

Report of the Commission on Indigent Defense Services

Submitted to the North Carolina General Assembly
pursuant to S.L. 2001-424, Section 22.12

March 1, 2004

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EXECUTIVE SUMMARY

In August 2000, the General Assembly passed the Indigent Defense Services Act of 2000 (“IDS Act”), creating the Office of Indigent Defense Services (“IDS Office”) and charging it with the responsibility of overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law. The IDS Office is housed in the Judicial Department and governed by a thirteen-member board, the Commission on Indigent Defense Services (“IDS Commission”). Effective July 1, 2001, the IDS Commission and IDS Office assumed responsibility for administering the State’s indigent defense program.

As required by S.L. 2001-424, § 22.12, this report summarizes the work of the IDS Commission and IDS Office to date, with a particular emphasis on fiscal year 2002-03, as well as initiatives in progress. This report also presents last fiscal year’s data on indigent caseloads and case costs across the State.

To improve the efficiency, cost-effectiveness, and quality of the State’s indigent defense program in the long run, the IDS Commission and IDS Office have implemented a number of initiatives. Among other things, the IDS Commission and IDS Office have implemented measures to slow the rate of increase in spending without compromising the quality of representation; adopted and applied more uniform rates of compensation in capital and non-capital cases; established higher qualification standards for attorneys seeking appointment to capital cases and appeals; expanded the Office of the Capital Defender and created several new regional capital defender offices; helped establish a new Forsyth County Public Defender Office; expanded the existing Mecklenburg County Public Defender Office; and worked with the public defender offices to develop plans for the appointment of counsel that provide for more significant oversight of the quality and efficiency of indigent representation in public defender districts. In addition, the IDS Commission and IDS Office have taken steps to improve data collection and analysis capabilities within the IDS Office and Administrative Office of the Courts; established a website and a number of specialized listservs to enhance communication and resource-sharing with the private bar; worked with the School of Government and other groups to develop and offer a number of new and innovative training programs; and conducted a statewide assessment of juvenile delinquency representation in conjunction with the American Bar Association.

The IDS Commission and IDS Office are also in the process of working on a number of other initiatives, including conducting analyses of budget trends and current indigent defense spending; developing additional specialized training programs for attorneys representing indigent persons; developing performance guidelines for appointed counsel in non-capital cases; and preparing recommendations to improve juvenile delinquency representation in the State. The IDS Commission and IDS Office are also working to develop tools to measure the quality and efficiency of indigent defense systems at the county, regional, and statewide levels. Once those tools are developed, the IDS Commission will be conducting a district-by-district review to assess the existing service-delivery systems and determine the most appropriate method of providing legal representation in each part of the State from both a cost and quality perspective.

In its first three years of operations, the IDS Commission has already taken significant steps to control increases in the cost of indigent representation. The increase in spending and obligations during fiscal year 2001-02 was only 1.36% above fiscal year 2000-01, and the increase in spending and obligations during fiscal year 2002-03 was only 4.63% above fiscal year 2001-02. By comparison, the average annual increase over the seven years prior to IDS' creation was more than 10%. *See* Appendix A. Based on current spending, the IDS Commission is predicting an increase in spending and obligations of approximately 3% to 5% during the current fiscal year. Moreover, the IDS Commission is continuing to work on initiatives to control expenditures in the coming years. For example, the IDS Commission and Office believe that the creation of new public defender offices in several urban districts would help control cost increases in the immediate future. In addition, Commission appointment of public defenders would enable IDS to make the public defender system even more cost-efficient than it is presently.

Any projections for the future, however, will be affected by other changes in the criminal justice system. For example, significant changes in sentencing, criminal law or procedure, or in the conduct of district attorney offices, might increase or decrease the funds needed for indigent defense. Similarly, some changes that could control costs for indigent defense will necessarily be systemic and involve not just defense counsel, but prosecutors, judges, clerks, and other actors in the system. The IDS Commission is prepared to cooperate with other actors to identify and suggest systemic changes that would save money and/or improve the quality of justice in our courts.

In short, the IDS Commission has accomplished a great deal since its formation, and is preparing to accomplish even more in the years to come.

REPORT

In 2000, the General Assembly passed the Indigent Defense Services Act of 2000 (S.L. 2000-144, S.B. 1323; G.S. 7A-498 *et seq.*) (“IDS Act”), creating a new statewide Office of Indigent Defense Services (“IDS Office”), housed in the Judicial Department and governed by the Commission on Indigent Defense Services (“IDS Commission”). The IDS Act charges the IDS Office with the responsibility of overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law. In accordance with that Act, the IDS Office assumed responsibility for overseeing indigent defense services on July 1, 2001.

As required by the IDS Act, the IDS Office must report to the General Assembly by March 1, 2004 about the following matters:

- (1) The volume and cost of cases handled in each district by assigned counsel or public defenders;
- (2) Actions taken by the Office to improve the cost-effectiveness and quality of indigent defense, including the capital case program;
- (3) Plans for changes in rules, standards, or regulations in the upcoming year; and
- (4) Any recommended changes in law or funding procedures that would assist the Office in improving the management of funds expended for indigent defense services.

S.L. 2001-424, § 22.12; S.B. 1005, § 22.12. The first section of this report (“IDS Initiatives”) addresses the second and third issues set forth above by describing the work of the IDS Commission and IDS Office since assuming responsibility, as well as new initiatives that are currently in progress. The second section of this report (“District Case Volume and Cost Statistics”) addresses the first issue set forth above. The third section (“Legislative Recommendations”) addresses the fourth issue set forth above.

I. IDS Initiatives

A. Initiatives Implemented to Date

This section describes the initiatives the IDS Commission and IDS Office have implemented since July 1, 2001, with a particular emphasis on fiscal year 2002-03.¹

Division of Administrative Responsibilities

The IDS Act requires the Administrative Office of the Courts (“AOC”) to provide general administrative support to the IDS Office. *See* G.S. 7A-498.2(c). IDS Office staff and AOC staff consult frequently to determine the most effective methods of performing the administrative functions necessary for the proper operation of the courts. In addition to assisting the IDS Office in preparing the budget each year, the AOC has continued to perform several other administrative functions related to processing fees for appointed counsel. AOC personnel continue to administer the automated fiscal systems for indigent defense, including keying in

¹ Lists of the current IDS Commission members and their appointing authorities and terms, as well as the current IDS Office staff, appear at the beginning of this report.

data from fee orders entered by the courts, issuing checks for legal services, and pursuing recoupment in cases in which recoupment is required by law. As it does for all other Judicial Branch components, the AOC also continues to perform purchasing and personnel functions for the IDS Office, and provide technological and telecommunications support.

Rules for the Continued Delivery of Counsel Services in Non-Capital Cases, Capital Cases, and Non-Capital and Non-Criminal Appeals

To ensure that appropriate procedures were in place by July 1, 2001, the IDS Commission developed rules to govern the continued delivery of services in cases under its oversight. The rules deal with non-capital and non-criminal cases at the trial level; capital cases at all stages (trial, appellate, and post-conviction); and non-capital and non-criminal appeals. The IDS Rules were adopted on May 18, 2001 and became effective on July 1, 2001. Since the initial rules took effect, the IDS Commission has adopted revisions to several provisions in light of experience and to address new issues as they have arisen. The current rules are available on the IDS website (www.ncids.org), and are published in North Carolina Rules of Court, State (West 2004) and the Annotated Rules of North Carolina (Lexis Nexis 2004).

Internal Infrastructure for Data Collection and Reporting

One of the IDS Office's first tasks was to develop an infrastructure to accomplish the many responsibilities assigned to it by the IDS Act. With the assistance of an outside company specializing in computer programming and software development, Office staff designed a detailed internal database to document and track attorney appointments, expert authorizations, payments, and case information in all cases under its direct oversight—namely, potentially capital cases and appeals.

The database has significantly improved the Office's ability to collect, analyze, and report data concerning the cases under IDS' direct oversight. For instance, the IDS Office continues to collect data on expenditures associated with the legislation prohibiting executions of mentally retarded defendants. *See* G.S. 15A-2005 and -2006; S.L. 2001-346. Petitions were filed under G.S. 15A-2006 to meet the January 31, 2002 statutory deadline on behalf of 50 defendants sentenced to death in North Carolina. As of February 2004, six of those defendants have been resentenced to life without parole based on a judicial finding of mental retardation, one defendant has been resentenced to life without parole on other grounds, and two defendants have been awarded new trials by the Supreme Court of North Carolina on other grounds. Also as of February 2004, nine petitions have been denied in superior court; *certiorari* review has been denied by the State Supreme Court in one of those cases. One of the defendants who filed a mental retardation claim has been executed, and 32 cases are still pending in superior courts around the State.

Because attorney time spent preparing for and litigating those 50 mental retardation claims is so intertwined with time spent on regular post-conviction litigation, it has not been possible to calculate the attorney costs specifically associated with the mental retardation legislation. However, IDS Office staff have tracked and analyzed expert spending associated with those 50 mental retardation claims. In fiscal year 2001-02, IDS spent a total of \$200,995 on such expert

assistance—including psychologists, psychiatrists, investigators, mitigation specialists, and other experts—which represents 6.3% of all expert spending in indigent cases during that fiscal year. In fiscal year 2002-03, IDS spent an additional \$109,470 on expert assistance in those 50 cases, which represents 2.9% of all expert spending in indigent cases during last fiscal year.

Once more of those cases are resolved, the IDS Office will be able to report additional findings about the financial costs associated with that legislation. However, despite the increased litigation concerning mental retardation, overall capital spending actually declined during fiscal year 2002-03. *See* “Analysis of Spending and Obligations” below.

Expansion of Rosters of Qualified Attorneys

The IDS Rules discussed above contain detailed qualification standards for attorneys to be included on the Capital Trial (Lead and Associate), Capital Appeal, and Capital Post-Conviction Rosters. To implement those standards, the IDS Office developed comprehensive application forms for attorneys seeking placement on the various rosters. In conjunction with the Office of the Capital Defender and the Office of the Appellate Defender, the IDS Office evaluates all attorney applications and submissions to determine whether each applicant meets the qualifications set forth in the IDS Rules. Based on those evaluations, the IDS Office is continuing to expand the rosters of qualified attorneys across the State.

