the attorney's competence, for the purpose of determining whether the attorney fulfills the requirements of Article VII for placement on the list, and the attorney agrees that all information received by the Committee in conjunction with the application, including reference information, shall be confidential and shall not be disclosed except as required by law.

3. An attorney who wishes to have his or her name removed from a list shall file a written request with the Administrator, and the Administrator shall remove the attorney's name from the list and notify the court and any other interested parties. If an attorney has had his or her name removed from a list, the attorney must reapply to be on that list.

4. An attorney who wishes to transfer from one list to another shall file a written request with the Administrator. The Administrator should grant the request if the attorney wishes to transfer to a list for which the attorney has already met the qualifications by virtue of being on the list from which the attorney is being removed (for example, the attorney wants to transfer from List 3 to List 2 or List 1). All other requests should include the materials required by Article VII and any other information that will facilitate the Committee's determination of

whether the attorney meets the standards set forth in Article VII for placement on the particular list.

B. Addition to List

1. The Committee shall determine whether the attorney meets all of the applicable standards in Article VII, including whether specific continuing legal education the attorney has taken is sufficient to meet the requirements. For any list that requires a number of years of required practice as a qualification, the Committee may consider relevant law school clinical or other skill-building experience as an alternative. The Committee shall act upon each request in a timely manner and assure that the requesting attorney is given prompt notice of the action taken with respect to his or her request and is advised in writing within 60 days of the basis for denial if the request is not granted.

2. The Committee shall review each request by an attorney to be added to a list. The Committee may request that an applicant submit additional information, including appearing before the Committee to be interviewed. Any member of the Committee may discuss requests with other members of the bar and the bench and may relate information obtained thereby to other members of the Committee. The Rules of Evidence do not apply to the review of requests. The Committee may hold a request in abeyance for a reasonable period of time while obtaining additional information.

C. Removal from List

The Committee shall remove an attorney from a list if at any time the attorney no longer meets the standards set forth in Article VII for the list on which he or she is placed, does not meet the performance standards in Article VIII, or otherwise fails to meet the responsibilities of representation including, but not limited to, billing in compliance with the Rules of the Commission on Indigent Defense Services, all local rules, and the Revised Rules of Professional Conduct. However, if the Committee finds that one of these conditions exists, but is temporary and remediable, the Committee may temporarily suspend the attorney from the list. With the attorney's consent, the Committee may also place the attorney's name on another list for which the attorney is qualified by virtue of having been on the list from which the attorney was removed. The Committee shall inform the attorney in writing of the basis for removal within 60 days of the action. The Committee retains sole authority for removing attorneys from lists.

D. Requests for Review

Requests for review of decisions denying placement of an attorney on a particular list or removing an attorney from a list should be made to the Director of the Office of Indigent Defense Services or his or her designee pursuant to the procedures specified by the IDS policy on *Review from Denial of Attorney Application for Placement on Local Appointment List or Removal from Local Appointment List*, posted on the IDS website. Requests shall be in writing and shall be postmarked within 15 days of when the attorney receives notice of the decision.

VII. Lists of Attorneys in Each County Within the Judicial District

A. General Requirements

To be eligible to be included on any of the lists provided for herein, an attorney must:

1. Be licensed to practice law in North Carolina.

2. Demonstrate that he or she:
   a. Has a confidential place in which to meet clients and will be available for meetings on a reasonable basis;
   b. Has available to clients a reliable means of communication, including a telephone number with the capability for callers to leave voice messages and a valid email address; and
   c. Will be available to the courts for scheduled court appearances.

3. Submit an application to be placed on the particular list and be approved as provided in Article VI, above.

Except for juvenile delinquency cases, any attorney currently on a list for an area of law covered by a list included in these regulations who is eligible to provide representation as of the effective date of these regulations may remain on that list without certifying that any prerequisite experiential, observation, or training requirements for that list have been met, but the attorney must certify that he or she has read the applicable portion of the Orientation Packet for each list the attorney is on, and the attorney will be required to meet any ongoing requirements as applicable. An attorney currently on a list encompassing representation for all juvenile delinquency cases may remain on List 4A without meeting the qualification requirements but must certify that he or she has read and is familiar with the Orientation Packet portion relevant to that list as well has completed the Office of the Juvenile Defender orientation requirements, and the attorney must meet ongoing requirements for that list. However, an attorney currently on a list encompassing representation for all juvenile delinquency cases must apply and meet the prerequisite requirements to be on List 4B.

