

IDS OFFICE OF INDIGENT DEFENSE SERVICES SAFEGUARDING JUSTICE

Annual Report of the Commission on Indigent Defense Services July 1, 2021 - June 30, 2022

Submitted to the North Carolina General Assembly
Pursuant to G.S. 7A-498.9

March 15, 2023



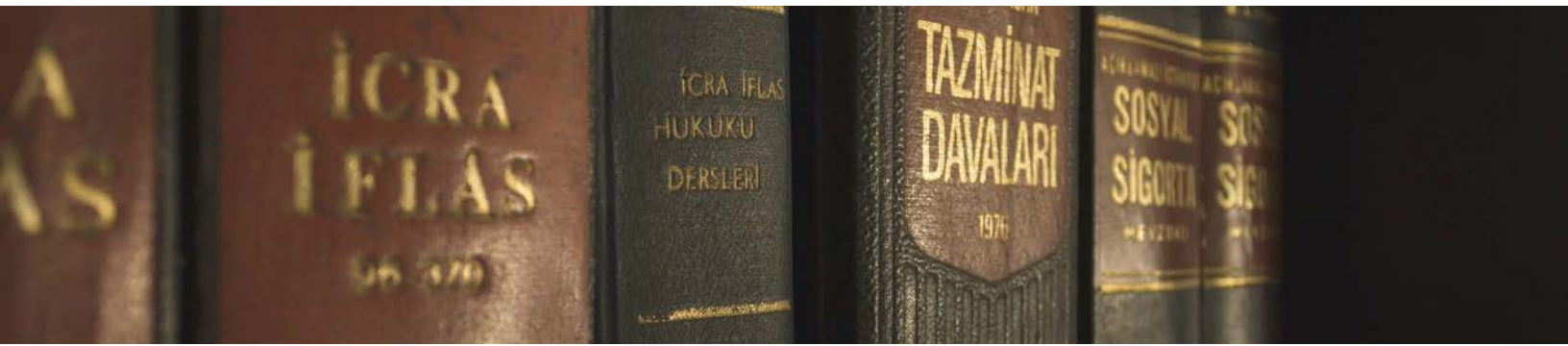


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Commission on Indigent Defense Services

☆☆☆

The Honorable Dorothy Hairston Mitchell, Vice-Chair

District 14, District Court Judge, Durham

Appointed by the IDS Commission

☆☆☆

Mr. Art F. Beeler, Vice- Chair

Assistant Clinical Professor, Criminal Justice, NC Central University

Appointed by the Governor

☆☆☆

Ms. Tonya Davis Barber

Barber Webster Law, PLLC, Goldsboro

NC Association of Women Attorneys

☆☆☆

Mr. Brian S. Cromwell

Parker Poe, Charlotte

Appointed by NC Association of Black Lawyers

☆☆☆

The Honorable Joseph Crosswhite

District 22A Senior Resident Superior Court Judge, Statesville

Appointed by Chief Justice of NC Supreme Court

☆☆☆

Ms. Caitlin Fenhagen

Criminal Justice Resource Department, Hillsborough

Appointed by the IDS Commission

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Crime Victim Advocate, Haliwa-Saponi Indian Tribe, Hollister

Appointed by the IDS Commission

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Ms. Miriam M. Thompson

Attorney at Law, PLLC, Wilmington

Appointed by NC Advocates for Justice

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Mr. Staples Hughes

Attorney at Law, Chapel Hill

Appointed by NC Public Defender Association

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Mr. Bryan Jones

Attorney at Law, Morganton

Appointed by President Pro Tempore of the Senate

☆☆☆

Ms. Stacey Rubain

Quander Rubain, Winston-Salem

Appointed by the North Carolina State Bar

Our Statutory Charge

The Office of Indigent Defense Services is required to:

- Enhance oversight of the delivery of counsel and related services provided at State expense;
- Improve the quality of representation and ensure the independence of counsel;
- Establish uniform policies and procedures for the delivery of services;
- Generate reliable statistical information to evaluate the services provided and funds expended; and
- Deliver services in the most cost-effective manner without sacrificing quality representation.

❖ *IDS administration does this with a remarkably lean staff. Working closely with the IDS Commission, the IDS Executive Director and Staff continuously evaluate cost and effectiveness of existing policies to ensure that quality representation is being provided in a fiscally responsible manner.*

In addition to oversight and policy work, IDS also provides direct support to public defense attorneys:

*Two **Regional Defenders** provide direct support to PAC attorneys who have contracted with IDS to provide representation. In addition to consulting with attorneys on substantive and procedural matters, these attorneys also work with the local bar, clerks' offices, and judges to ensure that there*

are enough qualified attorneys to meet local demand.

Forensic Resource Counsel assists North Carolina attorneys litigating scientific evidence issues. Through individual case consultations, continuing legal education programs, and the Forensic Resources website, Forensic Resource Counsel educates attorneys about relevant forensic science issues and assists with litigating claims related to forensic evidence at the trial, appellate and post-conviction phases of representation.

Contract consulting attorneys provide case-by-case expert analysis in complex felonies and other cases, leading to increased quality in services and efficiencies in case processing.

IDS Organizational Structure



About Us

The 13-member volunteer **Commission on Indigent Defense Services**

was established by the General Assembly in 2000. Since that time, it has offered oversight and guidance to the Office of Indigent Defense Services (IDS) and the North Carolina public defense community through periods of both growth and austerity. The Commission and its various committees develop and improve programs by which IDS provides legal representation to indigent persons.

Indigent Defense Services

administers the North Carolina public defense system, provides administrative support to the local Public Defender and Statewide Defender Offices; administers the PAC fund; and administers individually negotiated and large-scale contracts for services.

Public Defender Offices

in 19 Defender Districts (20 Judicial Districts) provide criminal and non-criminal trial level defense to eligible people. The Chief Public Defenders are appointed through a statutory

process by the Senior Resident Superior Court Judge to serve four-year terms. PDs and Assistant PDs are state-employed defenders.

Five **Statewide Defender Offices**

provide oversight and supervision in specialized areas of the law. The Chiefs of each office are appointed by the Commission to serve four-year terms. They administer rosters of specialized attorneys; supervise in-house attorneys; and work with legislators, court actors, and other stakeholder groups on court improvement initiatives. The Chief and their Assistants are state-employed defenders.

North Carolina Prisoner Legal Services

is a non-profit, public service law firm that provides legal advice and assistance to people incarcerated in the state in response to the United States Supreme Court decision in *Bounds v. Smith*, 430 U.S. 817 (1977). IDS contracts with NCPLS to fulfill North Carolina's constitutional obligation to provide inmates with access to court.

Private Assigned Counsel,

often referred to as "PAC," are private attorneys who agree to accept appointment for eligible clients for an hourly rate or other arrangement. They are independent contractors. In districts without a public defender, IDS must rely on local volunteer bar committees to enforce the standards for performance and qualifications set forth in IDS's Uniform Appointment Plan. IDS Contract Counsel refers to a subset of PAC who contract with IDS to cover specified case types with payment at a set rate. IDS administers both a contract system for criminal defense cases in 18 counties and some individually negotiated contracts statewide for criminal and parent defense cases.

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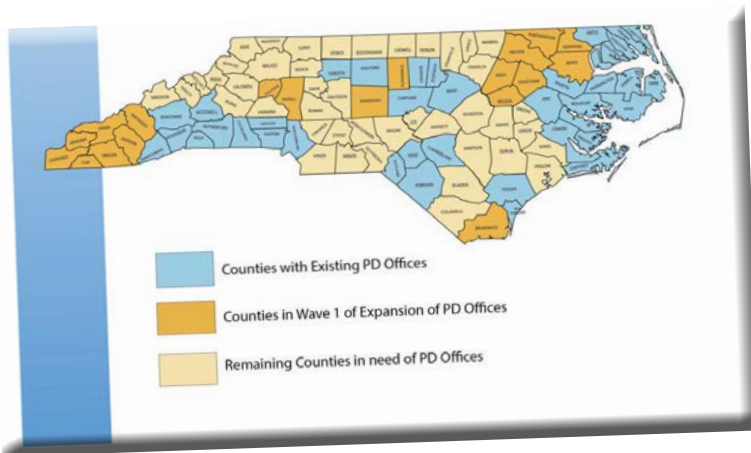
IDS OFFICE OF INDIGENT DEFENSE SERVICES
SAFEGUARDING JUSTICE

Legislative Requests

The Indigent Defense Services Commission and Office are committed to developing a statewide system of public defense that provides quality representation in the most cost-efficient manner possible.

To further these goals, the IDS Commission and Office respectfully request the General Assembly make the public defense a priority in the 2023 legislative long session and appropriate necessary funding for its support.

As seen in Appendices A and B, the IDS legislative request is as follows:



wave (one of three proposed expansions over the next three biennia) would create 8 new PD offices. Please see Appendix B for more information.

Private Assigned Counsel Rate Restoration. (\$8,291,427 R in both years of the biennium)

These additional appropriations would permit IDS to raise PAC rates to a minimum of \$75 per hour.