Development and Approval of Public Defender Plans

With the assistance of faculty from the School of Government, the IDS Office worked with each individual public defender office to develop a plan for the appointment of counsel in all non-capital cases in that district. *See* Rules of the Commission on Indigent Defense Services, Rule 1.5(b) (Adopted July 1, 2001 and Revised Nov. 16, 2001). The plans also contain qualification and performance standards for attorneys on the district indigent lists. By February 2002, the IDS Director had approved and certified appointment plans in all 11 public defender districts that existed at that time. By the end of March 2003, the IDS Director had approved and certified a public defender appointment plan in Forsyth County. *See* “Creation of New Forsyth County Public Defender Office” below. During the Fall of 2003, the IDS Director approved amendments to two of the public defender plans, and continues to review any proposed modifications that are submitted. Ultimately, these plans may be used as models for appointment plans in non-public defender districts.

Electronic Communication and Resource-Sharing

The IDS Office has developed an independent web site (www.ncids.org) that allows greater and more comprehensive communication with the bar, bench and public, and enhances the resources available to defense attorneys across the State. The website contains news and update links addressing the state of indigent defense funding, timing of attorney payments, IDS initiatives to improve legal representation, and any other recent developments or matters of interest. In addition, the following materials, among others, are posted on the website: contact information for the members of the IDS Commission, IDS staff, and all state defender offices; a

list of IDS Commission committees and their participants; all approved minutes of IDS Commission meetings; IDS rules, policies, and procedures; reports and data generated by Office staff; fillable applications for the capital and appellate rosters; attorney fee application forms; the public defender appointment plans; continuing legal education calendars and training materials from prior programs; the North Carolina Defender Manual; a North Carolina appellate brief bank; and links to related sites.

In addition, the Office of the Appellate Defender has established a listserv for attorneys representing indigent persons on appeal; the Office of the Capital Defender has developed a listserv for attorneys representing indigent defendants in capital trials; and the IDS Office has established listservs for capital post-conviction attorneys, involuntary commitment attorneys, public defenders and assistant public defenders, attorneys representing parent-respondents in Chapter 7B cases, and mitigation specialists. Those listservs have been extremely effective tools for improving communication, sharing information, and providing resources and support to attorneys practicing in these specialized areas across the State. Based on that experience, the IDS Office hopes to partner with a voluntary statewide bar group and create a listserv for attorneys handling adult criminal defense cases throughout North Carolina.

Appointment of Attorneys

On July 1, 2001, the IDS Office assumed direct responsibility for the appointment of counsel in all potentially capital cases at the trial level, all appeals, and all capital post-conviction proceedings. To ensure that appointments are made in an appropriate and timely fashion, the IDS Office utilized pre-existing resources in the Office of the Capital Defender and Office of the Appellate Defender. Thus, trial level appointments are the responsibility of the Capital Defender and appellate appointments are the responsibility of the Appellate Defender; the IDS Director makes appointments in capital post-conviction proceedings.

Between July 1, 2001 and February 17, 2004, the Capital Defender appointed 1,441 attorneys in 1,987 potentially capital cases at the trial level—including 708 attorneys during fiscal year 2001-02, 833 attorneys during fiscal year 2002-03, and 446 attorneys so far this fiscal year. With few exceptions, an attorney is appointed the same day or day after the IDS Office's receipt of notification and determination of indigency by the court. If there is a delay in a defendant's first appearance or the determination of indigency, the IDS Office has standby attorneys in every county in the State (called "provisional counsel") to ensure that a defendant's rights are protected in the interim.

Between July 1, 2001 and February 20, 2004, the Appellate Defender appointed 2,209 private attorneys to handle capital and non-capital appeals—including 819 attorneys during fiscal year 2001-02, 823 attorneys during fiscal year 2002-03, and 567 attorneys so far this fiscal year. Finally, between July 1, 2001 and February 20, 2004, the IDS Director appointed 143 attorneys in 71 different capital post-conviction proceedings—including 61 attorneys in 35 cases during fiscal year 2001-02, 60 attorneys in 34 cases during fiscal year 2002-03, and 22 attorneys in 12 cases so far this fiscal year.

The IDS Commission and IDS Office believe the statewide roster system that IDS developed has significantly increased the quality of indigent representation in these areas of practice. See “Expansion of Rosters of Qualified Attorneys” above.

Expert Funding Authorizations and Spending

Between July 1, 2001 and February 17, 2004, the Capital Defender reviewed 2,644 requests for expert funding at the trial level—including 316 requests during fiscal year 2001-02, 1,306 requests during fiscal year 2002-03, and 1,022 requests so far this fiscal year. During that same time period, the IDS Office reviewed 632 requests for expert funding in capital post-conviction proceedings—including 288 requests during fiscal year 2001-02, 243 requests during fiscal year 2002-03, and 101 requests so far this fiscal year. The IDS Office has established procedures to approve or deny those requests, often with the assistance of a case consultant, and to assist attorneys in focusing on the experts that are truly necessary for an effective defense.

In November 2003, IDS Office staff completed a study of expert spending between fiscal years 1995-96 and 2002-03. The results of that study are posted on the IDS website at www.ncids.org, under the “Reports & Data” link. The study revealed that spending on experts increased annually both before and after the establishment of IDS. During the five years before IDS assumed responsibility for the indigent defense fund, the average annual growth rate in expert spending was about 21%; during the two years since IDS was created, the average annual growth rate in expert spending has been about 17%. The study concluded that a lot of the growth has been attributable to expert spending simply keeping pace with growth in the overall number of indigent cases. However, the study also concluded that there has been an increase in the percentage of indigent defense resources being allocated to experts, especially in capital cases. In fiscal year 1995-96, capital expert spending was approximately 10% of all spending on capital cases; by fiscal year 2002-03, capital expert spending was approximately 23% of all spending on capital cases. However, because total capital expenditures during the past two fiscal years have either remained flat or declined, the growth since IDS came into existence represents a shift of resources from attorneys to experts, and not an increase in the total resources being expended on capital cases. IDS Office staff believe that this shift represents a more efficient allocation of resources, because experts bring the requisite experience and skills to cases and often do so at a lower hourly rate than attorneys. IDS will continue to monitor and evaluate expert expenditures during the years to come.

Compensation for Representation

On July 1, 2001, the IDS Office also assumed direct responsibility for compensating attorneys and experts in all potentially capital cases at the trial level, all appeals, and all capital post-conviction proceedings. The IDS Office is committed to reducing the rate of increase in expenditures in those cases without causing any decline in the quality of representation. To that end, the IDS Office adopted uniform rates of attorney compensation for all cases under its direct oversight, and developed new detailed financial auditing procedures that it applies to every fee petition it receives. For instance, Office staff ensure that time sheets correctly support the total amount claimed; that receipts or detailed documentation support all major expenditures; and that attorneys properly obtained prior authorization for expert services from a court (before July 1,

2001) or the IDS Office (after July 1, 2001). Memoranda about those procedures were initially mailed to every attorney and expert in the Office's database; updated memoranda are posted on the IDS website.

Between July 1, 2001 and February 17, 2004, IDS Office staff set appropriate and uniform fee awards for 5,610 attorney fee applications across the State, including 1,864 attorney fee applications during fiscal year 2001-02, 2,319 attorney fee applications during fiscal year 2002-03, and 1,427 attorney fee applications so far this fiscal year. Also between July 1, 2001 and February 17, 2004, the Office set fee awards for 3,645 expert bills—including private investigators, mitigation specialists, psychologists and psychiatrists, and ballistics and scientific experts. 970 of those awards were set during fiscal year 2001-02, 1,454 during fiscal year 2002-03, and 1,221 so far this fiscal year. Office staff are currently setting about 70 attorney and expert fee awards per week, and forwarding those awards to the AOC for payment within two weeks of receiving each fee petition.

In addition to setting appropriate compensation awards in all capital cases and appeals, the IDS Office has taken some steps to control expenditures in the cases in which judges are still responsible for setting fees. For other steps the IDS Office is taking to manage the indigent defense fund, see, e.g., “Uniform Rates of Compensation” and “Improved Revenue Collection” below.

Uniform Rates of Compensation

When IDS assumed direct responsibility for compensating attorneys in capital cases on July 1, 2001, the IDS Commission continued the pre-existing standard rate of \$85 per hour in those cases. After conducting a statewide survey, as well as studies of district and superior court fee awards during fiscal year 2001-02, the IDS Commission also adopted a standard statewide rate of \$65 per hour for all non-capital cases, effective April 1, 2002. The IDS Commission and IDS Office believe that standard rates have the advantages of increasing the stability and predictability of payments to private assigned counsel, improving pay equity and fairness across the State, and enhancing the independence of defense counsel.

Since April 2002, IDS Office staff have monitored judicial compliance with the standard non-capital rate. A study of fee awards set between July 1, 2002 and December 31, 2002 revealed that, during the first half of fiscal year 2001-02, district and superior court judges set fees at the \$65 hourly rate in 85% of cases. Based on that compliance rate, total expenditures on private attorneys in cases in which judges continue to set fees were only about \$325,000 (or .6%) more than what they would have been if the \$65 rate were being applied across the board.

The standard rates have helped IDS control increases in indigent defense expenditures. However, while the IDS Commission intended the \$65 non-capital rate to be essentially revenue neutral, it was slightly below the prevailing average in a number of North Carolina counties at the time it was enacted. In addition, the \$85 per hour capital rate has been in place for almost ten years. Both of the standard rates are significantly below what attorneys can earn in the private sector, and will need to be examined and increased over time to keep pace with increases in the costs of living and operating a law practice. Moreover, the current standard rates are often cited

as an impediment to attracting qualified attorneys to the appointed lists, and retaining them as they gain experience. For example, in the First Judicial District, the bar has requested that a new public defender office be established because there is an insufficient number of attorneys willing to accept appointment. Private attorneys have cited the \$65 hourly rate as one of the principal reasons IDS can not attract enough qualified lawyers to continue the private appointed system.

New Capital Defender Positions

During the Fall of 2001, the General Assembly gave the IDS Commission permission to fund six new attorney positions and five new support staff positions from existing indigent defense funds. In January 2002, the General Assembly's Governmental Operations Committee approved the Commission's proposal to add a permanent Capital Defender and one support staff to the Durham Office of the Capital Defender, and establish several new regional capital defender offices.