Where a list requires court observation, a session of court is defined as one complete day of court in which cases or matters are heard, with the length of the day depending on the number of cases or matters docketed.

B. Provision of Lists

The Administrator shall provide to the court the current lists of attorneys subject to appointment in the county and should update the list at least every three (3) months or sooner if the Committee and the Administrator make additions or deletions.

C. Lists

List 1: Misdemeanor Cases and Misdemeanor Probation Violations

Attorneys on List 1 will represent indigent persons accused of misdemeanors and misdemeanor probation violations in all proceedings before the District Court. They will also represent respondents in show cause orders alleging contempt in District Court criminal proceedings (but not in child support contempt matters). Attorneys who are appointed to misdemeanors or misdemeanor probation violations in District Court should continue their representation of the defendants on de novo appeals in Superior Court; however, an attorney on List 1 who is conducting his or her first jury trial in Superior Court must have previously served as second chair on a jury trial or have a second chair, if reasonably available, appointed by the Court to assist with the trial.

Requirements: To qualify for List 1, a significant portion of the applicant's practice must be or intended to be criminal law; the applicant must certify that he or she has observed at least one (1) district court session and one (1) district court bench trial in the county; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in misdemeanor cases and will apply that knowledge and skill with appropriate thoroughness and preparation. If the applicant has been licensed to practice law for less than one (1) year, he or she will be required to participate in a mentorship program for one (1) year, if reasonably available and pursuant to rules developed by the Committee. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of criminal law within the past year.

List 2: Felonies E through I and Felony Probation Violations

An attorney on List 2 will represent indigent persons accused of felonies from classes E through I and felony probation violations in District and Superior Court. An attorney on List 2 will also be appointed to represent existing clients on new or pending misdemeanor charges, including, if necessary, trial de novo if the client exercises his or her right to a jury trial.

Requirements: To qualify for List 2, the applicant must have been licensed to practice law for at least two (2) years and must demonstrate that he or she has the required legal knowledge and skill necessary for representation in felony cases and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also demonstrate that he or she is competent to try a Superior Court case before a jury and otherwise has the ability to handle felony cases in Superior Court. The applicant must certify that he or she has observed at least one (1) jury *voir dire* (selection) and one (1) jury instruction. As an alternative, the applicant may contact IDS for jury trial training, which shall be made free and readily available.

List 3: Felonies A to D

Attorneys on List 3 will represent defendants charged with felonies from class B1 to D and with class A felonies subject to these regulations, as described in Article I.B., above. A lawyer on List 3 will also be appointed to represent the client on misdemeanor or non-capital felony charges of any class that are pending at the time of the original appointment on the felony case. The attorney will also be expected to represent any misdemeanor client who exercises the right to trial de novo in Superior Court after conviction of a misdemeanor in District Court. An attorney on List 3 who has not tried before a jury a case involving a charge covered by this list must have previously served as second chair on a jury trial of such a charge or have a second chair, if reasonably available, appointed by the Court to assist with the attorney's first trial of such a charge.

Requirements: To qualify for List 3, the applicant must have been licensed to practice law and have recently practiced adult criminal law on a consistent basis for at least three (3) years and must demonstrate that he or she has the required legal knowledge and skill necessary for representation in serious felony cases in Superior Court and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must certify that he or she has tried at least three (3) jury trials to verdict. To remain on List 3, the applicant must certify every three (3) years that he or she has attended at least nine (9) hours of continuing legal education relevant to representation of high-level felonies.

List 4A: Juvenile Class A1-3 Misdemeanors, Class H-I Felonies, Probation Violations, and Motions for Contempt

Attorneys on List 4A will represent juveniles alleged to be delinquent of class A1-3 misdemeanors, class H-I felonies, probation violations, and motions for contempt in the juvenile courts. An attorney on this list may continue to represent a juvenile if the juvenile's case is transferred to Superior Court if the attorney is qualified by the Committee to represent adults in that class of felony case in Superior Court, subject to the second-chair requirements for that list. If the attorney is not qualified by the Committee to represent adults in that class of felony case in Superior Court or wishes not to represent the juvenile in Superior Court, another qualified attorney will be appointed by the court as soon as practicable, but no later than prior to the probable cause hearing.