Public Defender Office Expansion. (\$6,899,906 R in FY 2023-24 and \$10,000,000 R in FY 2024-25; 126 FTE)

Expansion funds would allow IDS to open PD Offices for 10 superior court judicial districts in NC. The first

Public Defender Positions. (\$3,627,076 R in both years of the biennium and \$109,127 NR in FY 2023-24)

IDS requests additional appropriations for 29 new positions in existing PD district and statewide offices.

Compensation Equity for Statewide Defenders. (\$216,640R in both years of the biennium)

IDS seeks additional appropriations and statutory authority to provide the same compensation package for all of the chief public defenders who work for IDS. This would ensure that all statewide defenders are paid at the same rates, and all statewide defenders belong to the Consolidated Judicial Retirement System (CJRS).

IDS Relocation. (\$120,456 R and \$145,247 NR in FY 2023-24 and \$240,913 R in FY 2024-25)



- Featuring Class A office building in the three building Westchase Office Park
- Main Class A Westchase II: The Oak Green, featuring shared conference rooms, will remain on-site.

The IDS main office at 123 West Main Street in Durham will need to relocate in 2024. Since 2001, this building has housed IDS Administration and the Offices of the Appellate, Capital, and Parent defenders. The Office of Special Counsel (OSC) is currently on the Dorothea Dix campus and must also be relocated, per plans of the NCDHHS.

Document Retention Processing. (\$67,127 NR in FY 2023-24)

IDS would like to hire temporary staff to sort through its considerable backlog of records for scanning and shredding. Temporary staff will assist all four of the offices located in the IDS main office at 123 West Main Street in Durham.

Financial Services Administrative Support Staff. (\$137,440 R in both years of the biennium)

This request is for funds to shift two administrative positions that are currently receipt-supported to General Fund-support.

Increase in Attorney Salaries. (Approximately \$5M R in both years of the biennium)

This request mirrors a request from the Conference of DAs to increase the starting salary for all attorneys in DA and PD offices by about \$10,000.

Chief Public Defender Appointment Procedures.

As part of IDS's plan to expand public defender offices statewide, IDS is requesting changes to the public defender appointment procedures. The requested changes will continue to vest the selection in with the local bar and bench by providing for an initial four-year appointment following a vote by members of the local bar and selection by the senior resident superior court judge. At the same time, the change will transfer the responsibility for retention to the IDS Commission.

Statutory Changes Needed for eCourts Implementation.

IDS needs a significant amount of data from AOC to evaluate programs and performance. We have



traditionally received this data in AOC's full criminal extract; however, the NCAOC has reevaluated the governing language in G.S. 132-1.4, which excludes certain criminal investigation records from the Public Records Act and has determined that it will no longer share the full extract with IDS. IDS respectfully requests an amendment to this statute to allow AOC to execute a memorandum of understanding wherein it agrees to share its full criminal extract with IDS and IDS agrees to continue safeguarding highly confidential information. This will allow IDS to meet its statutory mandate to generate reliable statistical information to evaluate the services provided and funds expended.



Actions to Improve Cost-Effectiveness and Quality of Indigent Defense Services

IDS's efforts to improve quality are focused on (1) continued expansion of the public defender system; (2) expansion of the role of regional defenders and their outreach to court appointed attorneys; and (3) providing resources for private attorneys to allow effective participation in remote court proceedings and client contact. IDS accomplished several projects during FY2022.

Reducing the Growth of Attorney Deserts.

Between 2010 and 2020, IDS saw a 25% decline in the number of PAC attorneys. The rate increases that the IDS Commission implemented in January 2022 slowed the decline in PAC attorneys, but there still are fewer PAC attorneys today than there were ten years ago.

Contract Services Overhaul.

The unit-based RFP system was developed in response to a 2013 legislative mandate. IDS evaluated this system and found that it was not cost-effective. IDS staff conducted extensive research into alternatives that would realize the benefits of a contract system, such as enhanced oversight of PAC and improved ability to audit attorney payments, but also be simpler, transparent, and cost-effective. The Managed Assigned Counsel (MAC) system is being piloted in the 18 original RFP contract system and will be

assessed after 24 months.

IDS anticipates that the MAC system will provide benefits for PAC, IDS, and the courts. These include: continued access to resources and oversight through the Regional Defender program; enhanced qualitative and quantitative data; and speedier review, processing, and payment of fee requests, including an enhanced ability to audit attorney fee applications. While it is still too early in the project to provide detailed statistical data on the MAC program, IDS also predicts that the program will lead to increased recoupment receipts because returning to hourly-based payments will incentivize accurate, timely reporting.

Completed Activities:

- ❖ Created online application system for new contract attorneys;
- ❖ Drafted and executed 136 MAC contracts; and
- ❖ Created interim procedures for reporting, reviewing, and processing fee requests.

Planned Activities:

- ❖ Procure a customizable, off-the-shelf contract management system that will provide contract attorneys a one-stop application to track and report hours as well as other case related expenses.

As of March 1, 2023, IDS had executed MAC contracts with approximately 135 unique attorneys. In contrast, at the end of FY2022, approximately 108 unique attorneys were participating in the RFP contract system.

Adapting to eCourts.

IDS is monitoring how AOC's transition to eCourts may affect both operations and revenues. Since its inception, IDS has relied on data generated by the legacy court system to fulfill its statutory mandate to deliver services effectively and cost-efficiently. IDS is unable to effectively monitor either without reliable court data. Certain statutory changes may be required to ensure the ongoing delivery of all necessary data.

Completed Activities:

- ❖ Engaged in conversations with the AOC concerning eCourts and its anticipated impact on IDS workflows; included the impacts upon set-off debt procedures, fee application receipt and review, and attorney appointments.
- ❖ Piloted an electronic fee application procedure with District 30A.

Planned Activities:

- ❖ *Develop a stand-alone procedure for the cross-referencing of AOC criminal record and Department of Revenue tax records to allow IDS to continue to comply with Chapter 108 of General Statutes.*
- ❖ *Scale up the contract system to reduce reliance on traditional fee application workflow.*
- ❖ *Monitor receipts through the clerks of court and set off debt from pilot counties.*

Expanded Grant Funding.

Beginning in FY2021, IDS Fiscal Staff and the Office of the Parent Defender (OPD) worked with NC Department of Health and Human Services (DHHS) on a Memorandum of Understanding that would allow OPD to draw down limited federal funding for case related services—e.g., increased use of social workers—in child welfare cases. Additionally, in FY22, the Office of Juvenile Defender (OJD) received funding from both the Governor's Crime Commission and the federal Department of Justice's Office of Juvenile Justice and Delinquency Prevention to support a project attorney who focuses on training and resource support for private attorneys representing juveniles.

Completed Activities:

- ❖ The MOU with DHHS was signed on July 1, 2021, and the first disbursement was in January of 2022.
 - ❖ \$327,852 in receipts during second half of FY2022.
 - ❖ \$826,984 in receipts to date in FY2023.
- ❖ The OJD Project Attorney began work in March 2022.

Throughout FY2021, the Office of the Juvenile Defender (OJD) collaborated on an extensive evaluation of juvenile defense delivery throughout North Carolina. Beginning in FY2022, the OJD began targeting identified areas of critical need, expanding contract defense for juveniles into under-resourced areas, and developing and deploying new resources for juvenile defenders. OJD learned in October 2021 that it received a new grant to allow OJD to expand and augment their work with under-resourced juvenile populations into additional jurisdictions thanks to a \$78K grant from the Governor's Crime Commission.

In January 2023, IDS learned that the NC IOLTA Program and NC Supreme Court had approved a \$116,000 grant to support a recruitment and training coordinator position. IDS is currently recruiting for the position.

Cost Control Measures.

To ensure the effective use of IDS's limited appropriations, IDS has implemented measures meant to encourage efficiency while continuing to promote quality representation. For example, in addition to revamping the contract system to be more cost-effective, IDS has increased oversight of expensive capital post-conviction cases to provide safeguards against unexpected costs. This oversight includes a pre-budgeting procedure for new counsel and a second level of review of requests for expert authorizations. Additionally, the Research Department has developed a more sophisticated method to catch duplicate PAC payments due to clerical errors.



