

STATE OF NORTH CAROLINA		Form IDS-028	(Rev. 08/20)
_____ County		▶ <i>File Nos.</i>	
<i>Name Of Indigent Defendant</i>		EX PARTE REQUEST FOR EXPERT FUNDING POTENTIALLY CAPITAL CASES AT THE TRIAL LEVEL <small>IDS Rules, Part 2D; IDS Policy, "Expert Requests and Spending"</small>	
INSTRUCTIONS: <i>To request funding for expert services in a potentially capital case at the trial level, appointed counsel should complete Parts I. through IV. of this form and submit it to the Office of the Capital Defender, by facsimile to (919) 354-7221 or by email to CapitalForms@nccourts.org. If counsel is requesting a deviation from the standardized hourly rates or this case has been declared exceptional, the Capital Defender will direct the request to the Director of the Office of Indigent Defense Services, who will then complete Part V. and return the form to the Office of the Capital Defender. The Office of the Capital Defender shall maintain the original form in a confidential file.</i>			
I. ATTORNEY INFORMATION			
<i>Counsel Completing this Form</i> Name: _____ Office Phone: _____ Cell Phone: _____ Facsimile: _____ Email: _____		<i>Co-Counsel (if applicable)</i> Name: _____ Office Phone: _____ Cell Phone: _____ Facsimile: _____ Email: _____	
II. CASE INFORMATION			
<i>Has A Rule 24 Hearing Been Held?</i> (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No		<i>If Yes:</i> Date: _____ <i>The Case Was Declared</i> (check one): <input type="checkbox"/> Capital <input type="checkbox"/> Non-Capital	
<i>Current Stage Of Proceedings</i>			<i>Trial Date (if set)</i>
<i>Potential Aggravating Circumstance(s)</i>			
III. EXPERT INFORMATION			
<i>Required Details About Expert Sought</i> Type Of Expert: _____ Name Of Expert: _____ Name Of Company: _____ Address: _____ _____ _____ Hourly Rate (<i>complete page 2</i>): _____ Anticipated Hours Of Work: _____ Amount Requested: _____		<i>Summary Of Facts Supporting Need For Expert</i> (attach additional sheets if necessary)	
<i>Check One For Each Of The Following:</i> This is a request for: <input type="checkbox"/> Initial or <input type="checkbox"/> Additional funds for this expert Has this expert agreed to work on this case?: <input type="checkbox"/> Yes or <input type="checkbox"/> Not yet contacted <i>Will This Expert Be Used For A Claim Under The Racial Justice Act?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No			
<i>If This Expert Is Located Out-Of-State, Have You Consulted With IDS' Forensic Resource Counsel To Confirm That There Is No Qualified And Available North Carolina Expert?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No (Counsel must explain the need for an out-of-state expert in the summary of facts)			
<i>Date Of Request</i>	<i>Signature Of Attorney</i>		

IV. STANDARDIZED RATE SCHEDULE, EXPERIENCE ENHANCEMENTS & REQUESTS FOR DEVIATIONS

*Standardized **Set** Compensation Rates* (check one box from this section if any apply; if none apply, skip to **base** rates below)

- Paralegal/Legal Assistant \$15 per hour
- Transcriptionist (English Language) \$20 per hour
- Licensed Private Investigator \$50 per hour
- Mitigation Specialist \$35/\$45/\$55 per hour as approved by IDS
- Attorney Serving as Expert Same rate as the appointed attorney in the case

*Standardized **Base** Compensation Rates* (if no **set** rates above apply, check one box from this section that represents **highest** level of education or expertise)

- High School or GED \$30 per hour
- Associate’s Degree \$50 per hour
- Linguist (*Federally Certified*) \$60 per hour
- Bachelor’s Degree \$70 per hour
- Master’s Degree \$85 per hour
- Crime Scene and Related \$100 per hour
- CPA/Financial Expert \$100 per hour
- Pharmacy/PharmD \$125 per hour
- Information Technology \$150 per hour
- Ph.D./Psy.D. \$200 per hour
- Medical Doctor \$250 per hour
- MD with Specialty \$300 per hour

NOTE: For experts with **base** compensation rates, time in court waiting and time traveling is compensated at ½ of the base rate. This reduction does **not** apply to experts with **set** compensation rates.

Experience Enhancements (does **not** apply to experts with **set** compensation rates; applies only to experts with **base** compensation rates as identified above)

- For expert with 10+ years of experience in the field in which s/he is providing services, add \$10/hr. Start date of experience: _____
- For expert with 20+ years of experience in the field in which s/he is providing services, add \$20/hr. Start date of experience: _____

Definitions

- Time In Court:** means time testifying or observing if asked to observe by the attorney requesting the expert’s services.
- Time In Court Waiting:** means time the expert is sitting in court waiting to testify when the expert has been called but not yet sworn in; does not include time spent in court observing if asked to observe by the attorney requesting the expert’s services.
- Time Out Of Court:** means time spent reviewing files, documents, or evidence; evaluating the defendant or respondent; preparing for testimony; meeting with the attorney; or advising the defense on the case.

Attorney Completes This Section Only If Requesting A Deviation From The Standardized Hourly Rates Above

Justification For Requested Hourly Rate Deviation (check all that apply and attach additional sheets if necessary)

- The requested expert services are in a new, emerging, or novel area and there are a limited number of experts in the field.
Describe:

- The requested expert services are so unique that there are a limited number of available and qualified experts.
Describe:

- There are other exceptional circumstances that justify an exception to the standardized rates.
Describe:

V. IDS ACTION

IDS Completes This Section Only If Attorney Has Requested A Deviation From The Standardized Hourly Rates Above Or This Is An Exceptional Case

IDS Approval Or Denial Of Requested Rate Deviation (IDS Director checks one box below)

- The IDS Director hereby **grants** the requested deviation from the standard hourly rate. An hourly rate of \$_____ is approved for the expert identified in Section I. Reasons for granting exception:

- The IDS Director hereby **denies** the requested deviation from the standard hourly rate. Reasons for denying exception:

Total Funding Approved

Date

Name Of IDS Director
Mary S. Pollard

Signature Of IDS Director