By May 2002, a permanent Capital Defender and assistant had been hired and begun work. During the Spring of 2003, two regional assistant capital defenders began handling cases in New Hanover and the surrounding counties, two more regional assistant capital defenders began handling cases in Forsyth and the surrounding counties, and a fifth regional assistant capital defender began handling cases in the northeastern part of the State.

IDS Office staff believe that these regional public employees are representing capital defendants at the trial level for less than the \$85 per hour paid to private assigned counsel, and that they have raised the quality of representation by serving as a model and resource for private attorneys in the areas where they work.

Creation of New Forsyth County Public Defender Office

Based on the IDS Commission's recommendation, the 2002 Appropriations Act established a new Public Defender Office in Forsyth County. In November 2002, the Forsyth County Bar met and nominated three candidates for the position; and in late 2002, the Senior Resident Superior Court Judge in District 21 appointed attorney George R. Clary to begin a four-year term effective January 1, 2003.

After his appointment, IDS Office staff members met with Clary on numerous occasions to assist him in establishing the new office. Among other things, IDS Office staff worked with Clary to address issues of staffing, equipment, office space, and case management, and compiled a detailed orientation notebook. In addition, Office staff worked with Clary to develop a plan for the appointment of counsel in all non-capital cases in Forsyth County. That plan was approved and certified by the IDS Director at the end of March 2003. *See* "Development and Approval of Public Defender Plans" above.

Forsyth County provided space for the new public defender office in a building across the street from the courthouse. An Administrative Assistant was hired and began work in January 2003. Thirteen assistant public defenders had begun work by the first week in March 2003. By May 2003, the office was disposing of cases on a regular basis. Because the office was not fully

operational until late in fiscal year 2002-03 and there was insufficient time to absorb start-up costs, the new office generated \$267,000 in losses during last fiscal year.

IDS Office staff recently completed an analysis of the cost-effectiveness of the new Forsyth County office during the first half of fiscal year 2003-04. Assuming the new office continues to dispose of cases at the same rate as it did between July and December 2003, the study concluded that the office will save more than \$157,000 this fiscal year compared to what it would have cost to pay private attorneys to handle the same cases. Even after adjusting for the lower recoupment rate that typically exists in public defender districts (4.1% in Forsyth County during the first half of this fiscal year), the new office is still projected to save \$70,640 during fiscal year 2003-04. In addition, the Chief Public Defender initiated a contract covering juvenile delinquency proceedings in Forsyth County that is projected to save an additional \$38,719 this fiscal year, for a total annual savings of \$109,359. As the new office's caseload continues to increase to full capacity, IDS Office staff believe that actual savings during this fiscal year and subsequent full years of operation will be even greater than current projections suggest.

Expansion of Mecklenburg County Public Defender Office

Based on the IDS Commission's recommendation, the 2002 Appropriations Act gave IDS authority to expand the existing Mecklenburg County Public Defender Office by adding ten new attorney positions and five new support staff positions. By November 2002, eight of the new attorney positions and four of the support staff positions had been filled; the remaining positions have not been filled.

During fiscal year 2002-03, the expansion enabled the Mecklenburg County office to dispose of 29.3% more cases at a 15.4% increase in cost. In other words, the expansion generated \$96,300 in savings compared to what it would have cost to pay private counsel to dispose of the same cases.

IDS Office staff recently completed another analysis of the cost-effectiveness of the expanded Mecklenburg County office during the first half of fiscal year 2003-04. Between July and December 2003, the expanded office handled approximately 68% of all indigent cases in Mecklenburg County. Assuming the office continues to dispose of cases at the same rate, the study concluded that the expanded office will save \$1.09 million this fiscal year compared to what it would have cost to pay private attorneys to handle the same cases. Even after adjusting for Mecklenburg County's lower recoupment rate (2% during the first half of this fiscal year), the expanded office is still projected to save \$828,368 during fiscal year 2003-04.

New Temporary Positions in the Durham County Public Defender Office

In September 2003, the IDS Director gave the Durham County Public Defender authorization to hire three new temporary attorneys and one new temporary paralegal, so the office could begin handling additional types of cases. In October 2003, the temporary attorneys began representing parent-respondents in abuse, neglect, and dependency and termination of parental rights proceedings, and handling child support and involuntary commitment cases. Due to start-up costs and the fact that the temporary positions will not be in place for the full fiscal year,

projected savings this year are minimal (\$6,108). However, during subsequent full years of work, the temporary positions should save more than \$77,000 annually. Assuming these positions continue to be cost-effective, IDS may ask the General Assembly to make them permanent.

Appellate Defender Cost-Benefit Analysis

In September 2003, IDS Office staff completed a cost-benefit analysis of the Office of the Appellate Defender and private appellate counsel during fiscal year 2001-02. The study found that assistant appellate defenders work for a lower hourly rate than private appellate counsel: Including administrative costs, assistant appellate defenders work for \$50.57 per hour, compared to \$68.56 per hour for private attorneys in non-capital appeals and \$86.81 per hour for private attorneys in capital appeals.

However, attorneys in the Office of the Appellate Defender also spend a significant amount of time supporting indigent appellate work by appointed counsel. Since IDS was established, the Appellate Defender screens all applications for the appellate roster, assigns counsel to all appeals, and monitors the quality of services provided by salaried and private appellate counsel. In addition, the Office of the Appellate Defender is required by G.S. 7A-498.8 to support private counsel through case consultations and maintaining a clearinghouse of materials. As a result, appellate representation in North Carolina is no longer organized into two distinct service delivery systems. IDS Office staff thus believe that future analyses should assess how cost-effectively the Appellate Defender manages both systems of representation—salaried assistant appellate defenders and the roster of private appointed counsel—to provide appellate representation across the State. Such a future analysis would evaluate the total cost, efficiency, and quality of appellate representation as a whole through both systems, and help provide the Appellate Defender with tools to make better decisions about combining the strengths of the two systems.

Committees of the IDS Commission

With the assistance of IDS Office staff, the IDS Commission has formed a number of different committees responsible for addressing various aspects of its work. Based on work done by Office staff, the Budget Committee has prepared fiscal notes for all major IDS initiatives, analyzed non-capital case costs in district and superior court and proposed a standard hourly rate for those cases, analyzed budget trends, and prepared a proposed budget for the 2003-05 biennium. The Capital Committee has addressed issues such as quality of capital representation, recruitment of qualified attorneys, new regional capital defender offices, compensation of defense experts, and ways to provide cost-effective consulting services to capital attorneys.

The Public Defender Committee worked with the public defenders to develop plans to govern the appointment and qualifications of counsel in each public defender district. The Review Committee developed procedures to govern review of the IDS Director's fee and roster decisions, and addresses all such requests for review. With the assistance of faculty from the School of Government, the Personnel Committee developed personnel policies for the IDS Office and tools to evaluate the performance of the Executive Director on an annual basis. An

informal Training Committee has worked with staff and other groups to develop new and innovative training programs for attorneys representing indigent persons. See “Improved Training” below.

The Standards Committee has developed a draft of proposed performance guidelines for indigent defense representation in non-capital criminal cases at the trial level; this Spring, the staff will begin distributing the Committee’s draft to interested members of the bar and bench for comments. See “Performance Guidelines” below. The Systems Evaluations Committee will be working with staff and outside participants to develop tools to measure the efficiency and quality of indigent defense systems at the county, regional, and statewide levels. See “Measures to Evaluate Indigent Defense Systems” below. The Juvenile Committee is working with a group of outside juvenile experts to evaluate the findings and recommendations in the American Bar Association’s (“ABA’s”) recent report—“North Carolina: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings”—and to develop recommendations for reform initiatives. See “Assessment of Juvenile Delinquency Representation and Potential Reform Initiatives” below.

B. Initiatives in Progress

Analysis of Spending and Obligations

The IDS Commission has already taken significant steps to control increases in the cost of indigent representation. The increase in spending and obligations during fiscal year 2001-02 was only 1.36% above fiscal year 2000-01, which is the lowest increase in at least a decade. The increase in spending and obligations during fiscal year 2002-03 was only 4.63% above fiscal year 2001-02, which is still significantly below the average annual increase (more than 10%) during the seven years prior to IDS’ creation. See Appendix A. However, despite the modest increase last fiscal year, the indigent defense fund still ended the year with an \$8.7 million shortfall, which represented a payment delay at the end of last fiscal year of more than eight weeks. All of those unpaid fee awards had to be paid out of IDS’ appropriation for fiscal year 2003-04.

In September 2003, IDS Office staff completed an analysis of the factors that contributed to last year’s 4.63% growth in spending and obligations. That analysis revealed that the overall number of fee applications and public defender dispositions during fiscal year 2002-03 grew by 9.7% over fiscal year 2001-02. The staff identified a number of areas that contributed to that overall growth in the demand for services, including a 16.4% growth in the number of adult non-capital fee applications. Such a high rate of growth in caseloads coupled with a relatively modest rate of growth in costs suggests that more attorneys were appointed in misdemeanor cases due to the United States Supreme Court’s May 2002 decision in *Alabama v. Shelton*, which extended the Sixth Amendment right to counsel to indigent defendants facing a suspended sentence. Other factors contributing to last year’s 4.63% growth include a 62% growth in the number of non-capital appeals and increased spending on experts and support services. See “Expert Funding Authorizations and Spending” above. However, all of those increases were mitigated by an 8.3% decline in overall capital spending during fiscal year 2002-03, including

costs attributable to private appointed attorneys, public defender offices, capital defender offices, and expert and support service spending.

Current projections show a similar modest increase in spending and obligations this fiscal year of between 3% and 5%. In January 2004, IDS Office staff completed an analysis of the indigent defense fund's spending and obligations between July 1, 2003 and December 31, 2003, which revealed that the private assigned counsel fund had only experienced a 2.9% growth over the spending and obligations incurred during the first half of fiscal year 2002-03. As of December 31, 2003, the private counsel fund had spent approximately \$32.73 million and obligated an additional \$4.86 million, for a total of \$37.6 million (including the \$8.7 million in debt carried over from fiscal year 2002-03). Last year at the same time, the private counsel fund had spent approximately \$30.45 million and obligated an additional \$5.02 million, for a total of \$35.47 million (including the \$7.4 million in debt carried over from fiscal year 2001-02). Thus, excluding the carry-over debt from both years, spending plus obligations on private attorneys through the first half of the current fiscal year has only increased by about \$830,000 (or 2.9%) over spending plus obligations through the first half of last fiscal year. In addition, the public defender offices are continuing to spend less than their budgeted appropriations.

