

Office of Indigent Defense Services

Managed Assigned Counsel – Frequently Asked Questions

If you have questions about MAC that are not addressed in these FAQs, please consider joining us during one of our weekly MAC Question and Answer Forum, which will be held at 1PM every Thursday at <https://tinyurl.com/f74mydfz>.

Can't make the meeting? That's okay. You can always email questions, comments, and suggestions to a member of the MAC team using the email addresses at the end of this FAQs.

QUESTIONS	ANSWERS
What is covered by the Managed Assigned Counsel program?	
Q: Which cases are covered by MAC?	A: MAC is effective for newly assigned cases beginning December 1, 2022. For a comprehensive list of counties and case types covered by MAC please see IDS Policy # 05.01.01, "Managed Assigned Counsel."
Q: Will my current cases (appointments made on or before November 30, 2022) be moved to the MAC?	A: No. MAC is effective for newly assigned cases only. (But see "Applying for Payment, Specific Cases" below.)
How do I apply for a MAC contract?	
Q: I currently have a contract with IDS and would like one under MAC for the same cases/ counties.	A: All current contractors in good standing will be offered new MAC contracts in the counties and for the case types for which they currently contract.
Q: I currently have a contract with IDS and would like to add counties/ case types to my new MAC contract.	A: Attorneys who currently have a contract with IDS but wish to change or add a county or case type must apply for the contract using an application process approved by IDS.
Q: I do not currently have a contract?	A: New contractors must complete an approved online application to be considered for a contract.
Which cases can I bill for in MAC?	
Q: I sometimes takes court-appointed cases in counties for which I don't have a contract. Can I use the MAC program to bill for this case?	A: Yes and No – you may only bill for work using the MAC program for cases in participating MAC counties. If you were appointed to represent a client in a participating county in which you do not have a contract, you may use the MAC program to bill. If you were appointed to represent a client in a county that does not participate in the MAC program, you must apply for payment to an authorized judicial official.

Q: The court appointed me to a conflict case in a participating county, but I don't have a MAC contract for this case type. Can I use the MAC program to apply for payment?	A: Yes – if the appointment is in a participating county and for a case type covered by the MAC program, then you may use the MAC program to apply for payment. ¹
Q: Can I use the MAC program to apply for payment for a misdemeanor appeal? For a misdemeanor appeal that was remanded to the district court?	A: Yes – if your client wishes to appeal his or her conviction in the district court to the superior court, you should file and pursue the appeal. You should continue to bill IDS monthly if the case is pending.
Billing in MAC	
Q: What does the billing requirement look like?	A. The MAC system incorporates the IDS policies regarding billing. See that policy here: https://www.ncids.org/wp-content/uploads/2021/03/2022.09.01-attorney-fee-policies-non-capital-cases.pdf
Q: How do I report the hours I work on a case and apply for payment?	A: Initially, each month you will complete an IDS developed spreadsheet to record hours, mileage, and other expenses. You should attach the spreadsheet and any supporting documentation to an email and send to MAC.Reports@nccourts.org by the seventh of each month.
Q. How often do I have to submit a payment request report to IDS?	A: You must apply for payment to IDS by the seventh of each month for payment for work done previous month.
Q. Can I bill at the end of the case rather than monthly?	A. No. You must submit a payment request report to IDS by the seventh of each month for payment for work done previous month.
Q. How much time will this reporting take?	A. No more than it currently takes you to enter into the IDS developed database or complete a spreadsheet.
Q. Can my legal assistant or paralegal report this information on my behalf?	A: Yes. Contracting attorneys can allow a staff member within their office to report data on behalf of the attorney. IDS recommends that you review the data prior to certifying its accuracy.
Q: Can I bill for my time or my legal assistant's time on administrative tasks under the MAC contracts?	A: No. IDS billing policies, as determined by the IDS Commission and by statute, do not allow for an attorney to bill for administrative tasks.

¹ Note: If the appointment is for a case covered by a roster for which you are not qualified—e.g., a high-level felony when you are only qualified for a low-level felony—you must consult with the Regional Defender within two business days of appointment and before undertaking any work on the case

