



BENCH CARD: IDS CONTRACTS

1. APPOINTMENT LIST CHANGES: IDS makes changes to appointment rotations based on several factors. The current rotation is at: <https://bit.ly/2OBsGQP>. Attorneys with a contract may keep the court informed about their availability or temporary unavailability without notifying IDS.

2. SUBSTITUTE COUNSEL:

Non-Material duties: Any attorney may step in for an assigned attorney who cannot be present due to a scheduling conflict for motions to continue or any other non-material duty.

Material duties: Only an attorney in the same firm, approved by IDS for the case level, and with the permission and adequate findings by the court may take on a material duty for an absent assigned attorney. Material duties include entering a plea (whether fully negotiated or not), a substantive hearing (such as a motion to suppress), or a trial whether in the district or superior court.

Attorney fees for substitute counsel: A contract attorney cannot submit hours for another attorney who was not appointed to the case. An attorney who provides substitute representation may not submit a fee application for payment.

3. SINGLE REPRESENTATION: If a client is already represented by contract counsel and seeks counsel for a charge for which the present attorney does not have a contract, and the charge is for a *lower* contract type, the new case goes to the present attorney, even if the attorney does not have that lower contract type.

4. DUAL REPRESENTATION: If a client is already represented by contract counsel and seeks counsel for a charge for which the present counsel does not have a contract and the charge is for a *higher* contract type, the new case should go to a new attorney with the higher contract type. While it is assumed that a client is better served by one attorney, the attorneys must discuss and decided whether the first attorney should remain on the lower-case type.

5. ASSIGNING NON-CONTRACT COUNSEL: The court may appoint “off-list” when there are no contract attorneys available or if the court finds it in the interests of justice to do so. The court may appoint any attorney who meets the county’s qualifications for that case type and who agrees to take the appointment. The clerk should notify the Regional or State Defender of the appointment. IDS’ Regional Defenders may be contacted by email for assistance in finding criminal defense attorneys. They will need the name of the client, the file numbers, jail status, next court date and any known co-defendants and/or prior counsel.

6. CLIENTS IN CUSTODY: The IDS Adult Criminal contracts call for a contracting attorney to meet an incarcerated client within 3 business days after notice of being appointed to that case.

7. ATTORNEY FEES: In cases in which attorney fees are awarded, the attorney is required to submit all hours worked to the court. An attorney may request that the court set a fee for less than the total hours worked or waive the fee. A client must be present to be heard on the setting of any attorney fees.

8. RECOUPMENT FORMS: Contracting attorneys are required to timely submit recoupment forms in all cases in which the court has awarded attorney fees. Forms can be accessed via the IDS website (www.ncids.org) or via the Contractor Case Reporting System (currently limited to adult criminal case types). Attorneys may hand-write the hours and fee awarded on the day of disposition.

9. HIGH HOURS: If an attorney bills an exceptional number of hours in any case, he or she may seek extra compensation for the case from IDS via the Extraordinary Pay/Expense Form located on the IDS website. All hours must

still be submitted by the attorney in a case in which attorney extraordinary pay is awarded. The court should assess any fees it determines appropriate.

10. CONTRACT TERMINATION, WITHDRAWING FROM CASES: IDS recognizes that attorneys sometimes need to terminate their contracts. When an attorney moves to withdraw from a case, it is in the court's discretion to grant that motion. Unless other arrangements have been approved by IDS, the attorney is obligated under the contract to complete representation or, in the case of parent representation, remain in the case for 90 days or until the next hearing.

ANY QUESTIONS: If the court or a client has any questions regarding the contracts or a contracting attorney, they should contact the Regional Defender or State Defender:

Adult Criminal

Tucker Charns, Chief Regional Defender
(Durham, Greene, Harnett, Johnston, Lee, Lenoir, Pitt, Wayne, Wake)
(cell) 919-289-1963 (office) 919-354-7263
tucker.charns@nccourts.org

Jeff Connolly, Regional Defender
(Alamance, Caswell, Chatham, Franklin, Granville, Orange, Person Vance, Warren)
(cell) 919-423-7494 (office) 919-354-7207
jeffrey.b.connolly@nccourts.org

Civil Commitments

Dolly Whiteside, Chief Special Counsel
919-733-5544
Dolly.Whiteside@nccourts.org

Juvenile

Eric Zogry, State Juvenile Defender
919-890-1650 (o)
Eric.J.Zogry@nccourts.org

Kim Howes, Assistant Juvenile Defender
919-890-1650
Kim.L.Howes@nccourts.org

Parent Representation

Wendy Sotolongo, State Parent Defender
919-354-7230
Wendy.C.Sotolongo@nccourts.org

Annick I. Lenoir-Peek, Deputy Parent Defender
919-354-7230
Annick.Lenoir-Peek@nccourts.org