However, despite the predicted modest increase in spending and obligations during the current fiscal year, the indigent defense fund is projected to end this year with at least \$8 million in unpaid fee awards that will have to be paid out of next fiscal year's appropriation. That amount of debt will again represent at least an eight-week delay in payments to attorneys and experts, which makes it difficult to recruit and retain qualified counsel to represent indigent defendants, continues the cycle of pushing IDS' debt into the next fiscal year, and significantly impedes the IDS Commission's ability to manage the fund properly.

Budgets for Fiscal Years 2003-2005

The IDS Act requires the AOC to assist the IDS Office in preparing and presenting projected budgets to the General Assembly. *See* G.S. 7A-498.2(d). With the assistance of AOC staff and IDS Office staff, the Budget Committee of the IDS Commission developed a proposed budget for the 2003-05 biennium. That proposed budget was intended only to maintain, not expand, existing services, and predicted a modest 4.5% annual growth in spending and obligations during fiscal years 2003-04 and 2004-05. After the proposed budget was reviewed and approved by the full IDS Commission, it was presented to the Judicial Council, the Director of the AOC, and the General Assembly.

IDS' proposed budget for fiscal year 2003-04 requested an increase of about \$19 million over fiscal year 2002-03's recurring appropriation. That requested increase was intended to restore fiscal year 2002-03's non-recurring appropriation of \$4.95 million, pay off fiscal year 2002-03's projected debt, and accommodate a 4.5% growth rate during fiscal year 2003-04. IDS' proposed budget for fiscal year 2004-05 requested an increase of about \$14 million, based on an assumption that all carry-over debt would be eliminated in light of the previous year's increase. In January 2003, the Governor recommended increases of \$10 million during fiscal year 2003-04 and \$8 million during fiscal year 2004-05.

The General Assembly ultimately adopted a budget for fiscal year 2003-04 that included the \$4.95 million non-recurring appropriation in IDS' base budget for this biennium, and also appropriated an additional \$3.5 million to indigent defense. Because the General Assembly had to meet stricter targets for the second year of the biennial budget, IDS' appropriation for fiscal year 2004-05 currently includes a lower net increase of \$1.5 million over fiscal year 2002-03. The IDS Commission is extremely grateful that the General Assembly appropriated this additional funding for indigent defense, especially when almost all other state programs received substantial cuts.

However, even with that additional funding, indigent defense remains under-funded and IDS is projected to end fiscal year 2003-04 with at least \$8 million debt. With the assistance of IDS Office staff, the IDS Commission is currently developing a proposed expansion budget for fiscal year 2004-05. In that expansion budget request, the IDS Commission plans to seek a non-recurring appropriation of \$8 million to pay off the anticipated unpaid attorney and expert fees from fiscal year 2003-04. The IDS Commission will also be requesting additional recurring funds of \$2 million to restore next year's budget to the same level as the current fiscal year, plus another \$3 million to accommodate a modest growth rate of approximately 2.5%. The IDS Commission believes that it will not be possible to manage the indigent defense fund in the most efficient or equitable manner until sufficient funds are appropriated to meet the real demands on the fund and support timely payments to private counsel.

Updated Public Defender Cost-Effectiveness Studies

In May 2002, IDS Office staff completed a study that examined the cost-effectiveness of all 11 public defender offices in existence at that time. In that study, Office staff built caseload models for the public defender offices, and examined and quantified efficiencies of scale. The study also quantified the system costs involved with using private counsel by including in the analysis the administrative time involved with making appointments, setting fee awards, and processing and issuing fee payments. The study found that public defender offices comprised 19.7% of the budget for fiscal year 2001-02, but handled 26.4% of the indigent cases statewide. While the study did not compare the relative quality of representation in public defender and private counsel systems, it concluded that the existing public defender offices together cost the State \$3.3 million less than what it would have cost to pay private attorneys to handle the same cases. Office staff conducted an updated study of the cost-effectiveness of public defender offices during the first quarter of fiscal year 2002-03, which indicated that the existing offices together were as cost-effective or more cost-effective than the prior fiscal year.

Currently, IDS Office staff are conducting another assessment of the cost-effectiveness of the original 11 public defender offices during the full 2002-03 fiscal year, and will be reporting those findings at a later date. Office staff also recently concluded studies of the cost-effectiveness of the new Forsyth County Public Defender Office and expanded Mecklenburg County Public Defender Office during the first quarter of fiscal year 2003-04. The results of those studies are summarized in "Creation of New Forsyth County Public Defender Office" and "Expansion of Mecklenburg County Public Defender Office" above.

In June 2002, IDS Office staff analyzed the costs expended on private assigned counsel in a large number of non-public defender counties compared to the costs of potential new public defender offices in those counties. The results indicated that IDS could save money by creating new public defender offices in a number of North Carolina counties. In accordance with G.S. 7A-498.5(e), the IDS Office then solicited comments from the bar and bench in the identified counties, and ultimately recommended that the General Assembly establish new public defender offices in Forsyth, New Hanover/Pender, and Wake counties. In November 2002, the General Assembly implemented the IDS recommendation in part, and established a new office in Forsyth County.

Based on fiscal year 2002-03 data, Office staff are currently conducting an updated analysis of the potential cost-savings from new public defender offices in New Hanover/Pender and Wake counties, the First Judicial District, and a number of other counties and districts in the State. The staff are also conducting an analysis of the potential cost savings from expanding some existing public defender offices. Based on the staff's findings, the IDS Commission will be making recommendations to the General Assembly concerning the establishment of any new public defender offices or expansion of existing offices.

Improved External Data Collection and Reporting

IDS Office staff are continuing to work with AOC staff to develop better and more comprehensive data collection systems for the indigent defense program. For instance, during the Spring of 2002, the IDS Office asked the Financial Services Division of AOC to collect additional data from all non-capital fee applications that are signed by judges and submitted to AOC for payment. AOC previously collected the following data for each fee application: county, case number, defendant's name, attorney's name, judge's name, disposition date, and total fee. In addition to continuing to collect that data, the AOC began collecting the total hours claimed by counsel in each case on August 1, 2003, and had refined the accuracy of that data collection by December 1, 2003. As of July 1, 2004, the AOC has agreed to begin collecting much more detailed information about cases by account code and type of charge or proceeding. Thus, during fiscal year 2004-05, IDS should have access to much better data about cases and attorney hours than it has ever had in the past.

With the assistance of the AOC's Technology Services Division, data collected by AOC is now available to the IDS Office on a regular basis through improved reporting mechanisms. Since January 2003, IDS staff have had FTP access to the AOC's financial accounting system ("NCAS"), which allows staff to download and analyze current fiscal data on a regular basis. This access has also enabled the IDS Office to perform significantly more sophisticated analyses about many aspects of the indigent defense system. For instance, Office staff were able to build an historical financial database with figures back to fiscal year 1999-2000, which allows better analysis of budgetary trends and more accurate predictions about growth rates. In addition, Office staff have obtained direct remote access to NCAS, which enables staff to check on the status of individual payments to attorneys and experts.

The IDS Office has also worked with the Appellate Defender and Capital Defender to design case-reporting and time-keeping software in Microsoft Access. IDS staff will be building that

database during the Spring of 2004. Once the software is complete, it will be pilot-tested in the Office of the Appellate Defender and Office of the Capital Defender. If it meets those offices' needs, IDS staff will then make it available to all public defender offices.

Improved Revenue Collection

During the first quarter of fiscal year 2001-02, the IDS Office completed a study of the percentages of recoupment-eligible cases in which recoupment was actually ordered. For purposes of that study, the Office excluded all cases resulting in a dismissal, acquittal, or unknown disposition, and all cases in which the defendant failed to appear. The results showed that civil judgments were being entered in a very low percentage of cases. In the district court sample, civil judgments were entered in only 23.6% of recoupment-eligible cases; and in superior court, civil judgments were entered in only 56.4% of recoupment-eligible cases. Even in cases in which recoupment was mandated by statute, civil judgments were not being entered on a regular basis.

IDS Office staff have also worked with AOC staff to gather data on the amount each county collected in recoupment (through probationary collections and civil judgments) during fiscal years 2001-02 and 2002-03. Staff then analyzed that data to determine the amount recouped by each county as a percentage of that county's total expenditures on indigent defense. The results during fiscal year 2001-02 indicated that there was wide variability in recoupment among counties, ranging from a high of 48% to a low of 1.9%, with a statewide rate of 9.7% (or \$6.425 million). The results during fiscal year 2002-03 indicated a similar wide variability among counties, ranging from a high of 35.8% to a low of 2.2%, with a statewide rate of 9% (or \$6.536 million), including collections from the new \$50 attorney appointment fee.

Based on these findings, the IDS Office has undertaken a number of initiatives to improve the recoupment process and increase revenues to the indigent defense fund. For instance, IDS Office staff continue to work closely with the public defender offices to ensure that they are submitting fee applications for entry of judgments in all recoupment-eligible cases, and have held meetings around the State with public defenders, judges, and clerks to discuss ways to increase revenues. In addition, IDS Office staff worked with the AOC Forms Committee to revise the fee applications and facilitate easier entry of judgments for attorney fees. So far, these efforts appear to be improving collections. As of the end of December 2002, the indigent defense fund had collected \$150,000 more in recoupment than it had at the end of December 2001 (an increase of 7.36%). As of the end of February 2004, excluding collections from the \$50 attorney appointment fee, the indigent defense fund had collected almost \$258,000 more in recoupment than it had at the end of February 2003 (an increase of 6.3%). As of the end of February 2004, including the \$50 appointment fee, the indigent defense fund had collected about \$465,600 more in recoupment than it had at the end of February 2003 (an overall increase of 11.2%).

Effective December 1, 2002, the General Assembly enacted G.S. 7A-455.1, which established a new \$50 attorney appointment fee for indigent criminal defendants who are appointed counsel at State expense. Under the original statute, a \$50 fee should have been assessed against a criminal defendant at the time counsel was appointed, unless that fee was

previously assessed in a pending case. While up-front payments were encouraged, counsel could not be denied if the defendant was unable to pay all or a portion of the fee.