Volume and Cost of Cases Handled by Assigned Counsel or Public Defenders

- ❖ IDS's total spending in any given year is impacted by:
- *trends in court filings and dispositions*
 - *share of dispositions handled by PAC or public defenders, changes in the number of serious felony dispositions*
 - *legislative changes that increase complexity of indigent defense*
 - *hourly PAC rates*
 - *state government pay and benefit rates, and*
 - *changes in the size of the public defender and contract programs.*

Projecting FY2023



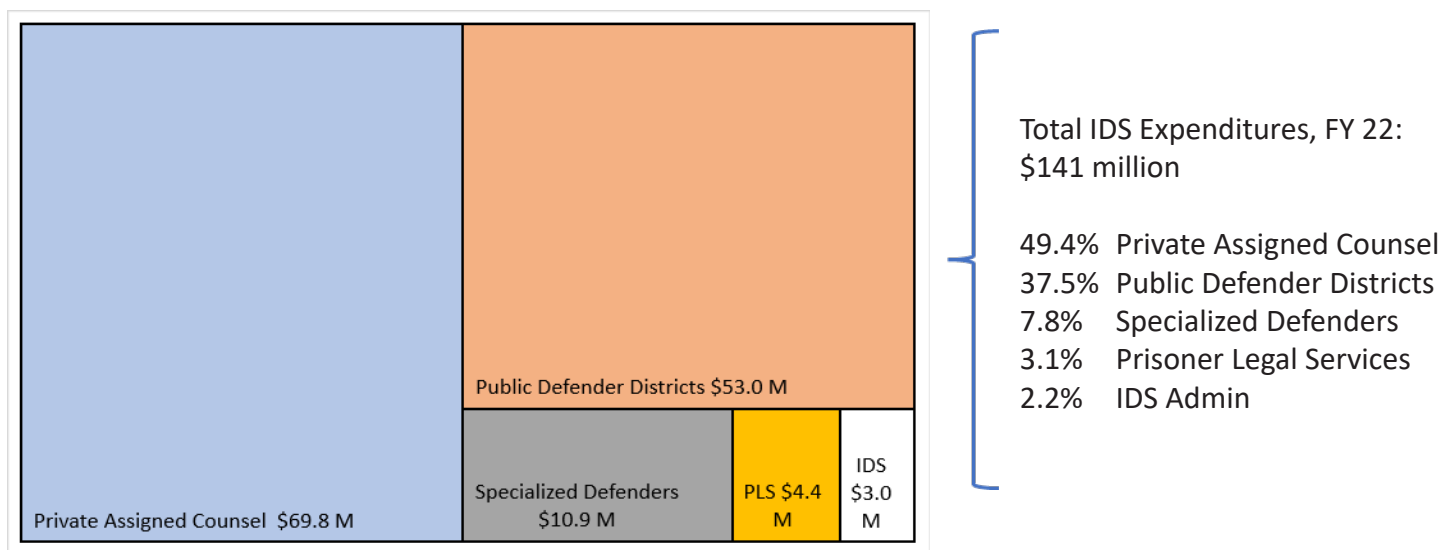
The cost of indigent defense will continue to increase in FY2023. Indigent defense resources will continue to be strained by such issues as resolving the current backlog of cases, the increased cost of capital cases, continuances due to inadequate PAC rosters, increased numbers of civil commitment cases, and updating outdated technology.

As noted earlier in this report, IDS is working with NCAOC, staff, and private assigned counsel to adapt to eCourts. IDS historically has relied on data generated by the legacy court system to fulfill its statutory mandate to deliver services effectively and cost-efficiently. IDS's Debt Set Off Program, which intercepted over \$4M dollars last year, also relies on these legacy systems. . As of the date of this report, the proposed eCourts replacement for the legacy set-off debt system is incomplete and, in its current iteration, would require significant additional labor that would cut into IDS's monetary gain from the program. Further, whether due to programming changes to business procedures or time lost on the learning curve, IDS is concerned that it may see increased hours per case related to the eCourts implementation based on reporting from attorneys working in the pilot counties. It is expected that any new tech initiative will have some bumps and IDS is hopeful that AOC will resolve these issues before rolling eCourts out statewide.

To address the increasing number of attorney deserts across the state, IDS implemented across-the-board rate increases for PAC on January 1, 2022. The rate restoration package was projected to increase PAC spending in the second half of the fiscal year, but possibly due to delays in fee applications, FY2022 did not see a significant increase in PAC demand in its second half. However, PAC spending thus far in FY2023 has increased sharply, almost certainly due to the increased rates and court activities. IDS is currently projecting that PAC spending in FY 2023 will be above \$85 million, a 15% increase over FY2022.

IDS predicts that it will not end FY2023 with carryforward debt. However, the combined effect of clearing court backlogs and the increased PAC rates may result in shortfalls and carry-over debt as early as FY2025. Concern about earlier, more substantial shortfalls is heightened by the unpredictable nature of fiscal demands, which are subject to pressures outside of IDS control, such as the possibility that a Court may decide to expand right to counsel to include first appearance.

FY22 Expenditures



❖ County and district public defender offices combined reported 83,568 (a 20% increase over FY2021) dispositions and withdrawals, which represented approximately 42% of the indigent caseload in North Carolina, including criminal and non-criminal cases. Five statewide defender offices cover an additional 6%.

❖ IDS paid fee applications to 1,964 unique PAC attorneys around the State, including hourly rosters, flat-fee programs, and contract defenders.

❖ Hourly PAC reported 118,576 cases disposed, including potentially capital trials, capital appeals and post-conviction cases, adult non-capital cases, juvenile cases, and Guardian ad Litem cases, which represented 53% of all indigent cases.

❖ *Five specialized statewide defender offices play a critical role in ensuring that indigent defendants and respondents receive quality, cost-effective representation. The statewide defender offices provide direct representation and/or support and oversight in specialized case types where a defendant or respondent faces substantial loss of liberty.*

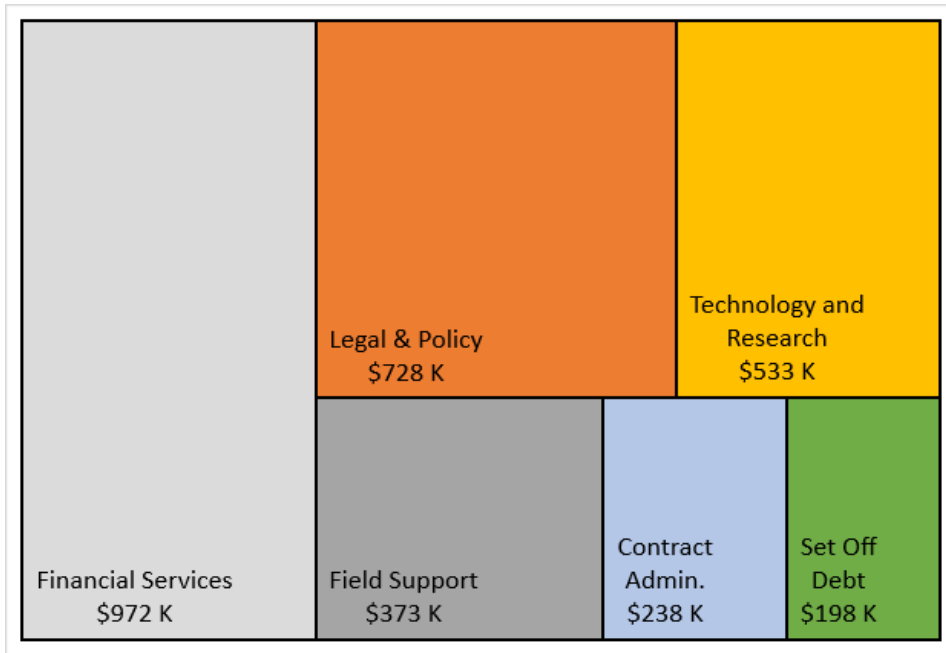
*To see where Local Defender Programs are located throughout the state, see Appendix C, “Public Defense Districts (Effective 1/1/2019).

**For detailed descriptions of the Statewide Defender Offices see Appendix D.

*Data on the volume and cost of cases handled in each district by PAC, contractors, and public defenders during fiscal year 2020-2021 is attached to this report as Appendix E.

*For a District-by-District accounting of fee applications and demand for private assigned counsel, contract counsel, and experts see “Demand by County” attached as Appendix F.

FY22 Budget at a Glance



Of fiscal year 2021-2022's \$141 million budget, IDS spent \$3.5 Million, or just over 2.2% of its total budget, on administration.

| | |
|-----------------------|-------|
| Financial Services | 31.9% |
| Legal & Policy | 23.9% |
| Field Support | 12.3% |
| Technology & Research | 17.5% |
| Contract Admin. | 7.8% |
| Set Off Debt | 6.5% |

Financial Services

IDS Financial Services Staff is responsible for attorney and other vendor payments, as well as recoupment of money owed to the agency. In FY2022, IDS Financial Services:

- ❖ Processed 123,834 fee applications and invoices.
- ❖ Set 1,387 fee awards for attorney fee applications in potentially capital cases and appeals, including interim and final fees.
- ❖ Set fee awards for 5,066 expert bills in capital and non-capital cases and appeals, including private investigators, mitigation specialists, psychologists and psychiatrists, and ballistics and scientific experts, again including interim and final fees.



In the winter of 2022, the AOC issued the results of its fourth annual Internal Controls Audit of IDS pursuant to G.S. 7A-498.2(d). As in prior years, all internal controls tested by AOC were determined to be “effective,” the highest rating possible.

Recoupment & Revenue Collection

| | FY23 (YTD) | FY22 | FY21 |
|---|---|---|--|
| FMS Recoupment | | | |
| Attorney Fees – as ordered | \$2,688,471 | \$4,473,146 | \$4,227,308 |
| Appointment Fees | \$581,650 (\$70 to IDS; \$5 to tech fund) | \$1,003,245 (\$70 to IDS; \$5 to tech fund) | \$927,297 (\$55 to IDS; \$5 to tech fund as of 12/1/2020) |
| Set Off Debt Recoupment | | | |
| Intercepted Tax Refunds or Lottery Winnings | \$450,702 | \$4,414,445 | \$4,569,001 |
| Criminal Court Fees | | | |
| Court of Justice Fees | \$1,884,569 (\$5) | \$1,664,161 (\$5 as of 2/1/2022) | \$414,665 (\$2 as of 12/1/2020) |
| IV-E Reimbursement | | | |
| | \$826,984 | \$327,852 | \$0 |
| Total Revenues | | \$10,138,271 | \$9,903,070 |

Table 1: Changes in IDS Receipts over the last three fiscal years



Criminal Court Fee Revenue.