Requirements: To qualify for List 4A, the applicant must certify that he or she has read and is familiar with the Juvenile Code and the local rules governing juvenile court in the county or judicial district. The applicant must certify that he or she has shadowed an attorney who is currently on the list for two (2) court sessions; has spent no less than one (1) hour becoming familiar with the practices and procedures of the court counselor office in the county or district and has met with its Chief Court Counselor(s); and has become familiar with the Office of the Juvenile Defender by visiting the website and subscribing to the blog and listserv. Within the first year of practice on the list, the attorney must certify that he or she has conferred with the director of the nearest juvenile detention facility, or the director's designee, in person or by telephone and has become familiar with detention center policies and procedures.

To remain on List 4A, an attorney must complete at least six (6) hours of approved juvenile delinquency training within the first two (2) years of practice on this list, preferably with three (3) hours in the first year and must thereafter complete at least three (3) hours of approved juvenile delinquency training or such other comparable training as allowed by the Committee every two (2) years. Approved training is that devoted to juvenile law and procedure, as well as special topics relevant to juvenile court, such as adolescent development, mental health, special education, substance abuse, racial and ethnic bias, and cultural issues, provided by the Office of the Juvenile Defender, the Office of Indigent Defense Services, the UNC School of Government, the North Carolina Bar Association, the North Carolina Advocates for Justice, the Council for Children's Rights, the National Juvenile Defender Center, the Southern Juvenile Defender Center, or another entity approved by the Office of the Juvenile Defender or the Office of Indigent Defense Services.

List 4B: Juvenile Class A-G Felonies

Attorneys on List 4B will represent juveniles alleged to be delinquent of class A-G felonies in the juvenile courts. An attorney on this list may continue to represent a juvenile if the juvenile's case is transferred to Superior Court if the attorney is qualified by the Committee to represent adults in that class of felony case in Superior Court, subject to the second-chair requirements for that list. If the attorney is not qualified by the Committee to represent adults in that class of felony case in Superior Court or wishes not to represent the juvenile in Superior Court, another qualified attorney will be appointed by the court as soon as practicable, but no later than prior to the probable cause hearing.

Requirements: To qualify for List 4B, the applicant must have recently practiced in juvenile delinquency or adult criminal superior court on a consistent basis for at least three (3) years and must certify that he or she has successfully completed all of the requirements of List 4A. To remain on the list, an attorney must complete at least three (3) hours of approved juvenile delinquency training as defined above in List 4A, or other comparable training, every two (2) years of practice on this list.

List 5A: Guardianship and Disabled Adults

Attorneys on List 5A will represent persons alleged to be incompetent under Chapter 35A and disabled adults as defined in Chapter 108A of the North Carolina General Statutes.

Requirements: To qualify for List 5A, the applicant must certify that he or she has read and is familiar with the law relevant to guardianship and disabled adult proceedings, , including North Carolina General Statutes Chapters 35A and Chapter 108; the applicant must have observed at least three (3) guardianship proceedings in the county, including, if possible, one (1) contested guardianship proceeding, one (1) restoration proceeding, and one (1) Chapter 108 proceeding in the county; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in guardianship and disabled adult proceedings and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant

must also certify that he or she has attended at least three (3) hours of continuing legal education in relevant law within the past two (2) years, if such training is reasonably available.

List 5B: Judicial Waiver

Attorneys on List 5B will represent minors requesting a judicial waiver of parental consent to abortion.

Requirements: To qualify for List 5B, the applicant must certify that he or she has read and is familiar with Section 90-21.6 through 21.10 of the North Carolina General Statutes and other relevant law on judicial waiver and must demonstrate that he or she has the required legal knowledge and skill necessary for representation in judicial waiver cases and will apply that knowledge and skill with appropriate thoroughness and preparation.

List 5C: Civil Commitment

Attorneys on List 5C will represent respondents in civil commitment matters.

Requirements: To qualify for List 5C, the applicant must certify that he or she has read and is familiar with the law relevant to civil commitment, including North Carolina General Statutes Chapter 122C; the applicant must have observed at least three (3) civil commitment hearings in the county, including, if possible, one (1) commitment hearing involving an adult, one (1) voluntary or involuntary commitment hearing involving a minor, and one (1) hearing involving an incompetent adult being admitted by a guardian; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in cases listed in this category and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of civil commitment law within the past two (2) years, if such training is reasonably available.

List 6: Child Support Enforcement Actions

Attorneys on List 6 agree to accept child support enforcement cases representing the child support obligor or the person attempted to be held in contempt for whatever purpose.