Based on experience with similar fees in other states, the IDS Office originally predicted annual collection of approximately \$1 million in appointment fees, with \$525,000 in revenue during the first partial fiscal year (2002-03). However, implementing the new attorney appointment fee proved to be more complicated and problematic than was expected, and many counties have collected little or nothing under this new provision. In addition, the \$50 fee was called into legal question by several lawsuits shortly after its enactment. Between December 2002 and June 2003, actual revenues from the fee totaled \$185,477; between July 2003 and January 2004, actual revenues totaled an additional \$238,554.

On February 6, 2004, the Supreme Court of North Carolina filed an opinion in *State v. Webb* (No. 157PA03), which held that certain portions of the \$50 attorney appointment fee statute violate the North Carolina Constitution. The Court held that the \$50 fee may not be imposed prior to disposition, and may only be imposed upon defendants after they have been convicted or pled guilty or nolo contendere to one or more charges. The Court further held that any indigent defendant who paid the \$50 fee prior to disposition between April 2, 2003 and February 6, 2004, and who was acquitted or whose case was dismissed, is entitled to a refund. Thus, some of the revenues that have been collected will need to be refunded, and future collections may be lower than they were during 2002-03.

Improved Training

The IDS Office continues to provide funding for public defender training programs, and has also sponsored new training programs in areas of representation that traditionally have not had adequate continuing legal education. The IDS Office worked with the Office of the Appellate Defender and faculty from the School of Government to develop a new hands-on training program for private appellate attorneys who accept appointments in indigent cases. That training was held in July 2002 and July 2003; the programs were extremely successful and will continue to be offered on an annual basis.

With the assistance of AOC and School of Government staff, the IDS Office planned new training programs for private counsel who work on involuntary commitment cases, and for full-time State employees who serve as Special Counsel. Those programs, which were held during February 2003 and January 2004, were the first of their kind in North Carolina. Also with the assistance of AOC, the School of Government, and the Guardian ad Litem program, the IDS Office planned a training program for attorneys who represent parent-respondents in Chapter 7B cases, including abuse, neglect, and dependency, and termination of parental rights proceedings. That program was held in May 2003 and again in August 2003, and also was the first of its kind in North Carolina. In September 2003, the IDS Office and School of Government offered a new five-day trial advocacy program for public defenders, which was an intensive hands-on training program in which participants developed trial skills by working on their own cases. In April 2004, IDS and the North Carolina Academy of Trial Lawyers will be co-sponsoring another training for attorneys who represent parents in abuse, neglect, and dependency proceedings.

The IDS Office has also provided funding for improvements to the School of Government's North Carolina Defender Manual, and has made that manual available to more attorneys by posting it on the IDS website. Attorneys around the State can now access or download the manual for free. Finally, the IDS Office posts on its website all materials that were used in IDS co-sponsored training programs, so that attorneys around the State can benefit from programs they were not able to attend in person.

The IDS Office is considering more ways in which additional improved training can be provided to public defenders and private attorneys, both to enhance the quality and efficiency of the services they provide, and to assist them in meeting performance guidelines once they are finalized. See "Performance Guidelines" below.

Performance Guidelines

With the assistance of IDS Office staff and faculty from the School of Government, the Standards Committee of the IDS Commission has developed a draft of proposed performance guidelines for attorneys representing indigent defendants in non-capital criminal cases at the trial level. Initial draft guidelines were developed based on a review of the National Legal Aid and Defender Association performance guidelines, as well as guidelines adopted in a number of other states. Between October 2003 and January 2004, the Standards Committee met six times to review and refine the initial draft.

The current draft guidelines cover areas such as the role and general duties of defense counsel, client contact and interviewing, case review and investigation, plea negotiations, trial preparation and representation, and sentencing. They are intended to serve as a guide for attorney performance in non-capital criminal cases at the trial level, and contain a set of considerations and expectations to assist counsel in providing quality representation for indigent criminal defendants. The guidelines also may be used as a training tool and resource for attorneys.

The Standards Committee's draft is currently being circulated to approximately 70 defense attorneys representing every district in North Carolina. Once feedback and comments are received from that initial group, and the draft is further refined, the IDS Office will be mailing proposed guidelines to all interested attorneys and court officials for comment this Spring. The staff plan to conduct a two-month comment period with the bar and bench between mid-April and June, and to hold four regional meetings around the State to discuss the proposed guidelines with interested persons. After receiving comments and making improvements, the IDS Commission intends to adopt and distribute final performance guidelines during October 2004.

Once final non-capital performance guidelines are completed, the IDS Commission hopes to begin developing guidelines for specialized areas of representation, such as capital, appellate, and juvenile representation.

Assessment of Juvenile Delinquency Representation and Potential Reform Initiatives

In conjunction with the ABA Juvenile Justice Center, the National Juvenile Defender Center, and the Southern Juvenile Defender Center, the IDS Office conducted a statewide assessment of juvenile delinquency representation in North Carolina. The goal of this project was to provide a thorough, objective assessment of the existing legal services available for North Carolina's youth, both in terms of the accessibility of defense counsel and the quality of representation, and to develop recommendations for improving those services where needed. As part of its mission to provide support to states working to improve their systems for delivering legal services to juveniles, the ABA had previously conducted similar assessments in a number of other states, including Arkansas, Georgia, Illinois, Kentucky, Louisiana, Maryland, Montana, Ohio, Texas, and Virginia.

During the Spring of 2003, surveys were mailed to all 246 district court judges, all 39 chief court counselors, and more than 200 private defense attorneys and assistant public defenders who represent juveniles around the State. In addition, 11 representative North Carolina counties were selected for site visits based on a variety of factors, including service delivery methods, the number and types of juvenile cases, and population and economic demographics. Teams of in-state and national experts then visited the 11 selected counties, observed juvenile court, and interviewed judges, defense attorneys, prosecutors, juvenile clerks, court counselors, and other system actors.

On October 22, 2003, the ABA released its report on North Carolina's juvenile defense programs, along with reports in five other states (Maine, Maryland, Montana, Pennsylvania, and Washington). The North Carolina report contained a number of key findings about access to and quality of representation in delinquency proceedings in this State, such as: 1) the quality of juvenile defense is very uneven, partly due to a lack of statewide practice standards and insufficient training opportunities; 2) many juvenile defenders inadequately prepare their cases and have little or no access to support services; 3) many juvenile defenders have insufficient and/or untimely contact with their young clients; 4) juvenile defenders rarely file pre-adjudication motions, including competency motions; 5) North Carolina overuses and misuses pre-adjudicatory detention; 6) in some counties, as many as 90% of juvenile cases end in plea bargains; 7) minority children are over-represented in the juvenile justice system; 8) defenders rarely advocate for dispositional alternatives to detention, and are overly reliant on court counselor recommendations; 9) post-disposition representation is virtually non-existent, and juvenile appeals are rare; and 10) community-based treatment and mental health programs are inadequate.

The report also contained a number of ABA recommendations, such as the following:

- 1) ensure that juveniles have the assistance of counsel at the earliest possible stage;
- 2) consistently allocate sufficient resources to support the meaningful representation of juveniles;
- 3) designate a statewide Juvenile Defender to bring together resources and expertise, continue the evaluation process, and implement specific policies and programs;
- 4) work to stop the misuse and overuse of secure detention;
- 5) develop appropriate strategies to reduce disproportionate minority representation in the juvenile justice system;
- 6) develop specialized qualification and performance guidelines for juvenile defenders;
- 7) create and support programs to elevate the

status of indigent juvenile defense practice; 8) conduct an examination of juvenile caseloads to ensure that they are consistent with quality expectations; 9) develop and offer comprehensive training programs for juvenile defenders; 10) support pilot projects in more counties to increase the availability of diversion opportunities and treatment alternatives; and 11) develop procedures for expediting appeals in juvenile delinquency cases.

After the ABA's report was released, the IDS Commission formed a Juvenile Committee to review the ABA's findings and prepare recommendations for reform initiatives. That Committee in turn sought the assistance of 13 outside juvenile experts, including delinquency attorneys, special education and mental health advocates, and academics and law school clinical faculty. The Juvenile Committee met four times between December 2003 and February 2004, and is developing a reform proposal for presentation to the IDS Commission in March. After a reform proposal is adopted by the full IDS Commission, any initiatives that require legislative approval will be presented to the General Assembly. For example, the Juvenile Committee expects to propose the creation of a new statewide Juvenile Defender position. The Committee and IDS staff believe that a new Juvenile Defender would elevate the level of legal services provided to North Carolina's children in a number of ways, such as by serving as a central resource and contact person for individual juvenile defenders and other groups, performing case consultations, developing ways to connect and support juvenile defense attorneys statewide, formulating training programs for juvenile defenders, drafting specialized qualification and performance standards, and working with other juvenile justice groups and system actors to implement needed reforms.

Sentencing Services Program

In the 2002 Appropriations Act (S.L. 2002-126, S.B. 1115), the General Assembly reduced the overall budget for the Office of Sentencing Services ("OSS") by almost 40%, and transferred that program to IDS with directions to reconfigure the program as necessary to implement the budget reduction. IDS assumed responsibility for OSS on September 20, 2002, when the 2002 Appropriations Act was enacted. At that time, the IDS Executive Director hired School of Government Professor John Rubin as Interim Administrator of OSS. In November 2003, the IDS Director hired Susan Brooks as the permanent half-time Administrator of OSS.

OSS has been substantially reorganized, and is continuing to provide quality and accountable services despite the funding reductions. During fiscal year 2001-02, OSS programs across the State contacted 14,539 offenders through referrals and targeting, opened 3,474 cases, and presented 2,228 plans to courts. During fiscal year 2002-03, after the substantial funding reduction discussed above, OSS programs contacted 9,692 offenders (a decrease of 33%), opened 2,120 cases (a decrease of 39%), and presented 1,732 plans to courts (a decrease of only 22%). Thus, the programs have adapted to the funding reduction and become more efficient at turning contacts into presented plans. In addition, the programs have reported that an increasing percentage of cases are attributable to referrals from attorneys and judges.

Expanded Use of Contracts

Since the Spring of 2003, the IDS Office has been expanding its use of contracts with attorneys as an alternative method of delivering legal services to indigent persons in various districts in North Carolina. Currently, the IDS Office has contracts with nine different attorneys in five counties—including Dare, Currituck, Forsyth, Gaston, and Guilford—as well as with the Children’s Law Center in Charlotte. The IDS contracts cover a variety of case types, including adult criminal, juvenile delinquency, civil commitment, and guardianship proceedings.