FY2021 was the first year IDS received funding through the General Court of Justice fee. G.S. 7A-304(a), as amended by Session Law 2020-83, Section 10.1(b), imposed a new fee of \$2 in every criminal case in the superior or district court, including infractions, wherein the defendant was convicted, entered a plea of guilty or nolo contendere, or when costs were assessed against the prosecuting witness.

Effective on February 1, 2022, G.S. 7A-304(a), as amended by Session Law 2021-180, Section 16.15.(a), increased the new fee from \$2 to \$5. The above table reflects as a five-month period of increased criminal court fees in FY2022 revenues.

Recoupment & Set-Off Debt.

Total revenues from recoupment during FY2022 amounted to \$11.9 million, which represents an increase of 1.8% from the prior fiscal year. IDS saw a nominal decrease of 3.4% in set off debt revenues (attorney and appointment fees recouped by intercepting a debtor’s state income tax return or lottery proceeds), a small enough drop to be offset by the substantial increase in new FMS revenues and recoupments.

As noted in the table above, G.S. 7A-455.1, as amended by Session Law 2020-83, Section 10.1, increased the attorney appointment fee from \$60 to \$75. Of this, \$70 is remitted to the PAC Fund, while \$5 is remitted to the Court Information Technology Fund. In FY2022, the first full fiscal year during which the increased fee was in effect, the \$15 increase in IDS receipts led to an 8.2% increase.



Plans for Changes in Rules, Standards, or Regulations

In furtherance of IDS's commitment to provide quality client service in all 100 counties, IDS's plans for changes in rules, standards, or regulations for FY2023 include:

1 The Office of the Juvenile Defender (OJD) is building a specialized roster of attorneys to represent juveniles charged with first degree murder through the development and promulgation of new rules and standards.

Completed Activities:

- ❖ Recruited qualified attorneys (to date 86 attorneys have expressed interest).
- ❖ Presented plan to stakeholder groups including district court judges.
- ❖ Developed and implemented one day seminar on representing children charged with murder.
- ❖ Developed resources including blog posts, quick guides, and fact sheets.

Planned Activities:

- ❖ Continue work to finalize rules, policies, and procedures. OJD expects to present a draft of rules and procedures for adoption to the Commission during its April 28, 2023 meeting.

2 Developing internal rules and policies to improve recoupment procedures. IDS fiscal staff worked with judicial staff in Cherokee County on an Electronic Fee App ("eApp") pilot. The pilot was intended to speed up receipting, auditing, coding, and payment of private assigned counsel ("PAC") fee applications while using existing technology.

Completed Activities:

- ❖ Launched an electronic fee application ("eApp") pilot project in Cherokee County on September 12, 2022.

Planned Activities:

- ❖ Conform efficiencies gained through eApp project to eCourts. In the meantime, eCourts pilot counties will continue sending fee application by mail to IDS.

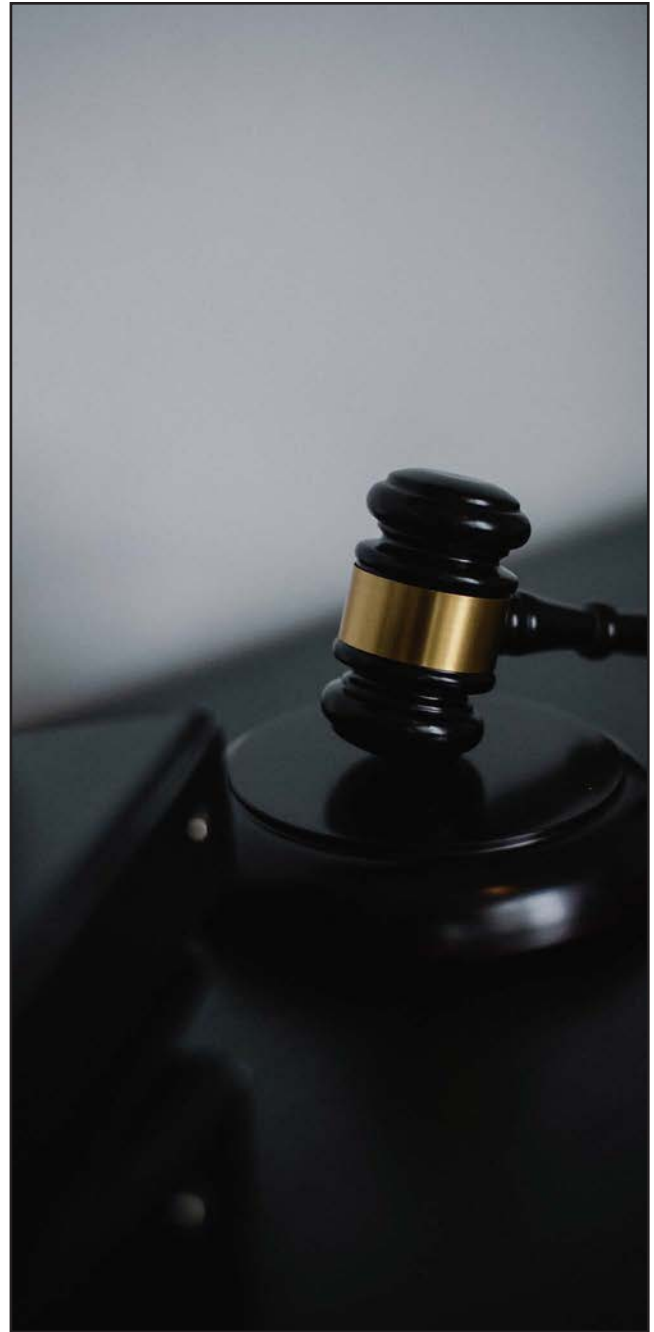
3 Maintain Setoff Debt (“SoD”) Operations & Receipts. IDS’s Set Off Debt division, which is managed entirely by two full time employees, recouped around \$4.4M in case related expenses in FY2022. To minimize possible disruption in this important funding stream. SOD and other IDS fiscal staff began working with NCAOC business staff to plan for changes to workflow due to the eCourts project as early as summer 2021.

Completed Activities:

- ❖ Worked with NCAOC business teams in preparation for the launch of eCourts.
- ❖ Produced a procedural operation manual NCAOC business team to demonstrate necessary workflow and functionality and minimize possible disruption in recoupment through SoD.
- ❖ Independently developed work-around which will allow IDS to meet its statutory obligation to timely notify taxpayers of intercepted refunds. Once it was determined that the eCourt’s SOD module, while meeting underlying business needs, increased per-case processing time from approximately five minutes to twenty minutes, IDS research, fiscal, and legal staff began working the NCAOC on a workaround.

Planned Activities:

- ❖ IDS is seeking a legislative change to G.S. 132-1.4, which excludes certain court records in the NCAOC’s custody from the public record, to ensure the continued transfer of information from NCAOC to IDS and the continued functionality of the above referenced work around.



Conclusion

The Indigent Defense Services Commission and Office continue to work on a long-term plan that identifies how best to provide public defense in all areas of the state, using both private assigned counsel and public defender programs. IDS wants measured expansion of public defender offices in a way that will address the areas of highest need first, provide policymakers with a roadmap for future budget priorities, and result in a statewide system of public defense that provides quality representation in the most efficient and cost-effective manner.

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Eric Zogry

Juvenile Defender

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☆☆☆

District Public Defenders

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Defender District 1: Camden, Currituck, Dare, Gates, Pasquotank, Perquimans

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☆☆☆

Laura N. Gibson

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Robert C. Kemp, III

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Peter Mack

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Jennifer Harjo

Defender District 5: New Hanover, Pender

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Deonte L. Thomas
Defender District 10: Wake County
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Cynthia Page Black
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Dawn Y. Baxton
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Woodrena Baker-Harrell
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Ronald H. Foxworth
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John F. Nieman
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Paul James
Defender District 21: Forsyth County
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Kevin P. Tully
Defender District 26: Mecklenberg
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Stuart C. Higdon
Defender District 27A: Gaston County
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Lydia A. Hoza
Defender District 27B: Cleveland, Lincoln
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Defender District 28: Buncombe County
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Laura A. Powell
Defender District 29A: Rutherford, McDowell
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☆☆☆

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Defender District 29B: Henderson, Polk, Transylvania
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Appendix A

Long Session 2023 Budget Request

The Indigent Defense Services Commission and Office are committed to developing a statewide system of public defense that provides quality representation in the most cost-efficient manner possible. To further these goals, the IDS Commission and Office respectfully request the General Assembly make the public defense a priority this session and appropriate necessary funding for its support.

