

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR & DISTRICT COURT DIVISIONS

2019 FEB - 1 P 4: 54

ADMINISTRATIVE ORDER 19-01

CABARRUS CO., C.S.C. 10

In re: Fee Petitions in Court Appointed Cases

The undersigned Senior Resident Superior Court Judge and the Chief District Court Judge for the 19-A Judicial District enter this administrative order to provide further guidance on the submission of Fee Petitions by assigned counsel.

IT IS ORDERED:

- 1) District Court matters will be paid at the standard rate approved by the Office of Indigent Defense Services unless an extraordinary fee is warranted. In the event you have an extraordinary amount of time, you may submit a Fee Petition with an accompanying affidavit seeking an extraordinary fee. The approved flat rate for cases disposed on or after December 1, 2018, for the various matters are as follows:
  - A. Class A-D felonies (highest original charge) disposed in District Court: \$425 per case
  - B. All other felonies (highest original charge): \$250 per case
  - C. Class A1 misdemeanors (excludes probation violations): \$200
  - D. Class 1-3 misdemeanors & other traffic offenses including DWLR: \$185
  - E. DWI (representation in a DWI is presumed to include a Limited Driving Privilege for an individual who is eligible for one): \$300
  - F. All misdemeanor probation violations (includes probation violations arising out of traffic offenses): \$185 per case
  - G. Felony Probation Violations disposed of in district court: \$205 per case
  - H. Class E-I felonies disposed in district court: \$250 per case
  - I. All civil and criminal contempt proceedings (including child support): \$185 per case
  - J. Civil commitment and competency: \$130 per case

- K. Juvenile delinquency cases:
  - a) Probable Cause & Transfer Hearing (Class A-E Felonies): \$535
  - b) Adjudication & Disposition (Class A-E Felonies): \$535
  - c) Adjudication & Disposition (Class F-I Felonies): \$325
  - d) Adjudication & Disposition (A1 Misdemeanors): \$300
  - e) Adjudication & Disposition (Class 1-3 misdemeanors): \$200
  - f) Motions for Review & Probation Violations: \$150
  - g) All other hearings: \$130
- L. Abuse, neglect, dependency cases (parent attorney): \$500 per case for all hearings through adjudication and disposition
- M. Abuse, neglect, dependency cases (GAL): \$250 per case
- N. Termination of Parental Rights (parent attorney): \$500 per case
- O. Termination of Parental Rights (GAL): \$250 per case
- P. Other child welfare cases (all review and permanency planning hearings): \$130
- Q. Withdrawals after significant work: \$95 per case
- R. Judicial waiver hearing: \$130

2) Child Support:

Child Support contempt is paid at the current rate of \$185 including review hearings regardless of the number of hearings involved. Fee forms should be submitted after the final review hearing is completed. Extraordinary fee affidavits may be submitted in any case where you feel it is appropriate.

3) District Criminal:

- A. When a matter is dismissed with leave by the District Attorney, a fee form can be submitted at that time for the full flat rate. However, if the defendant is arrested and subsequently tried another fee form cannot be submitted.
- B. Attorneys are to be paid for a withdrawal when the attorney has performed significant work in the case. Withdrawals are currently paid at a rate of \$95. The request for a fee is to be made in open court with the client present. Again, if you have an extraordinary amount of time, you should present that to the court at that time.

4) Involuntary Commitment Hearings:

A fee form for the full amount (currently \$130) should be submitted for each hearing held and in each case where you actually meet with the client, even if they are discharged before the hearing.

5) Superior Court Criminal:

A. Absent extraordinary circumstances, fee requests should be addressed in open court with the defendant present at the conclusion of the case. Fee Petition forms shall be filled out completely and submitted at that time or shortly thereafter. The purpose of this requirement is to facilitate timely payment and assure that the defendant is given notice of the claimed hours and an opportunity to be heard, as is required.

B. For cases appointed on or after November 1, 2015, an affidavit or time sheet with an itemized listing of hours shall be attached to the Fee Petition form if the hours claimed total:

Felonies: A-D	20 hours or more
Felonies: E-I Misdemeanors	10 hours or more
Probation Violations	5 hours or more

The categories listed above are based on the level of highest original charge.

Also, an affidavit or time sheet should accompany the Fee Petition if it is filed as a result of a dismissal or failure to appear as provided in 7(d), and the time totals five (5) hours or more.

The itemized billing record shall provide sufficient detail to permit the court to determine that the claim is reasonable. The record must reflect time broken down according to date, description of services, and the amount of time in hours and six minute increments. Since Fee Petitions are public records, counsel should exercise care not to disclose privileged information. Upon request, the court shall consider placing the affidavit or time sheet under seal.


Nothing herein limits a Judge's discretion to require or not require that an affidavit or time sheet be submitted in any individual case.

- C. Fee Petitions shall be submitted for payment within 120 days after the date of disposition.
- D. When a defendant fails to appear, assigned counsel can submit a Fee Petition when the matter is dismissed with leave by the District Attorney or six months after the FTA, whichever occurs first. The District Attorney typically dismisses cases with leave approximately 90 days after a FTA.
- E. Interim Fee Petitions are disfavored. If counsel submits an interim Fee Petition, counsel shall provide the reason for the request. When an interim Fee Petition has been paid, counsel shall indicate the amount previously paid on any future payment request.

6) Miscellaneous:

- A. Fee applications must be legible, complete, and accurate. They must reflect all case numbers on which counsel is appointed. The fee application should include the defendant's full name and social security number.
- B. IDS will not compensate attorneys for time spent preparing a Fee Petition.
- C. Pursuant to IDS Policy, in-house copying costs are reimbursable at a rate not to exceed \$0.10 per page for single-sided copies and \$0.16 per page for double-sided copies. The applicant must indicate the number of copies prepared, whether they were single or double-sided, and the price charged per page. The actual cost of out-of-house copies are reimbursable with a receipt, at a rate not to exceed \$0.10 per page for single-sided copies and \$0.16 per page for double-sided copies. Court appointed attorneys can make copies related to their court appointed cases in the Clerk's office without charge.
- D. Before accepting any appointed criminal cases, counsel should be familiar with the North Carolina Commission on Indigent Services "Performance Guidelines for Indigent Defense Representation in Non-Capital Criminal Cases at the Trial Level" adopted November 12, 2004.
- E. Nothing herein limits an individual Judge's discretion in the manner in which fees are addressed.

Signed this the 1<sup>st</sup> day of February 2019 to be effective December 1, 2018.



Martin B. McGee  
Senior Resident Superior Court Judge  
19-A Judicial District



Christy Wilhelm  
Chief District Court Judge  
19-A Judicial District