In November 2003, the IDS Director hired Susan Brooks as the half-time Contracts Administrator for the IDS Office, in addition to her responsibilities as the Administrator of OSS. As the IDS Contracts Administrator, Brooks is monitoring the existing contracts, evaluating reports regularly submitted by the contract attorneys, working with other IDS Office staff to improve data collection and better assess the cost-effectiveness of the contracts, conducting on-site evaluations of the services being delivered by contract counsel, and exploring other areas of the State in which new attorney contracts might save money and increase quality.

The IDS Office staff believe that carefully planned and tailored contracts can result in greater efficiencies and substantial savings, while improving the quality of services being delivered. For example, in October 2003, the IDS Office entered into a contract in Gaston County for a specified number of misdemeanors and lower-level felony cases per year; that contract should result in annual savings of more than \$26,000. Office staff are working to evaluate the other existing contracts from both a cost and quality perspective, and should be in a better position to report on these contractual arrangements in next year’s annual report.

Measures to Evaluate Indigent Defense Systems

One of the IDS Office’s key functions is to determine the most appropriate method of providing legal representation in each judicial district. The IDS Act authorizes the IDS Office to use appointed counsel on a case-by-case basis, as is currently done in most parts of the State; enter into contracts with attorneys to handle a number of cases over a specified period of time; employ full-time or part-time public defenders to represent indigent defendants in a particular district or region with legislative approval; or use any combination of these or other methods.

This flexibility allows the IDS Office to tailor indigent defense services to the needs in different parts of the State and in different types of cases. Contracts with attorneys may be appropriate in some situations, but not in others. Caseload, population, and other factors may make a public defender office appropriate in some locations, but not in others. In other words, one size does not fit all. This flexibility also gives the IDS Office the ability to strike an appropriate balance in representation provided by private attorneys and public defenders. In its standards for administering indigent defense services, the ABA recommends that indigent defense programs utilize a mix of private counsel and public defender services, concluding that substantial private bar involvement is crucial to an effective program.

The IDS Commission recently formed a Systems Evaluations Committee that is working with Office staff to begin developing tools to evaluate the efficiency and quality of indigent

defense systems at the county, district, and statewide levels. Office staff have spoken with several potential outside consultants, and plan to form a working group composed of interested persons such as members of the bar and bench, clerks, researchers, and representatives of national indigent defense organizations. Once formed, the Committee, staff, and working group will begin defining what constitutes a successful indigent defense program and developing ways to measure the performance of North Carolina's various programs.

The goal of this project is to devise objective tools to measure the cost-efficiency and quality of the overall indigent defense systems, including defense representation, in different parts of North Carolina. Such tools could utilize data assessment, surveys, interviewing, on-site observations, and other methods of collecting information. They also should enable the IDS Commission and IDS Office to identify systemic barriers to the efficient administration of justice, and then work with other system actors to remedy those barriers. Because there are no existing models for this type of systemic assessment of indigent defense or other legal systems, Office staff expect this project to be a multi-year undertaking. Ultimately, any tools that are developed should serve as a model for other jurisdictions around the country.

Once evaluation tools are developed and pilot-tested, IDS Office staff intend to begin assessing the performance of existing systems in various North Carolina counties and districts, identifying best practices, and making recommendations for change where needed. However, before changing the method of delivering services in a particular district, the IDS Act requires the IDS Office to consult with the bar and bench in the district or districts under consideration. In addition, the IDS Office must obtain legislative approval before establishing or abolishing a public defender office. In accordance with the IDS Act, the IDS Commission and IDS Office plan to obtain input from all of the State's 39 judicial districts during the evaluation process. Based on the results of evaluations and the information the staff obtain from individual districts, the IDS Office ultimately hopes to identify the most appropriate method, from both a cost and quality perspective, for providing legal representation in each district.

Parent Representation

The IDS Office has taken some initial steps to assess and improve the representation of parents in abuse, neglect, and dependency and termination of parental rights cases. IDS Office staff have met with representatives of the Court Improvement Project for Children and Families, which is an organization dedicated to improving the quality of North Carolina's family courts, and discussed ways to enhance the quality of parent representation. In addition, in August 2003, a member of the Office staff was appointed to the Advisory Committee for that project as a parent attorney representative. During the Fall of 2003, IDS Office staff set up a listserv for attorneys representing parent-respondents in Chapter 7B cases across the state. The IDS Office has also authorized the Durham County Public Defender to represent parent-respondents in these cases in Durham. *See* "New Temporary Positions in the Durham County Public Defender Office" above. Finally, as shown in "Improved Training" above, the IDS Office has worked with other system actors to develop new training programs for attorneys representing parents. IDS Office staff intend to devote more attention to parent representation in the future.

Special Counsel Program

The IDS Office has worked with AOC staff to make the existing special counsel programs around the State more cost-effective. For example, previously, two salaried attorneys in the Special Counsel Office at Dorothea Dix handled a caseload of approximately 4,000 civil commitment cases in Wake County. A third private assigned attorney handled an additional 2,000 cases from private hospitals in Wake County. In conjunction with AOC staff, the IDS Office has taken steps to improve the efficiency of the two salaried special counsel positions. Those two attorneys are now handling all of the civil commitment cases from Wake County private hospitals, as well as those from Dorothea Dix, for a total annual caseload in excess of 6,000. As a result, the IDS Office is saving approximately \$50,000 to \$60,000 in private assigned counsel costs annually.

In 2007, pursuant to the State Mental Health Reform Plan, Dorothea Dix Hospital will close and a new hospital will open in Butner, North Carolina that will serve the combined Dix and Umstead catchment areas. As the implementation of that reform progresses, IDS and AOC staff will continue to monitor and adjust Special Counsel Office staffing to ensure cost-effective quality representation.

IDS and AOC staff also continue to monitor and evaluate caseloads in the Broughton Hospital region. While no changes have been implemented due to caseload fluctuations and plans for a new forensic program at Broughton, the IDS Office ultimately hopes to increase efficiencies there as well. After evaluation by IDS and AOC staff, and the Orange-Chatham County Public Defender, the method of payment to private appointed counsel handling civil commitment cases in Orange County was changed from per case fees to the standard \$65 hourly rate, effective November 2003. The modified system is projected to generate savings of approximately \$16,000 annually. Finally, IDS and AOC staff are evaluating representation by appointed counsel in civil commitment cases in Cumberland County, and hope to develop a new arrangement to increase efficiencies and generate additional cost-savings in that county.

Web-Based Case Reporting and Fee Filing Pilot Study

In January 2003, IDS Office staff submitted an application to the Governor's Crime Commission, which requested grant funding for a pilot web-based case reporting and fee filing payment system. The Governor's Crime Commission denied the grant proposal in March 2003. However, on February 12, 2004, IDS Office staff submitted a similar grant application to the State Justice Institute ("SJI"). The SJI grant application proposes developing a web-based system that would allow the IDS Office to receive and process attorney fee applications electronically via the Internet. The system also would enable attorneys to review their case assignments and the status of their fee applications on-line.

The initial grant proposal is to pilot-test this system in all capital and appellate cases statewide. If successful, IDS staff hope the system could then be expanded to allow receipt and processing of attorney fee applications in all indigent cases throughout North Carolina—approximately 140,000 cases annually. Such a system would ultimately result in significant savings by reducing the labor costs associated with the current paper-based system and

automating routine tasks. In addition, it would greatly improve the ability of IDS staff to collect and analyze data that is currently inaccessible, thereby enhancing the IDS Commission's ability to make more informed decisions about resource allocation.

II. District Case Volume and Cost Statistics

The existing data on the volume and cost of cases handled in each district by assigned counsel or public defenders during fiscal year 2002-03 is attached to this report in Appendix B. While the available data is limited in scope, the IDS Office is working with AOC to improve data collection procedures and data reporting capabilities. *See* "Improved External Data Collection and Reporting" above. Once those mechanisms are in place, the IDS Office intends to complete more detailed and helpful analyses for inclusion in future annual reports.

III. Legislative Recommendations

A. Additional Staff for Existing Public Defender Offices

The IDS Office may again request from the General Assembly the authority to add assistant public defenders and support staff to existing public defender offices where IDS determines that the additions will be cost-effective and enhance the quality of representation in a district. *See* "Updated Public Defender Cost-Effectiveness Studies" above.

B. New Public Defender Offices

The IDS Office is currently conducting an updated study of the relative cost-effectiveness of new public defender offices compared to private assigned counsel in a number of counties, including New Hanover/Pender and Wake counties, the counties in the First Judicial District, and other areas around the State. If, based on its studies, the IDS Office determines there should be changes in the method of service delivery in some districts, IDS may request authority to create new public defender offices. *See* "Updated Public Defender Cost-Effectiveness Studies" above.

In addition, the IDS Commission believes that quality improvements and projected cost-savings from any new public defender offices, as well as continuing efficiency and accountability in the existing public defender offices, can best be assured if the General Assembly enacts legislation giving the Commission authority to select and appoint the heads of all public defender offices.

C. New Juvenile Defender Position

In light of the ABA's recent assessment of juvenile delinquency representation in North Carolina, the Juvenile Committee of the IDS Commission is currently developing a proposal to improve the legal services provided to North Carolina's youth. As recommended in the ABA's report, the Committee will almost certainly request that the General Assembly authorize and fund a new statewide Juvenile Defender position. The IDS Office believes that a new statewide position will be crucial to assess and correct the many deficiencies identified in the ABA's report

and initiate meaningful reform. *See* “Assessment of Juvenile Delinquency Representation and Potential Reform Initiatives” above.