Request: Public Defender Office Expansion

Amount: \$6,899,906 R in FY 2023-24 and \$10 Million R in FY 2024-25; 126 FTE

Expansion funds would allow IDS to open PD Offices for 10 superior court judicial districts in NC. The first wave (one of three proposed expansions over the next three biennia) would create 8 new PD offices, listed in the table on the right. Should the Legislature be interested in other districts, IDS has prepared and can provide cost estimates for the remaining districts. In addition to these funds, IDS also requests permission to transfer up to \$8 million from the PAC Fund to the PD Fund to complete the request. The goal is to keep the transfer of PAC Funds as low as possible, in the interest of PAC solvency.

| District | County |
|----------|--|
| 13B | Brunswick |
| 15A | Alamance |
| 19B | Randolph |
| 22A | Alexander and Iredell |
| 30A | Cherokee, Clay, Graham, Macon, and Swain |
| 30B | Haywood and Jackson |
| 6 | Halifax, Northampton, Bertie, Hertford |
| 7 | Nash, Edgecombe, Wilson |

Request: Private Assigned Counsel Rate Restoration

Amount: \$8,291,427 R in both years of the biennium

Increases the minimum rate of pay for PAC to **\$75/hour**.

Rationale: PAC rosters have dropped for the last decade, leading to the current "attorney desert" crisis that IDS is facing. The rate restoration implemented in January 2022 reduced the steady decline in PAC attorneys in the last decade. Increasing PAC rates will allow IDS to continue to attract private attorneys willing to take indigent defense cases.

Request: Compensation Equity for Statewide Defenders

Amount: \$216,640 R in both years of the biennium

IDS seeks additional appropriations and statutory authority to provide the same compensation package for all of the chief public defenders who work for IDS. This would ensure that all statewide defenders are paid at the same rates, and all statewide defenders belong to the Consolidated Judicial Retirement System (CJRS).

Appendix A

Continued



Request: New PD/Statewide Defender Positions (29 total)

Amount: \$3,627,076 R in both years of the biennium and \$109,127 NR in FY 2023-24

| New positions in PD Districts | New positions in Statewide Service |
|---|--|
| 11 Assistant Public Defenders (Districts 14, 16A, 21, 27A, 29B) | 1 Special Counsel Attorney (Wake) |
| 5 Legal Assistants (Districts 5, 21, 27A) | 1 Assistant Appellate Defender (State) |
| 3 Investigators (Districts 5, 21) | 6 Assistant Capital Defenders (To be located in the Regional Capital Defender Offices) |
| 1 Interpreter (District 15B) | 1 Paralegal (Robeson Capital Defender Regional Office) |

Request: IDS Relocation

Amount: \$120,456 R and \$145,247 NR in FY 2023-24 and \$240,913 R in FY 2024-25

The IDS main office at 123 West Main Street in Durham will need to relocate in 2024. Since 2001, this building has housed IDS Administration and the Offices of the Appellate, Capital, and Parent defenders. The Office of Special Counsel is currently on the Dorothea Dix campus and must also be relocated, per plans of the NCDHHS. IDS Administration plans to relocate to Raleigh (to be closer to AOC and the NCGA). The statewide defender offices would remain in Durham, with location TBD. The current building on Main Street will no longer be a viable option.

Request: Document Retention Processing

Amount: \$67,127 NR in FY 2023-24

IDS would like to hire temps to sort through our considerable backlog of records for scanning and shredding. These temps would assist all four of the offices located in the IDS main office at 123 West Main Street in Durham.

Request: Financial Services Administrative Support Staff

Amount: \$137,440 R in both years of the biennium

IDS would like to shift 2 administrative positions (in the Financial Services department) from receipt-supported to General Fund-supported.

Request: Increase in Attorney Salaries

Amount: Approximately \$5 Million R in both years of the biennium

An average pay increase (pursued at this time by the Conference of District Attorneys) of \$10K for attorneys in NC would increase pay for PD offices as well. IDS supports this measure. An increase in starting salary and allotment would help with recruitment and retention of attorneys.

Appendix B

PUBLIC DEFENDER OFFICE EXPANSION

IDS is requesting \$10 Million R in the 2023-2025 Biennium to expand Public Defender Offices into 10 Superior Court Judicial Districts.

Why is this important?

- Attorney Deserts—No **Private Assigned Counsel (PAC)** in most rural areas of the state
- 48 Counties with fewer than 1 attorney per 1,000 residents
- 47% of all active NC attorneys live in Wake or Mecklenburg
- 63% of all active NC attorneys are in Wake, Mecklenburg, Forsyth, Guilford, and Durham
- Not enough PAC = Overworked PAC = More concerns about sufficient counsel

Why Public Defenders (PDs)?

Multiple sources, including the NC Commission on the Administration of Law and Justice, have found that PDs are the best way to offer indigent defense service in a district because:

- PDs keep court schedules timely;
- PDs specialize in indigent defense and the issues particular to it;
- PDs provide support, oversight, training, and mentorship for not just assistant PDs but for the PAC as a whole; and
- PDs are an attractive workplace for attorneys who do not wish to run their own business, with a stable salary, benefits, and overhead managed by the State.

What Happens to PAC?

- PD offices will always have a significant number of conflicts that need to be handled outside the office.
- PAC can take cases but does not have to deal with the crushing workload of taking ALL indigent cases.

Why \$10 Million?

- IDS is proposing expanding statewide in 3 waves over the next 3 biennia.
- The recommended waves include both larger and smaller districts to help control costs and to equalize efforts between places that will be easier and places that will be tougher to set up an office.
- The cost of expansion will be defrayed over time because of significant savings in the PAC fund as work is shifted to the PD office in a district. However, as the offices ramp up, there will be a period where the PAC demand has not yet shifted to the office, leading to higher costs in the short term.
- To cover peak demand, IDS is requesting recurring funds slightly higher than the estimated costs of the offices to act as a buffer while IDS pays for both office and full PAC demand before the office is able to take cases to reduce demand.
- Keeping this buffer in the PAC Fund will make it solvent by equalizing funds in and out during the year.

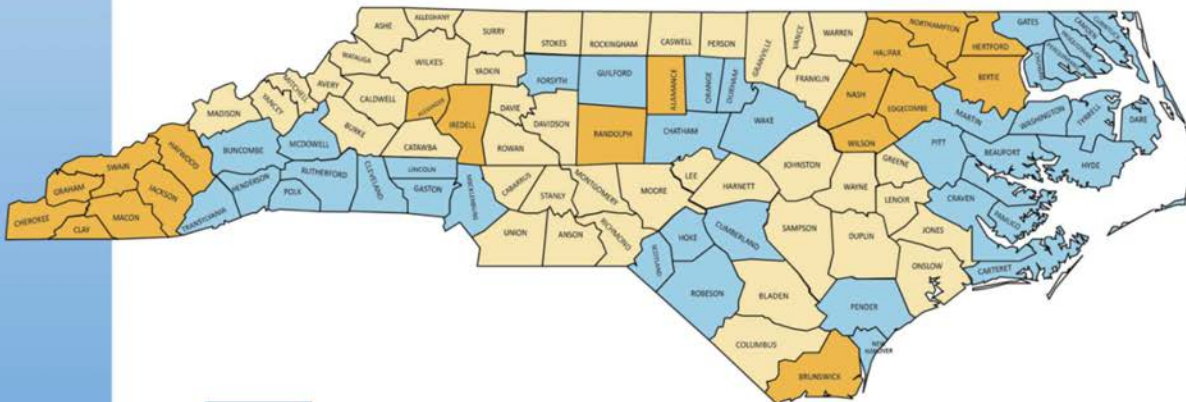
Appendix B

Continued

WAVE 1: IDS Recommended

| District | County | Staff | Annual PAC Savings | Additional Re-curring Funds Needed |
|--------------|--|------------------------------|----------------------------|------------------------------------|
| 13B | Brunswick | Chief PD, 7 APDs, 5 Support | \$909,065 | \$925,723 |
| 15A | Alamance | Chief PD, 7 APDs, 4 Support | \$767,146 | \$702,953 |
| 19B | Randolph | Chief PD, 9 APDs, 6 Support | \$1,110,038 | \$861,700 |
| 22A | Alexander and Iredell | Chief PD, 12 APDs, 7 Support | \$1,492,955 | \$1,071,211 |
| 30A | Cherokee, Clay, Graham, Macon, and Swain | Chief PD, 8 APDs, 5 Support | \$956,377 | \$878,411 |
| 30B | Haywood and Jackson | Chief PD, 7 APDs, 5 Support | \$910,258 | \$924,530 |
| 6 | Halifax, Northampton, Bertie, Hertford | Chief PD, 11 APDs, 6 Support | \$1,316,325 | \$1,020,102 |
| 7 | Nash, Edgecombe, Wilson | Chief PD, 12 APDs, 7 Support | \$1,508,324 | \$1,055,842 |
| Total | | 126 FTEs | \$8,970,488 | \$7,440,471 |
| | | | + PAC Buffer Funds | \$2,559,529 |
| | | | Total Appropriation | \$10,000,000 |

