

PETITIONS FOR DISCRETIONARY REVIEW

IDS Policy:

(A) The decision to file a Petition for Discretionary Review (“PDR”) in the Supreme Court of North Carolina is a matter committed to appellate counsel’s reasonable professional judgment, and approval from the Appellate Defender is not required.

Per G.S. 7A-31(c), the following grounds exist for the Supreme Court to allow discretionary review:

- (1) The subject matter of the appeal has significant public interest, or
- (2) The cause involves legal principles of major significance to the jurisprudence of the State, or
- (3) The decision of the Court of Appeals appears likely to be in conflict with a decision of the Supreme Court.

If appellate counsel concludes that the case meets one of the above criteria, it would be reasonable professional judgment to seek discretionary review. It would not be reasonable professional judgment to seek discretionary review only because the Court of Appeals denied relief.

(B) If counsel files a PDR on behalf of a client, he or she will be compensated for a maximum of five hours of work for all work performed before October 1, 2006; counsel will be compensated for a maximum of ten hours of work for all work performed after October 1, 2006. If counsel responds to a PDR filed by opposing counsel, counsel will be compensated for all reasonably necessary time.

(C) An indigent client may decide not to pursue discretionary review even if advised to do so by counsel. Before filing a PDR, counsel must contact the client and get the client’s written authorization to file the petition. If the client does not authorize the filing of a PDR, counsel will not be compensated for preparing or filing a petition.

(D) If, in the exercise of reasonable professional judgment, counsel decides not to file a PDR, counsel should inform the client of that decision and provide the client with information about filing a PDR *pro se*. The information to be provided to the client includes a copy of G.S. 7A-31(c), a copy of Rule 15 of the Rules of Appellate Procedure, the date the PDR is due, and the relevant mailing addresses for filing and service.

Policy (A) and (B) effective January 2002. Policy (B) updated October 2006. Policy (C) effective for all petitions filed on or after February 16, 2007; updated July 25, 2014. Policy (D) effective September 1, 2004.

Authority:

G.S. 7A-31(c), 7A-498.3(c); IDS Rule 3.3(a); Rule 1.2 of the Revised Rules of Professional Conduct.