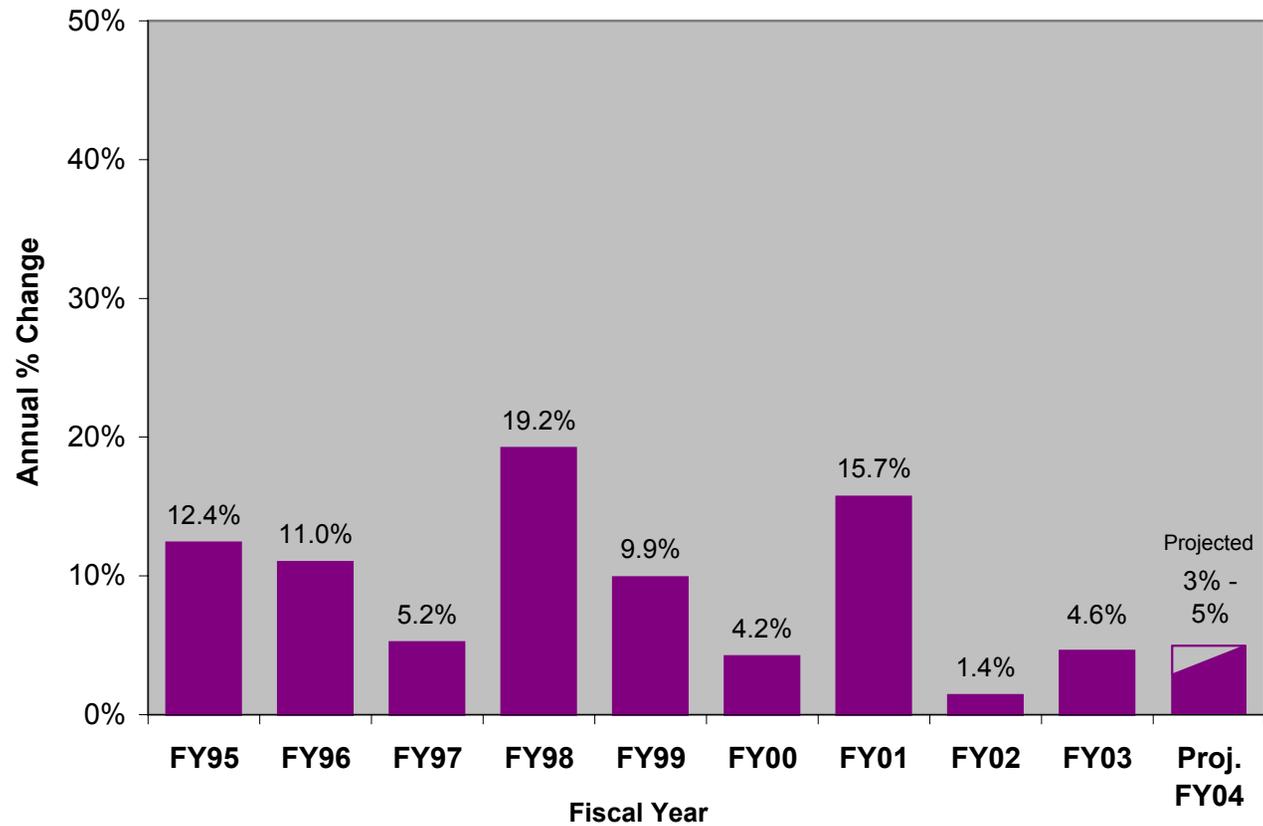
IV. Conclusion

The General Assembly’s creation of the IDS Commission and IDS Office makes North Carolina a national leader in the development of quality, cost-effective, and accountable indigent defense programs. Several states, including Alabama, Georgia, South Carolina, Virginia, and Texas, have looked to the IDS Act and IDS Office for guidance in improving their own indigent defense programs. In the coming years, the IDS Commission should continue to realize the goals of improving the quality of North Carolina’s indigent defense program in a cost-effective manner.

APPENDIX A

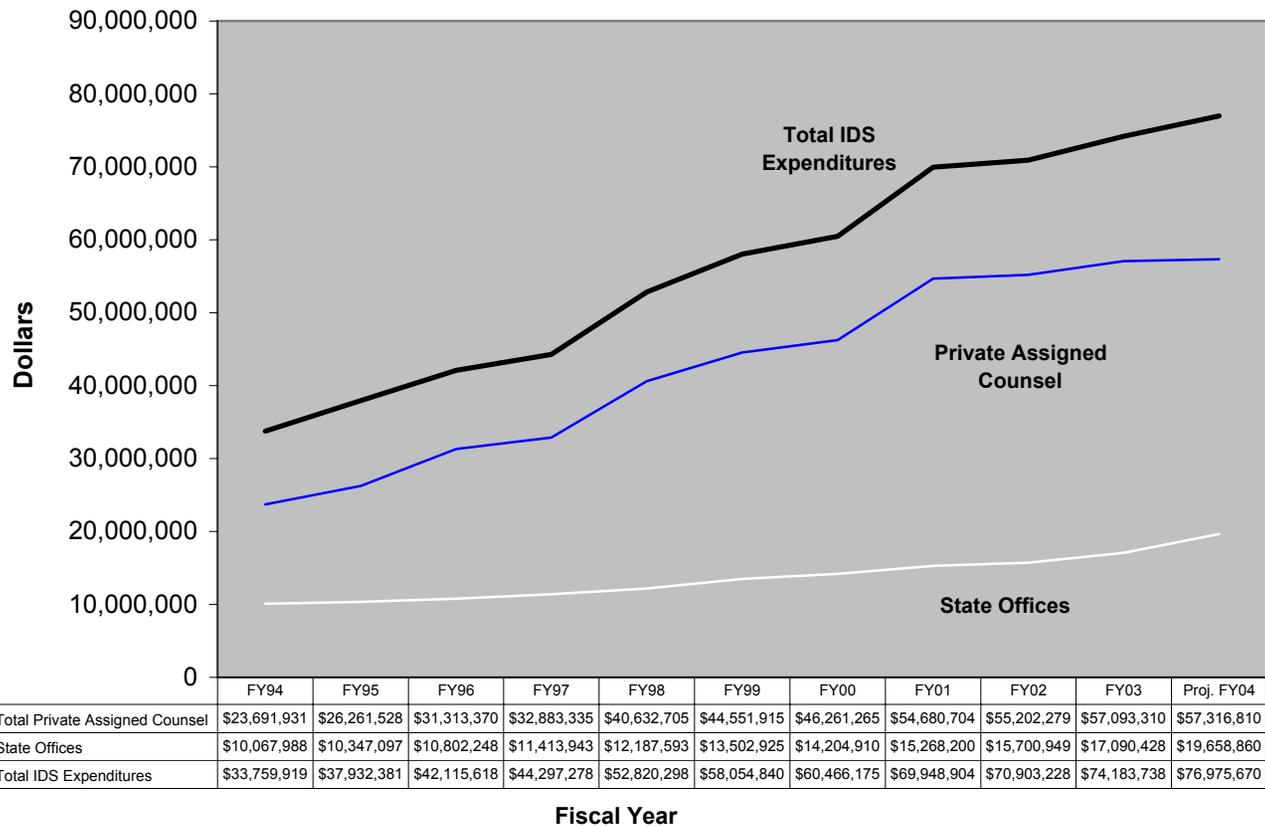
Annual Percent Change in Actual Total Indigent Defense Expenditures

(excludes prior year obligations and includes current obligations)



Indigent Defense Expenditure History

Spending with Prior Year Obligations Removed FY94 to FY03



Sources: Administrative Office of the Courts, Annual Reports 1988-99 through 2000-03 and IDS Office Chief Financial Officer.

**Indigent Defense Expenditure History
FY89 to FY03**

Type of Expenditure	FY89	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01	FY02	FY03	Proj. FY04
<i>Private Assigned Counsel (PAC)</i>												
Capital	2,095,675	5,189,722	4,605,960	6,950,613	6,453,782	9,589,186	9,176,899	10,079,534	11,272,810	10,876,856	10,005,808	9,611,218
Adult	11,724,097	16,309,410	18,597,507	19,932,141	22,322,081	25,540,251	27,428,944	29,283,471	35,536,744	32,226,789	37,847,981	39,851,180
Juvenile	1,045,401	1,712,647	2,268,305	2,314,826	2,560,702	2,787,998	2,966,086	3,138,127	3,828,369	2,932,196	3,195,779	2,764,627
GAL	102,770	71,827	71,630	77,089	115,313	123,838	159,776	208,031	298,241	278,687	180,819	192,521
Support Services	\$ 629,266	\$ 1,245,241	\$ 1,565,817	\$ 1,886,392	\$ 2,431,457	\$ 2,591,432	\$ 2,970,751	\$ 3,218,862	\$ 3,475,239	\$ 3,932,832	\$ 4,566,156	\$ 4,682,744
Obligated at Year-End	2,532,297	1,695,381	847,691	1,000,000	-	-	1,849,459	2,182,699	2,452,000	7,406,919	8,703,686	8,918,206
Total PAC	\$ 17,500,240	\$ 26,224,228	\$ 27,956,909	\$ 32,161,061	\$ 33,883,335	\$ 40,632,705	\$ 44,551,915	\$ 48,110,724	\$ 56,863,403	\$ 57,654,279	\$ 64,500,229	\$ 66,020,496
Total PAC with prior year obligations removed		\$ 23,691,931	\$ 26,261,528	\$ 31,313,370	\$ 32,883,335	\$ 40,632,705	\$ 44,551,915	\$ 46,261,265	\$ 54,680,704	\$ 55,202,279	\$ 57,093,310	\$ 57,316,810
Annual % Change excluding prior year oblig. Including current oblig.			10.85%	19.24%	5.01%	23.57%	9.65%	3.84%	18.20%	0.95%	3.43%	0.39%
<i>Public Defender Offices & Special Counsel</i>												
IDS Office									\$ 179,459	\$ 472,471	\$ 499,977	\$ 563,155
Public Defender	\$ 4,717,451	\$ 8,877,852	\$ 9,026,180	\$ 9,364,670	\$ 9,895,547	\$ 10,708,729	\$ 11,708,864	\$ 12,260,820	\$ 12,877,539	\$ 13,024,014	\$ 13,917,622	\$ 15,899,451
Appellate Defender	\$ 575,534	\$ 811,277	\$ 832,381	\$ 930,474	\$ 977,043	\$ 919,279	\$ 1,025,609	\$ 1,068,893	\$ 1,091,839	\$ 972,713	\$ 1,021,943	\$ 1,027,059
Capital Defender							\$ 183,896	\$ 278,065	\$ 352,240	\$ 392,940	\$ 777,491	\$ 1,249,821
Set-Off Debt			\$ 91,109	\$ 91,109	\$ 86,152	\$ 83,085	\$ 82,489	\$ 84,414	\$ 92,402	\$ 65,519	\$ 71,373	\$ 65,837
Special Counsel	\$ 264,601	\$ 378,859	\$ 397,427	\$ 415,995	\$ 455,201	\$ 476,500	\$ 502,067	\$ 512,718	\$ 674,721	\$ 773,292	\$ 802,022	\$ 853,537
Total State Offices	\$ 5,557,586	\$ 10,067,988	\$ 10,347,097	\$ 10,802,248	\$ 11,413,943	\$ 12,187,593	\$ 13,502,925	\$ 14,204,910	\$ 15,268,200	\$ 15,700,949	\$ 17,090,428	\$ 19,658,860
Annual Percent Change			2.8%	4.4%	5.7%	6.8%	10.8%	5.2%	7.5%	2.8%	8.8%	15.0%
Total IDS Expenditures with prior year obligations removed		\$ 33,759,919	\$ 37,932,381	\$ 42,115,618	\$ 44,297,278	\$ 52,820,298	\$ 58,054,840	\$ 60,466,175	\$ 69,948,904	\$ 70,903,228	\$ 74,183,738	\$ 76,975,670
Percent Change in Total Expenditures (exclude prior yr oblig.)			12.4%	11.0%	5.2%	19.2%	9.9%	4.2%	15.7%	1.36%	4.63%	3.76%
Sources: Administrative Office of the Courts, Annual Reports 1988-99 through 2000-03 and IDS Office Chief Financial Officer.												
Following financial information not included for comparison reasons:												
Programs no longer in operation - Death Penalty Resource Center, Indigency Screening Program												
Programs no longer under Indigent Defense Services - Guardian ad Litem Program												
Pass through grants - NC State Bar Grant, Center for Death Penalty Litigation Grant,												
Sentencing Services												