REMAINING DISTRICTS

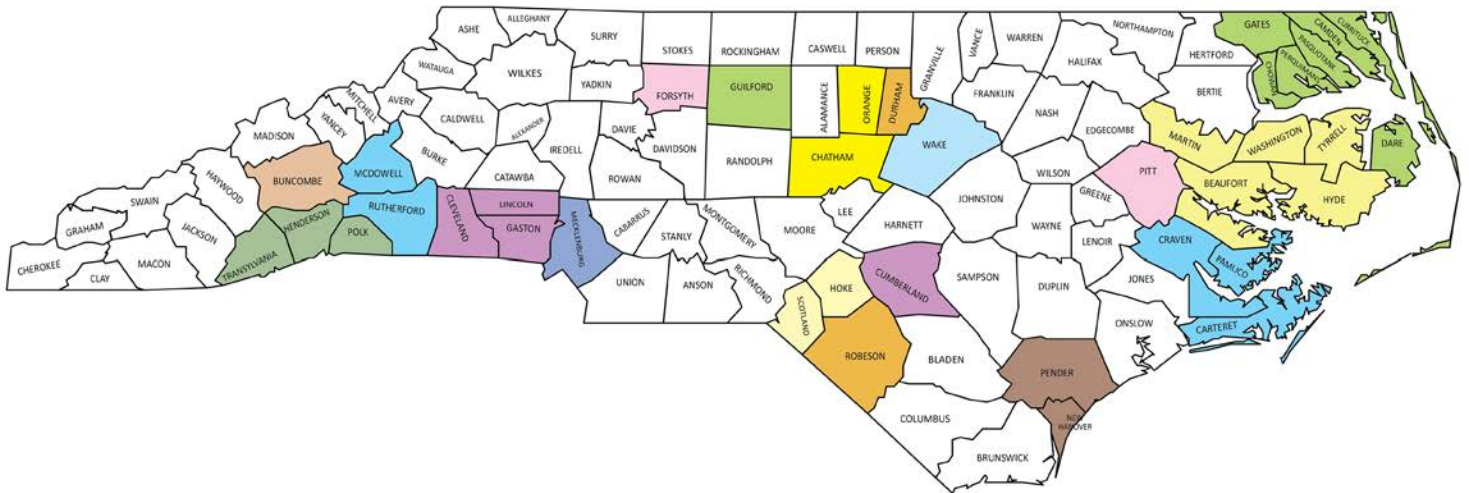


- Counties with Existing PD Offices
- Counties in Wave 1 of Expansion of PD Offices
- Remaining Counties in need of PD Offices

Appendix C

Public Defender Districts

Last Updated February 2023



IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

Appendix D

Statewide Specialized Defenders

Five **Statewide Defender Offices** provide oversight and supervision in specialized areas of the law. The Chiefs of each office are appointed by the Commission to serve four-year terms. They administer rosters of specialized attorneys; supervise in-house attorneys; and work with legislators, court actors, and other stakeholder groups on court improvement initiatives. The Chief and their Assistants are state-employed defenders.

In addition to screening applicants, all statewide defender offices provide advice and support on highly specialized areas of law to the nearly 2,000 PAC across the state. The Chiefs in each of the statewide defender offices also work closely with other state agencies and stakeholder groups to develop policies and draft proposed legislation affecting their clients, their offices, and IDS.

- Office of the Appellate Defender
- Office of the Capital Defender
- Office of the Juvenile Defender
- Office of the Parent Defender
- Office of Special Counsel



Office of the Appellate Defender

The Office of the Appellate Defender (OAD) represents indigent adult and juvenile clients on appeal after a criminal conviction and when the State appeals a trial court ruling. OAD strives to provide each client with competent, zealous, and cost-effective representation.

| | |
|----------------------------------|----|
| Appellate Defender | 1 |
| Deputy Appellate Defender | 1 |
| Assistant Appellate Defenders | 20 |
| Private Assigned Attorney Roster | |

In FY2022, OAD

| | |
|--------------------------|-----|
| Appointments made to AAD | 196 |
| Cases closed by AAD | 159 |
| Appointments made to PAC | 413 |

In addition to direct representation of clients on appeal, OAD monitors and mentors appellate roster counsel, consults with and provides briefs and litigation guides to trial and appellate counsel, and trains public defenders and private assigned counsel at continuing legal education courses around the state throughout the year.

Appendix D

Continued

Office of Capital

The Office of the Capital Defender (OCD) represents indigent adult clients charged with potentially capital cases at the trial level. OCD strives to provide each client with competent, zealous, and cost-effective representation.

| | |
|-----------------------------|----|
| Capital Defender | 1 |
| Deputy Capital Defender | 1 |
| Assistant Capital Defenders | 15 |
| Durham | 4 |
| Buncombe | 1 |
| Forsyth | 3 |
| Nash | 1 |
| New Hanover | 2 |
| Robeson | 4 |

| | |
|---------------------------|-------------------|
| In FY2022, OCD | |
| Pending cases | 182 |
| Average case load per ACD | 10.6 ¹ |
| Appointments made to PAC | 929 |

¹This represents a 13.25% increase in average caseloads from FY2021

Office of the Juvenile Defender

OJD's mission is to provide services and support to juvenile defense attorneys, evaluate the current system of representation through observation of court, speaking with court officials and make recommendations as needed, while also elevating the stature of juvenile delinquency representation and working with juvenile justice advocates to promote positive change in the juvenile justice system.

| | |
|------------------------------|---|
| Juvenile Defender | 1 |
| Assistant Juvenile Defenders | 2 |
| Wake | 1 |
| Iredell | 1 |

| | |
|-----------------------------|---|
| Project Attorney (Buncombe) | 1 |
|-----------------------------|---|

| | |
|--------------------------------------|----|
| In FY2022, OJD | |
| Number of cases disposed (in office) | 83 |

Office of the Parent Defender

The Office of the Parent Defender provides and promotes high quality legal representation for parents affected by the child welfare system (DSS) and parents facing contempt in child support and other civil proceedings.

| | |
|--------------------------------------|------|
| Parent Defender | 1 |
| Staff Attorneys | 3 |
| Private Assigned Attorney Roster | 25 |
| In FY2022, OPD | |
| Appellate appointments made | 248 |
| Appellate appointments made to PAC | 218 |
| Number of cases disposed (in office) | 24 |
| Trial level PAC contracts executed | 38 |
| Trial level PAC cases closed | 3864 |

In FY2020, OPD, through IDS, and NC DHHS executed a memorandum of understanding allowing DHHS to reimburse a portion of IDS spending on parent defense and parent defense case related expenses.

| | |
|---------|-----------|
| FY 2021 | \$327,852 |
| FY 2022 | \$826,984 |

Office of Special Counsel

People facing involuntary commitment have a right to counsel because a commitment represents a significant infringement on a respondent's liberty interest. In North Carolina, respondents facing involuntary commitment who have not arranged private counsel are represented by Special Counsel or an appointed attorney.

| | |
|-----------------------|---|
| Chief Special Counsel | 1 |
| Staff Attorneys | 8 |

| | | | |
|---|---|-----------|--------------|
| In FY2022, OSC offices disposed of | | | |
| Office Location | | Attorneys | Dispositions |
| Raleigh ¹ | 8 | | 9,253 |
| Broughton (Burke) | 1 | | 871 |
| Central Regional (Granville) ¹ | 2 | | 1,897 |
| Cherry (Wayne) | 1 | | 1,032 |