Q: Will IDS ever turn over my billing details upon request?	A: Yes and no. As a state agency, IDS is subject to the Public Records Act and must produce many of the records in its possession. This is true regardless of the medium—either on a spreadsheet or in the new database. A good rule of thumb is that if it would have been found in a shuck, IDS will have to produce it. Please note, however, that IDS will not produce records associated with a pending case.
Q: Which fee application do I use?	A: You will not use a fee application. IDS will process your payment request using the spreadsheet initially.
Q: Am I required to file recoupment forms?	A: Yes. By statute and pursuant to the terms of your contracts, you must report your time to the court, even if not asked by the court, in all recoupment eligible cases. If the court orders recoupment, you must complete and file a recoupment form.
Q: Why is IDS requiring us to use spreadsheets with the MAC contracts?	A: The current IDS database is not structured to allow hourly billing in contract cases. The spreadsheet is a temporary tool while staff continues to work with the Administrative Office of the Courts (AOC) to procure a customizable commercial product.
Q: Why do I have to enter information that is already entered into the court system?	A: Current technology does not allow IDS to extract and migrate information in NCAOC electronic files. IDS staff continues to work with the Administrative Office of the Courts (AOC) to procure a customizable commercial product that will allow extraction and migration.
Q: Why does IDS require contracting attorneys to report this information?	A: IDS is responsible for overseeing the provision of legal representation to indigent clients, including maintaining the quality and cost effectiveness of such representation. The data provided enables IDS staff to analyze and report costs per case for the various case types broken down into cases that were resolved by trial and cases that were resolved without a trial. Moreover, IDS needs this data to track attorneys' caseloads and/or session obligations.
Reporting, Case & Client Specific Examples	
What if I have a client with pending charges that were assigned prior to the start of my MAC contract and the state charged my client with additional offenses after the start of my MAC contract?	
Q: Am I supposed to be appointed to the new cases?	A: Yes. Because your client has pending charges under the expired contract and you have a current contract, the client's case and any other subsequent cases at the same or lower classification should go to you.
Q: How do I report the hours to IDS for payment?	A: You should enter the new appointments into your MAC contract while continuing to track your time for the pre-existing ("pre-MAC") appointments in the old system.

<p>Q: How do I report the hours to the court for recoupment?</p>	<p>A: If your client’s cases are disposed of separately, you should report all hours worked on the cases included in each disposition to the judge separately. You should use the contractor database or a fee application to report your pre-MAC hours, whichever is appropriate based on your initial pre-MAC appointment.</p> <p>If your client’s cases are disposed of together (in the same session of court and in front of the same judge) and you have not previously reported any hours to the court, then you should report all hours to the court using a single recoupment order.</p>
<p>What if my client has multiple charges and multiple court dates?</p>	
<p>Q: Am I supposed to keep adding the cases and keeping the time separate?</p>	<p>A: Yes. You should record time in court and time in court waiting delineated for each separate charge and each separate court date.</p>
<p>Q: Am I supposed to enter every case number?</p>	<p>A: No, if multiple cases arising are proceeding simultaneously, you should use the lowest case number case for highest classification when reporting your time.</p>
<p>Q. What if my client’s charges span several different classes and I do not know whether the cases will be disposed of separately or together? Do I bill the higher rate for all the cases, or do I bill separately using the rate for each classification?</p>	<p>A: You should record your time separately. However, if you do dispose of the cases in a single session of court, you should report all hours using the rate in effect for the highest original charge.</p>
<p>What if my client’s case started out as a misdemeanor but the state subsequently charged with one or more felonies arising from the same incident?</p>	
<p>Q. Is my time spent prior to the felony charge paid at the misdemeanor rate or the applicable felony rate?</p>	<p>A: If you resolve multiple charges in a single session of court, IDS will authorize payment using the rate in effect for the highest original charge.</p> <p>If you resolve multiple charges through multiple dispositions, IDS will authorize payment using the rate in effect for the relevant disposition.</p>
<p>Q. How do I report my hours to the court?</p>	<p>A: If you resolve multiple charges in a single session of court, you should report all hours to the court using the rate in effect for the highest original charge. If you resolve multiple charges in multiple sessions of court, you should report the rate in effect for the relevant disposition</p>
<p>Q. Do I report charges that I was not appointed to but that I disposed of on behalf of my client?</p>	<p>A: Contracting attorneys should only report dispositions for charges that they were appointed to handle. If you choose to dispose of charges that you were not appointed to handle, you are doing so at you own expense.</p>

<p>Q: When my client enters a plea in superior court that includes the dismissal of misdemeanor charge in district court, do I include my hours for the misdemeanor my hours for the superior court case for recoupment and for payment?</p>	<p>A: Yes. While the misdemeanor case may have ended in dismissal because the dismissal was part of a plea that is eligible for recoupment, you should report the hours the court. You also should apply for payment for all hours under MAC system pursuant to contract that includes the highest-level charge to which your client plead.</p>
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The MAC Team	
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Counties:	Kevin Boxberger, Kevin.Boxberger@nccourts.org Greene, Harnett, Johnston, Lee, Lenoir, Pitt, Wake and Wayne.
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