APPENDIX B

COST AND CASE DATA ON REPRESENTATION OF INDIGENTS

July 1, 2002 – June 30, 2003

	Number of Cases*	Total Cost	Average Per Case
Assigned Private Counsel			
Capital offense cases	1,173	\$9,992,952	\$8,519
Adult cases (other than capital)	127,461	37,851,827	297
Juvenile cases	13,373	3,195,649	239
Guardian ad Litem for juveniles	709	180,819	255
Totals	142,716	51,221,247	359
Public Defender Offices			
District 3A	2,226	806,257	362
District 3B (Carteret County)	593	247,615	418
District 12	2,670	1,365,588	511
District 14	6,866	1,345,906	196
District 15B	2,375	734,468	309
District 16A	1,768	553,946	313
District 16B	3,654	973,836	267
District 18	7,966	1,987,800	250
District 21	636	392,307	617
District 26	15,432	3,377,615	219
District 27A	6,328	1,109,630	175
District 28	3,800	1,022,654	269
Totals	54,314	13,917,622	256
Office of the Appellate Defender		1,021,944	
Special Counsel at State Mental Health Hospitals		802,022	
Support Services			
Transcripts, records, and briefs		799,217	
Professional examinations		1,283	
Expert witness fees		2,362,092	
Investigator fees		1,412,704	
Total		4,575,296	
Set-Off Debt Collection		71,373	
Indigent Defense Services		499,977	
Office of the Capital Defender		777,491	
TOTAL INDIGENT DEFENSE SERVICES		\$72,886,972	
Sentencing Services Program		\$3,754,223	
GRAND TOTAL		\$76,641,195	

* The number of "cases" shown for private assigned counsel is the number of payments (checks) made by the Administrative Office of the Courts for appointed attorneys. For public defender offices, the number of "cases" is the number of indigents whose cases were disposed of by public defenders during the 2002-03 year.

ASSIGNED PRIVATE COUNSEL*
Cases and Expenditures
July 1, 2002 – June 30, 2003

	Number of Cases	Expenditures
<i><u>District 1</u></i>		
Camden	64	\$ 43,802
Chowan	206	57,029
Currituck	214	112,929
Dare	431	192,933
Gates	69	69,547
Pasquotank	627	190,743
Perquimans	109	37,488
District Totals	1,720	704,471
<i><u>District 2</u></i>		
Beaufort	1,030	280,215
Hyde	91	45,310
Martin	442	109,263
Tyrrell	105	29,419
Washington	224	56,775
District Totals	1,892	520,982
<i><u>District 3A</u></i>		
Pitt	1,828	721,524
District Totals	1,828	721,524
<i><u>District 3B</u></i>		
Carteret	329	137,021
Craven	1,051	400,464
Pamlico	136	67,300
District Totals	1,516	604,785
<i><u>District 4A</u></i>		
Duplin	822	322,176
Jones	149	39,758
Sampson	1,049	284,575
District Totals	2,020	646,509
<i><u>District 4B</u></i>		
Onslow	3,008	1,017,810
District Totals	3,008	1,017,810
<i><u>District 5</u></i>		
New Hanover	5,829	1,898,435
Pender	686	229,865
District Totals	6,515	2,128,300
<i><u>District 6A</u></i>		
Halifax	1,719	701,380
District Totals	1,719	701,380

Assigned Private Counsel, July 1, 2002 – June 30, 2003
(continued)

	Number of Cases	Expenditures
<u>District 6B</u>		
Bertie	246	167,625
Hertford	608	227,756
Northampton	338	241,691
District Totals	1,192	637,072
<u>District 7A</u>		
Nash	1,298	612,730
District Totals	1,298	612,730
<u>District 7B-C</u>		
Edgecombe	1,214	461,206
Wilson	1,035	553,859
District Totals	2,249	1,015,065
<u>District 8A</u>		
Greene	329	109,429
Lenoir	1,635	469,542
District Totals	1,964	578,971
<u>District 8B</u>		
Wayne	2,083	591,364
District Totals	2,083	591,364
<u>District 9</u>		
Franklin	652	210,205
Granville	784	237,300
Vance	898	588,209
Warren	358	111,424
District Totals	2,692	1,147,138
<u>District 9A</u>		
Caswell	375	165,861
Person	1,190	428,052
District Totals	1,565	593,913
<u>District 10</u>		
Wake	13,125	3,805,060
District Totals	13,125	3,805,060
<u>District 11A</u>		
Harnett	2,245	676,254
Lee	965	225,514
District Totals	3,210	901,768

Assigned Private Counsel, July 1, 2002 – June 30, 2003
(continued)

	Number of Cases	Expenditures
<u>District 11B</u>		
Johnston	2,569	931,374
District Totals	2,569	931,374
<u>District 12</u>		
Cumberland	2,570	1,925,980
District Totals	2,570	1,925,980
<u>District 13</u>		
Bladen	748	216,979
Brunswick	1,468	543,402
Columbus	979	388,826
District Totals	3,195	1,149,207
<u>District 14</u>		
Durham	1,558	868,862
District Totals	1,558	868,862
<u>District 15A</u>		
Alamance	2,602	876,829
District Totals	2,602	876,829
<u>District 15B</u>		
Chatham	530	125,231
Orange	1,573	320,341
District Totals	2,103	445,572
<u>District 16A</u>		
Hoke	153	90,424
Scotland	365	305,314
District Totals	518	395,738
<u>District 16B</u>		
Robeson	1,590	1,101,498
District Totals	1,590	1,101,498
<u>District 17A</u>		
Rockingham	2,111	682,625
District Totals	2,111	682,625
<u>District 17B</u>		
Stokes	674	262,207
Surry	1,325	598,343
District Totals	1,999	860,550
<u>District 18</u>		
Guilford	2,643	1,233,528
District Totals	2,643	1,233,528

Assigned Private Counsel, July 1, 2002 – June 30, 2005
(continued)

	Number of Cases	Expenditures
<i><u>District 19A</u></i>		
Cabarrus	2,585	781,565
District Totals	2,585	781,565
 <i><u>District 19B</u></i>		
Montgomery	546	182,384
Moore	1,953	509,209
Randolph	2,212	677,489
District Totals	4,711	1,369,082
 <i><u>District 19C</u></i>		
Rowan	3,189	1,129,800
District Totals	3,189	1,129,800
 <i><u>District 20A</u></i>		
Anson	1,062	290,986
Richmond	2,798	940,088
District Totals	3,860	1,231,074
 <i><u>District 20B</u></i>		
Stanly	1,212	378,369
Union	2,716	849,562
District Totals	3,928	1,227,931
 <i><u>District 21</u></i>		
Forsyth	6,682	2,465,608
District Totals	6,682	2,465,608
 <i><u>District 22</u></i>		
Alexander	749	200,902
Davidson	3,793	1,078,644
Davie	593	152,808
Iredell	2,351	729,320
District Totals	7,486	2,161,674
 <i><u>District 23</u></i>		
Alleghany	125	32,403
Ashe	366	128,112
Wilkes	1,350	354,314
Yadkin	669	162,493
District Totals	2,510	677,322
 <i><u>District 24</u></i>		
Avery	291	93,410
Madison	214	73,369
Mitchell	217	97,914
Watauga	488	165,841
Yancey	277	100,788
District Totals	1,487	531,322

Assigned Private Counsel, July 1, 2002 – June 30, 2003
(continued)

	Number of Cases	Expenditures
<u>District 25A</u>		
Burke	1,807	617,894
Caldwell	2,564	635,562
District Totals	4,371	1,253,456
<u>District 25B</u>		
Catawba	3,258	953,135
District Totals	3,258	953,135
<u>District 26</u>		
Mecklenburg	10,273	4,576,735
District Totals	10,273	4,576,735
<u>District 27A</u>		
Gaston	975	748,053
District Totals	975	748,053
<u>District 27B</u>		
Cleveland	2,396	563,752
Lincoln	784	302,234
District Totals	3,180	865,986
<u>District 28</u>		
Buncombe	1,711	670,783
District Totals	1,711	670,783
<u>District 29</u>		
Henderson	2,011	689,076
McDowell	906	352,047
Polk	443	106,250
Rutherford	2,151	567,113
Transylvania	529	219,070
District Totals	6,040	1,933,556
<u>District 30A</u>		
Cherokee	428	164,050
Clay	89	43,857
Graham	249	112,940
Macon	578	157,916
Swain	228	72,404
District Totals	1,572	558,167
<u>District 30B</u>		
Haywood	1,241	494,258
Jackson	603	191,136
District Totals	1,844	685,394
STATE TOTALS**	142,716	51,221,247

*Cases and expenditures shown here include adult capital and non-capital offense cases, juvenile cases, and guardians ad litem for juveniles.

**Some cases are reported in both District 29 and District 30A.