Appendix E

| Cost and Fee App Data on Representation of Indigents (PAC Payments Only) | | | | | | |
|--|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|
| | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | Number of Payments | Total Payments | Number of Payments | Total Payments | Number of Payments | Total Payments |
| Assigned Private Counsel | | | | | | |
| Potentially Capital Trial | 1,265 | \$6,872,295 | 1,243 | \$5,494,564 | 1,454 | \$8,224,218 |
| Capital appeals/post-conviction | 122 | \$568,573 | 180 | \$1,080,538 | 171 | \$945,638 |
| Adult Non-Capital Cases | 117,970 | \$42,601,345 | 111,260 | \$37,536,422 | 127,991 | \$43,098,916 |
| Juvenile | 3,823 | \$1,595,107 | 4,105 | \$1,597,583 | 3,537 | \$1,207,507 |
| GAL assigned to IDS | 654 | \$263,001 | 616 | \$263,010 | 617 | \$245,384 |
| Total | 123,834 | \$51,900,321 | 117,404 | \$45,972,117 | 133,770 | \$53,721,663 |
| Contracted Legal Services | | | | | | |
| Individually Negotiated Contracts | 453 | \$1,696,499 | 173 | \$844,530 | 293 | \$892,540 |
| Parent Defense | 308 | \$1,136,725 | 413 | \$1,375,600 | 262 | \$1,009,630 |
| RFP Contracts | 3,291 | \$7,669,264 | 3,786 | \$7,950,205 | 3,836 | \$7,617,824 |
| Legal Services to Inmates**** | 1,227 | \$4,381,183 | 1,434 | \$4,906,237 | 1,657 | \$5,298,562 |
| Total | 5,279 | \$14,883,671 | 5,806 | \$15,076,572 | 6,048 | \$14,818,556 |
| Cost and Case Data on Representation of Indigents (PD Cases Only) | | | | | | |
| | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | Number of Cases | Total Cost | Number of Cases | Total Cost | Number of Cases | Total Cost |
| Public Defender Office | | | | | | |
| District 1* | 2,870 | \$2,833,388 | 2,416 | \$2,492,988 | 3,615 | \$2,375,666 |
| District 2* | -- | -- | -- | -- | -- | -- |
| District 3A | 3,414 | \$2,226,165 | 2,993 | \$2,153,505 | 2,394 | \$2,148,431 |
| District 3B | 1,306 | \$1,579,749 | 1,519 | \$1,416,973 | 1,812 | \$1,280,922 |
| District 5 | 5,227 | \$2,742,120 | 4,945 | \$2,455,221 | 4,716 | \$2,420,388 |
| District 10 | 7,321 | \$4,968,962 | 7,105 | \$4,710,345 | 6,574 | \$4,871,146 |
| District 12 | 4,128 | \$2,682,440 | 4,024 | \$2,420,695 | 4,015 | \$2,457,120 |
| District 14 | 9,877 | \$3,664,793 | 8,039 | \$3,376,016 | 8,355 | \$3,126,210 |
| District 15B | 2,119 | \$1,800,166 | 2,057 | \$1,614,045 | 2,010 | \$1,684,961 |
| District 16A | 2,446 | \$1,598,020 | 2,272 | \$1,445,635 | 1,932 | \$1,402,818 |
| District 16B | 1,723 | \$1,738,867 | 1,772 | \$1,828,194 | 2,013 | \$1,745,272 |
| District 18 | 7,402 | \$4,895,996 | 5,361 | \$4,472,809 | 6,853 | \$4,332,588 |
| District 21 | 6,178 | \$3,424,632 | 3,766 | \$3,223,926 | 5,125 | \$3,059,169 |
| District 26 | 12,530 | \$10,391,090 | 9,131 | \$9,504,790 | 14,136 | \$8,692,770 |
| District 27A | 5,271 | \$2,615,005 | 3,678 | \$2,533,709 | 6,050 | \$2,416,590 |
| District 27B** | 198 | \$458,691 | -- | -- | -- | -- |
| District 28 | 5,442 | \$2,350,189 | 5,214 | \$2,239,296 | 5,528 | \$2,152,102 |
| District 29A | 3,907 | \$1,498,247 | 3,631 | \$1,388,851 | 3,025 | \$1,396,920 |
| District 29B | 2,209 | \$1,499,156 | 1,777 | \$1,366,511 | 1,638 | \$1,280,922 |
| Total | 83,568 | \$52,967,676 | 69,700 | \$48,643,509 | 79,791 | \$46,843,995 |

Appendix E

Continued

| Cost and Case Data on Representation of Indigents (State Office Cases Only) | | | | | | |
|---|-----------------|----------------------|-----------------|----------------------|-----------------|----------------------|
| | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | Number of Cases | Total Cost | Number of Cases | Total Cost | Number of Cases | Total Cost |
| Statewide Offices | | | | | | |
| Office of the Appellate Defender | 196 | \$3,188,540 | 206 | \$3,469,483 | 287 | \$3,435,957 |
| Office of the Capital Defender | 182 | \$4,908,972 | 167 | \$4,315,987 | 144 | \$4,473,143 |
| Office of Juvenile Defender | 83 | \$514,156 | 85 | \$513,283 | 45 | \$386,629 |
| Office of Parent Defender*** | 30 | \$664,673 | -- | -- | -- | -- |
| Office of Special Counsel*** | 13,053 | \$1,676,845 | 14,296 | \$1,649,388 | 14,904 | \$1,603,675 |
| Total | 13,544 | \$10,953,186 | 14,754 | \$9,948,141 | 15,380 | \$9,899,404 |
| Cost and Case Data on Representation of Indigents (Support Services Only) | | | | | | |
| | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | Number of Cases | Total Cost | Number of Cases | Total Cost | Number of Cases | Total Cost |
| Support Services (PAC only)***** | | | | | | |
| Transcripts/Briefs/Court Reporters | 1,275 | \$396,336 | 866 | \$263,121 | 1,545 | \$562,104 |
| Expert Witness Fees | 1,385 | \$3,226,557 | 1,049 | \$2,208,198 | 1,340 | \$2,847,575 |
| Investigators and Mitigation | 2,406 | \$3,750,701 | 2,483 | \$3,487,021 | 2,381 | \$3,594,173 |
| Total | 5,066 | \$7,373,594 | 4,398 | \$5,958,340 | 5,266 | \$7,003,852 |
| Other | | | | | | |
| | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | | Total Cost | | Total Cost | | Total Cost |
| Set-Off Debt Collection | | \$198,406 | | \$184,904 | | \$173,017 |
| Indigent Defense Services | | \$3,313,114 | | \$2,964,242 | | \$2,500,795 |
| Total | | \$3,511,520 | | \$3,149,146 | | \$2,673,812 |
| Total Indigent Defense Services | | \$141,589,969 | | \$128,747,825 | | \$134,961,282 |

Notes:

*Districts 1 and 2 are reported together. Beginning FY22-23, these districts will be reported separately.

**District 27B is new and only operated for a portion of FY21-22.

***Office of Parent Defender and Office of Special Counsel are reported separately beginning FY21-22.

****This represents twelve monthly flat rated payments and fee application for case related expenses in court appointed cases.

*****Support service costs for public defender offices and statewide defender offices are included in total office costs.

Appendix F

| PAC Non-Capital Demand by County, FY2020-22* | | | | | | | |
|--|----------------|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|
| District | County | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | | Number of Payments | Total Payments | Number of Payments | Total Payments | Number of Payments | Total Payments |
| District 1 | District Total | 847 | \$1,119,108 | 612 | \$493,292 | 713 | \$772,188 |
| District 2 | District Total | 1,846 | \$869,091 | 1,860 | \$764,969 | 2,073 | \$910,378 |
| District 3A | District Total | 967 | \$758,597 | 1,099 | \$843,153 | 1,304 | \$1,017,546 |
| District 3B | District Total | 2,248 | \$1,077,118 | 2,523 | \$1,312,265 | 2,434 | \$1,403,815 |
| District 4 | District Total | 6,772 | \$2,793,940 | 6,554 | \$2,223,246 | 7,984 | \$2,940,137 |
| District 5 | District Total | 4,177 | \$1,773,561 | 4,092 | \$1,617,029 | 3,920 | \$1,495,214 |
| District 6A | District Total | 1,822 | \$939,330 | 2,031 | \$941,381 | 2,322 | \$1,096,429 |
| District 6B | District Total | 1,232 | \$703,487 | 1,229 | \$620,783 | 1,328 | \$719,643 |
| District 7A | District Total | 1,724 | \$821,673 | 1,810 | \$760,344 | 1,553 | \$747,816 |
| District 7B/C | District Total | 3,337 | \$1,480,213 | 3,034 | \$1,213,362 | 2,992 | \$1,214,960 |
| District 8A | District Total | 999 | \$1,352,071 | 960 | \$1,238,187 | 1,016 | \$1,355,820 |
| District 8B | District Total | 563 | \$1,182,001 | 667 | \$1,157,334 | 676 | \$1,138,872 |
| District 9 | District Total | 1,290 | \$1,534,226 | 1,667 | \$1,526,828 | 1,904 | \$1,642,213 |
| District 10 | District Total | 3,199 | \$3,493,993 | 3,301 | \$3,334,201 | 3,448 | \$3,694,870 |
| District 11A | District Total | 971 | \$1,507,919 | 1,095 | \$1,678,823 | 1,309 | \$1,750,173 |
| District 11B | District Total | 775 | \$1,485,832 | 844 | \$1,546,673 | 1,111 | \$1,334,669 |
| District 12 | District Total | 3,009 | \$1,912,563 | 3,167 | \$2,048,040 | 3,794 | \$2,362,702 |
| District 13A | District Total | 2,849 | \$1,755,866 | 2,847 | \$1,561,175 | 2,727 | \$1,802,579 |
| District 13B | District Total | 3,429 | \$1,527,874 | 3,393 | \$1,403,314 | 2,946 | \$1,299,991 |
| District 14 | District Total | 872 | \$1,186,103 | 829 | \$1,199,866 | 1,227 | \$1,461,596 |
| District 15A | District Total | 1,065 | \$1,199,335 | 1,267 | \$1,277,206 | 1,369 | \$1,440,242 |
| District 15B | District Total | 514 | \$590,242 | 471 | \$380,684 | 649 | \$529,609 |
| District 16A | District Total | 3,742 | \$1,549,745 | 3,781 | \$1,405,222 | 4,092 | \$1,682,301 |
| District 16B | District Total | 3,987 | \$2,370,452 | 4,166 | \$2,637,467 | 4,426 | \$2,683,059 |
| District 17A | District Total | 2,369 | \$1,036,606 | 2,764 | \$1,033,245 | 2,939 | \$1,264,554 |
| District 17B | District Total | 3,769 | \$1,246,527 | 3,440 | \$1,068,955 | 3,819 | \$1,199,494 |
| District 18 | District Total | 5,715 | \$2,472,542 | 3,801 | \$1,914,309 | 5,193 | \$2,136,403 |
| District 19A | District Total | 3,773 | \$1,262,728 | 2,587 | \$923,864 | 3,674 | \$1,252,205 |
| District 19B | District Total | 3,489 | \$1,293,023 | 3,059 | \$1,103,837 | 4,096 | \$1,406,999 |
| District 19C | District Total | 3,463 | \$1,287,828 | 3,534 | \$1,263,185 | 3,847 | \$1,428,628 |
| District 19D | District Total | 2,739 | \$1,215,737 | 2,949 | \$1,179,551 | 3,167 | \$1,366,422 |
| District 20A | District Total | 1,830 | \$783,765 | 1,278 | \$638,963 | 1,808 | \$691,945 |
| District 20B | District Total | 3,698 | \$1,743,401 | 3,402 | \$1,571,189 | 4,049 | \$1,760,227 |
| District 21 | District Total | 2,316 | \$1,730,294 | 1,723 | \$1,595,454 | 2,785 | \$1,588,256 |
| District 22A | District Total | 3,638 | \$1,278,396 | 3,896 | \$1,186,707 | 5,119 | \$1,921,322 |
| District 22B | District Total | 4,156 | \$1,191,391 | 4,136 | \$1,187,813 | 5,424 | \$1,494,095 |
| District 23 | District Total | 3,308 | \$1,245,398 | 3,016 | \$981,761 | 3,522 | \$1,071,262 |
| District 24 | District Total | 4,082 | \$1,455,667 | 3,229 | \$904,937 | 3,502 | \$1,278,459 |
| District 25A | District Total | 5,441 | \$1,631,206 | 6,087 | \$1,721,893 | 5,431 | \$1,520,480 |
| District 25B | District Total | 3,359 | \$1,415,616 | 3,102 | \$1,196,259 | 3,354 | \$1,413,756 |
| District 26 | District Total | 5,748 | \$4,995,337 | 4,994 | \$4,085,868 | 6,390 | \$4,649,589 |
| District 27A | District Total | 1,110 | \$735,193 | 1,234 | \$850,812 | 1,272 | \$952,243 |
| District 27B | District Total | 5,836 | \$1,683,931 | 4,757 | \$1,290,868 | 6,155 | \$1,835,682 |
| District 28 | District Total | 1,938 | \$1,370,956 | 2,103 | \$1,332,383 | 2,356 | \$1,523,437 |
| District 29A | District Total | 1,149 | \$686,993 | 1,151 | \$617,790 | 1,339 | \$721,106 |
| District 29B | District Total | 1,935 | \$1,032,882 | 1,940 | \$948,429 | 2,131 | \$1,184,237 |
| District 30A | District Total | 3,519 | \$1,992,822 | 2,682 | \$1,225,231 | 2,784 | \$1,333,375 |
| District 30B | District Total | 3,317 | \$1,368,475 | 3,153 | \$1,185,677 | 3,278 | \$1,188,549 |
| Multi-County Contracts | | 234 | \$596,114 | 280 | \$544,071 | 321 | \$595,387 |
| GRAND TOTAL | | 134,167 | \$71,737,169 | 127,596 | \$64,737,891 | 145,072 | \$73,274,934 |