Requirements: To qualify for List 6, the applicant must certify that he or she has read and is familiar with Chapters 5, 50, and 110 of the North Carolina General Statutes and other relevant law on child support enforcement; the applicant must have observed at least one (1) child support enforcement court session and one (1) child support contempt hearing in the county; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in child support enforcement cases and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in child support enforcement law within the past two (2) years, if such training is reasonably available.

List 7: Parent Representation

Attorneys on List 7 will represent parents in proceedings involving abuse, neglect, and dependency, and termination of parental rights and will act as Rule 17 Guardians ad Litem for respondent parents.

In any case in which a petition for termination of parental rights is filed, the court should, unless good cause exists not to do so, appoint the same attorney to represent the parent in the termination proceeding who represented the parent in the abuse, neglect, and dependency proceeding.

Requirements: To qualify for List 7, the applicant must be familiar with the relevant specialized area of law; the applicant must certify that he or she has read and is familiar with the Section 7B-100 through 7B-1112 of the North Carolina General Statutes and any local rules governing abuse, neglect, and dependency court in the county or judicial district; the applicant must have observed one (1) non-secure custody hearing, one (1) contested adjudication/disposition hearing; one (1) review hearing; one (1) permanency planning hearing; and, if possible, one (1) contested termination of parental rights hearing in the county; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in the cases in this category and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of parental rights law within the past year, if such training is reasonably available. To remain on List 7, the applicant must complete at least three (3) hours of continuing legal education relevant to representation of parents in abuse, neglect, dependency and termination of parental rights every two (2) years of practice on this list.

VIII. Performance Standards

Attorneys on the indigent appointment lists are expected to provide quality representation for all clients. Minimum standards of representation include, but are not limited to, the following:

1. Must maintain regular contact with clients and keep them fully informed as to the status of their cases.

2. Must appear on their clients' court dates, absent justifiable excuse (e.g., illness, jury trial, etc.). If scheduling conflicts arise, an attorney should resolve them in accordance with Rule 3.1 of the General Rules of Practice.

3. Must report a North Carolina State Bar complaint that has been lodged against them to the Administrator, in writing, within five (5) days of the attorney's answer to the complaint and

inform the Administrator, in writing, of the results of any North Carolina State Bar disciplinary action.

4. Shall not receive anything of value from anyone in connection with representation under these regulations during the period of representation, except as permitted by IDS Rule 1.9(e).

6. Must visit incarcerated clients within three (3) business days after notification of appointment, absent justifiable excuse. If necessary, counsel may arrange for a designee to conduct the initial interview.

7. Must advise their clients on a timely basis of the right to appeal, either for trial de novo or to the appropriate appellate court and, if the client elects to appeal, must enter notice of appeal for the client. If notice of appeal is to the Superior Court, the attorney shall continue his or her representation of the client in Superior Court. If notice of appeal is to the appellate courts, the attorney shall assist the defendant in applying for assistance of appellate counsel.

8. Must provide competent representation of clients.

9. Must adhere to the Rules of Professional Conduct of the North Carolina State Bar.

Failure to meet minimum standards of representation as set forth above may lead to the removal of the attorney from the appointment lists.

IX. Miscellaneous

1. Nothing contained in these regulations shall be construed or applied inconsistently with the IDS Rules or with other provisions of law.

2. Nothing in these regulations shall preclude the IDS Office from adopting and enforcing standards and rules that supplement or supersede these regulations or from implementing programs, plans, or contracts regarding the assignment of counsel to improve quality, efficiency, and economy.

3. These regulations may be amended by a majority vote of the Judicial District Bar at any regular meeting, subject to approval for modification by the IDS Commission and certification by the IDS Director.

4. These regulations are effective immediately.

5. The Judicial District Bar may request modification to these regulations at any time in writing by directing the request to the IDS Director.

X. Adoption and Certification

Policy Number:	05.01.02
Custodian:	Defender Policy and Planning Attorney
Effective Date:	2025.08.12
Next Review Date:	2030.05.01, unless reviewed earlier
Location:	Public Defense in Your County - Indigent Defense Services (ncids.org)
Revision History	Regulations certified January 2, 2021; amended regulations adopted by the Commission on Indigent Defense Services on January 28, 2023 and certified by IDS director on May 12, 2023; amended regulations adopted by the Commission on Indigent Defense Services on May 2, 2025 and certified by IDS Director on August 12, 2025.