

**Procedures for Determining the Methods of  
Indigent Legal Service Delivery  
in a Judicial District**

*Pursuant to G.S. 7A-498.5(d), the Commission on Indigent Defense Services (“IDS Commission”) is responsible for “determin[ing] the methods for delivering legal services to indigent persons” entitled to representation at State expense. G.S. 7A-498.5(e) further requires the IDS Commission to “adopt procedures ensuring that affected local bars have the opportunity to be significantly involved” in determining the most appropriate methods of service delivery in their districts.*

*Effective June 21, 2002, the IDS Commission hereby adopts the following procedures. For purposes of these procedures, “IDS Director” means the Director of the Office of Indigent Defense Services or his or her designee.*

**A. Establishing New Public Defender Offices:**

1. Prior to recommending to the General Assembly the creation of any new public defender office in any county or district, the IDS Director shall:
  - (a) Conduct a study of the cost-effectiveness of a model public defender office in that county or district, as compared to the existing method of service delivery in the county or district, using the data then available;
  - (b) Ensure that the results of the study conducted pursuant to subsection (a) are made available to the bar, bench, and other interested parties in the affected county or district;
  - (c) Notify in writing the judicial officials and presidents of the local bars in the affected county or district that a new public defender office is under consideration, and invite those individuals and their constituency to comment in writing about the likely impact of such an office on the quality and efficiency of services in the county or district;
  - (d) Offer to hold public hearings with the bar and bench in any affected county or district; and
  - (e) Maintain a file with all written comments received from the bar, bench, or other interested persons in any affected county or district, and submit those comments to the members of the IDS Commission for their review.
2. The IDS Commission may hold one or more public hearings to solicit views on the likely impact of any new public defender offices, after reasonable notice to the bar and bench in the affected counties or districts.
3. If the IDS Commission decides to recommend any new public defender office to the General Assembly, the IDS Director shall forward all written comments received from the bar, bench, or other interested persons in the affected county or district, to the appropriate members of the General Assembly as required by G.S. 7A-498.5(e).

**B. Abolition of any Existing Public Defender Office:**

1. Prior to recommending to the General Assembly the abolition of any existing public defender office in any county or district, the IDS Director shall:
  - (a) Conduct a study of the cost-effectiveness of the alternative method of service delivery under consideration for that county or district, as compared to the existing public defender office, using the data then available;
  - (b) Deliver the results of the study conducted pursuant to subsection (a) to the head Public Defender for the affected office, and invite him or her to comment in writing about the findings of that study.
  - (c) Ensure that the results of the study conducted pursuant to subsection (a) are made available to the bar, bench, and other interested parties in the affected county or district;
  - (d) Notify in writing the judicial officials and presidents of the local bars in the affected county or district that an alternative to the existing public defender office is under consideration, and invite those individuals and their constituency to comment in writing about the likely impact of the alternative method of service delivery on the quality and efficiency of services in the county or district;
  - (e) Offer to hold a public hearing with the bar and bench in the affected county or district; and
  - (f) Maintain a file with all written comments received from the bar, bench, or other interested persons in the affected county or district, and submit those comments to the members of the IDS Commission for their review.
2. The IDS Commission may hold a public hearing to solicit views on the likely impact of abolishing an existing public defender office, after reasonable notice to the bar and bench in the affected county or district.
3. If the IDS Commission decides to recommend abolishing any existing public defender office to the General Assembly, the IDS Director shall forward all written comments received from the bar, bench, or other interested persons in the affected county or district, to the appropriate members of the General Assembly as required by G.S. 7A-498.5(e).