*Data include payments to experts and investigators.

**Data include only payments for capital cases.

Appendix F

Continued

| PAC Capital Attorney Demand by County, FY2021-22** | | | | | | | |
|--|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|
| District | County | FY2021-22 | | FY2020-21 | | FY2019-20 | |
| | | Number of Payments | Total Payments | Number of Payments | Total Payments | Number of Payments | Total Payments |
| District 1 | District Total | 18 | \$144,118 | 22 | \$94,450 | 29 | \$229,002 |
| District 2 | District Total | 9 | \$39,827 | 7 | \$33,530 | 11 | \$97,271 |
| District 3A | District Total | 29 | \$135,206 | 23 | \$100,312 | 37 | \$199,885 |
| District 3B | District Total | 14 | \$124,564 | 19 | \$132,987 | 28 | \$149,815 |
| District 4 | District Total | 44 | \$259,266 | 33 | \$148,678 | 56 | \$284,739 |
| District 5 | District Total | 35 | \$264,998 | 31 | \$167,052 | 24 | \$145,993 |
| District 6A | District Total | 21 | \$113,940 | 22 | \$112,602 | 27 | \$182,934 |
| District 6B | District Total | 60 | \$212,666 | 44 | \$173,644 | 40 | \$197,292 |
| District 7A | District Total | 42 | \$139,512 | 33 | \$112,511 | 27 | \$112,307 |
| District 7B/C | District Total | 42 | \$198,881 | 28 | \$154,137 | 28 | \$124,468 |
| District 8A | District Total | 49 | \$293,467 | 48 | \$175,697 | 60 | \$278,905 |
| District 8B | District Total | 24 | \$156,856 | 11 | \$46,102 | 28 | \$141,174 |
| District 9 | District Total | 31 | \$243,724 | 26 | \$158,668 | 34 | \$195,640 |
| District 10 | District Total | 74 | \$408,278 | 39 | \$237,601 | 48 | \$296,366 |
| District 11A | District Total | 58 | \$237,724 | 51 | \$176,410 | 70 | \$337,580 |
| District 11B | District Total | 7 | \$42,983 | 7 | \$60,923 | 10 | \$48,327 |
| District 12 | District Total | 44 | \$277,247 | 42 | \$236,210 | 52 | \$254,129 |
| District 13A | District Total | 77 | \$402,770 | 83 | \$313,336 | 75 | \$438,228 |
| District 13B | District Total | 22 | \$73,756 | 27 | \$72,419 | 32 | \$71,510 |
| District 14 | District Total | 26 | \$104,907 | 16 | \$89,801 | 35 | \$279,099 |
| District 15A | District Total | 10 | \$47,387 | 29 | \$110,861 | 22 | \$124,857 |
| District 15B | District Total | 8 | \$47,119 | 4 | \$18,021 | 8 | \$26,222 |
| District 16A | District Total | 17 | \$131,734 | 24 | \$97,309 | 45 | \$268,844 |
| District 16B | District Total | 56 | \$319,277 | 91 | \$365,733 | 75 | \$338,609 |
| District 17A | District Total | 11 | \$95,472 | 6 | \$43,723 | 16 | \$242,170 |
| District 17B | District Total | 11 | \$78,208 | 12 | \$54,375 | 33 | \$116,010 |
| District 18 | District Total | 96 | \$435,685 | 87 | \$316,675 | 69 | \$282,956 |
| District 19A | District Total | 8 | \$39,773 | 7 | \$47,676 | 20 | \$131,962 |
| District 19B | District Total | 8 | \$47,157 | 18 | \$76,690 | 17 | \$72,682 |
| District 19C | District Total | 8 | \$92,696 | 14 | \$93,717 | 17 | \$145,177 |
| District 19D | District Total | 23 | \$210,351 | 31 | \$137,129 | 39 | \$188,308 |
| District 20A | District Total | 17 | \$68,273 | 22 | \$91,553 | 19 | \$118,369 |
| District 20B | District Total | 19 | \$119,598 | 18 | \$84,185 | 25 | \$134,173 |
| District 21 | District Total | 21 | \$141,543 | 31 | \$161,429 | 21 | \$95,174 |
| District 22A | District Total | 11 | \$73,618 | 8 | \$30,636 | 32 | \$240,478 |
| District 22B | District Total | 5 | \$19,091 | 7 | \$31,003 | 15 | \$68,063 |
| District 23 | District Total | 9 | \$78,126 | 8 | \$8,964 | 10 | \$33,999 |
| District 24 | District Total | 0 | \$0 | 5 | \$23,486 | 13 | \$169,975 |
| District 25A | District Total | 3 | \$25,093 | 9 | \$76,608 | 8 | \$64,491 |
| District 25B | District Total | 31 | \$63,371 | 28 | \$70,310 | 33 | \$154,920 |
| District 26 | District Total | 5,748 | \$4,995,337 | 4,994 | \$4,085,868 | 6,390 | \$4,649,589 |
| District 27A | District Total | 1,110 | \$735,193 | 1,234 | \$850,812 | 1,272 | \$952,243 |
| District 27B | District Total | 5,836 | \$1,683,931 | 4,757 | \$1,290,868 | 6,155 | \$1,835,682 |
| District 28 | District Total | 1,938 | \$1,370,956 | 2,103 | \$1,332,383 | 2,356 | \$1,523,437 |
| District 29A | District Total | 1,149 | \$686,993 | 1,151 | \$617,790 | 1,339 | \$721,106 |
| District 29B | District Total | 1,935 | \$1,032,882 | 1,940 | \$948,429 | 2,131 | \$1,184,237 |
| District 30A | District Total | 3,519 | \$1,992,822 | 2,682 | \$1,225,231 | 2,784 | \$1,333,375 |
| District 30B | District Total | 3,317 | \$1,368,475 | 3,153 | \$1,185,677 | 3,278 | \$1,188,549 |
| Multi-County Contracts | | 234 | \$596,114 | 280 | \$544,071 | 321 | \$595,387 |
| GRAND TOTAL | | 134,167 | \$71,737,169 | 127,596 | \$64,737,891 | 145,072 | \$73,274,934 |

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