



OFFICE OF INDIGENT  
DEFENSE SERVICES  
SAFEGUARDING JUSTICE  
NCIDS.org

NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD

EXECUTIVE DIRECTOR  
MARY.S.POLLARD@NCCOURTS.ORG

BRYAN JONES

CHAIR

## Revision Table

### IDS Policies Governing Attorney Fee and Expense Applications in Non-Capital Criminal and Non-Criminal Cases at the Trial Level

(Any section from the billing and expense policies that is not referenced in the table below was not modified/revised.)

Chapter and Section	Updated or New Content
I: Attorney Fee and Expense Applications	
1.A The Application Forms & Submission Processes	<ul style="list-style-type: none"><li>• Revised Non-Capital Criminal Cases to provide additional instructions, with links, for billing using OASIS for PAC.</li><li>• Added language acknowledging that MAC do not use fee applications for payment, but do use them for recoupment purposes, per their contracts.</li><li>• Revised Juvenile Delinquency and Non-Criminal Cases to reflect submission of these fee applications in eCourts using File and Serve (in advance of full eCourts rollout by AOC in October 2025).</li></ul>
I.B Fee Application Deadlines	<ul style="list-style-type: none"><li>• Fee application deadline changed from requiring fee applications be submitted to the court within one year (365 days) of final disposition, to 90 days of final disposition, for all cases appointed on or after January 01, 2026.</li><li>• Link added to fee deadline waiver policy and form.</li><li>• Force majeure language added to clarify that fee deadline waivers will only be granted in limited and serious circumstances that are beyond the control of the attorney (medical, health, safety, and force majeure).</li></ul>

I.C General Billing Principles	<ul style="list-style-type: none"> <li>• Added clarifying language that name of applicant is always the attorney who provided the representation, payee may be the attorney or a law firm.</li> <li>• Added language that a current Sub W-9 must be on file with IDS Fiscal and the Office of State Controller, with a link to the form and instructions.</li> <li>• Added requirement that payments be issued by direct deposit/electronic payment and not by check with a link to the direct deposit/ePay form.</li> <li>• Updated language to simplify the 6-minute increment billing requirement, including a tenth of a minute chart with examples of converting minutes to decimals rounding up to nearest tenth of an hour.</li> <li>• Added an example of pro-rating time in court waiting among multiple clients using the 6-minute increment chart.</li> <li>• Added requirement that attorney must maintain an itemized billing record providing sufficient detail regarding counsel's service that the claim for compensation is reasonable (date of work, brief description, time spent per item), must be maintained by attorney for 5 years for audit purposes, regardless of whether the court or the IDS Director requires the itemized billing record to be attached to the fee application.</li> <li>• Added sample itemized billing record.</li> <li>• Added language that in addition to a judge requiring that an attorney include an itemized billing record to a fee application, local rule or the IDS Director may also require this.</li> </ul>
I.D The Identity of the Attorney Applicant	<ul style="list-style-type: none"> <li>• Added language providing instruction on submitting fee applications for several clients handles on a per session or per day basis in eCourts File and Serve, as provided by AOC, including specific instruction for sessions when no clients appear for the session.</li> </ul>
I.E Fee Applications Involving One Client with Multiple Cases	<ul style="list-style-type: none"> <li>• Added language to the "highest original charge" section of the consolidation rule to specify that while additional file numbers are listed on the "Additional File No." section of the fee application, the corresponding OASIS invoice provides only a single file number. The file number associated with the highest charge is to be entered into OASIS (and also must be the file number used as the "lead" file number on the fee app, and the file number of the case the fee app is filed into in eCourts File and Serve.</li> </ul>

I.G Grounds for Return: Non-Capital Criminal Case Fee Applications (AOC-CR-225):	Added addendum to the requirement that the “name and signature of judge setting the fee” to specify that using OASIS authorizes payment for a properly filed and served fee app with a corresponding, matching, OASIS invoice to be paid prior to the judge’s signature. However, if a judge reduces or refuses to authorize a fee application the judge will notify IDS and the attorney must refund any overpayment.
I.I Grounds for Return: Civil Case Fee Applications (AOC-G-200):	Added link to the “Entitlement to and Payment of GAL” chart to guide and assist GALs who may be appointed to provide services that IDS does not have the statutory authorization to pay.
II: Standard Hourly Attorney Fees	
II.A Standard Hourly Rates	Updated the language regarding judges reviewing the hours claimed on each fee app and approving or reducing those hours to include that judges are asked to notify the IDS Fiscal officer of any rejection or hour reduction to any fee application so that any overpayment made using OASIS can be reimbursed to the state.
III: Reimbursable Expenses	
III.A In-State Travel: Mileage	<ul style="list-style-type: none"> <li>• Addition of Mileage FAQ</li> <li>• Mileage policy changed such that mileage is only reimbursable under the following limited circumstances: <ul style="list-style-type: none"> <li>→ PAC Out-of-District Recruitment: When IDS has specifically recruited an attorney to take a case in a county where the attorney is not on the appointed counsel roster.</li> <li>→ MAC Program Contracts: When mileage reimbursement has been explicitly included in a Managed Assigned Counsel (MAC) program agreement.</li> <li>→ Case-Related Travel Outside the County of Appointment: Travel for case purposes—e.g., visiting a client in Central Prison or interviewing a witness in another county—is reimbursable at the IDS-approved rate and does not require separate pre-approval.</li> </ul> </li> <li>• Mileage is not reimbursable: <ul style="list-style-type: none"> <li>→ For travel within the county where the attorney’s office is located.</li> <li>→ For travel to, from, or within a county where the attorney is on the appointed counsel roster, regardless of whether that county is the same as where the office is located.</li> </ul> </li> </ul>

III.A In-State Travel: Lodging	<ul style="list-style-type: none"> <li>• Language added to clarify that the state rates applicable to hotels also apply to third party rentals (such as AirBnB).</li> <li>• Only actual taxes incurred, which must be specifically itemized and documented on the receipt, can be reimbursed in excess of the IDS authorized rate. Any other itemized services, such as cleaning fees are only reimbursable up to the IDS authorized rate, not in excess of it, when amortized across nights.</li> <li>• If booking for purposes of hosting multiple defense team members (e.g., for a trial), seek pre-approval from the presiding judge.</li> <li>• Third party lodging agreements are not allowed among family members or where such agreements or payments create a financial conflict of interest.</li> </ul>
III.B Out-of-State Travel	<ul style="list-style-type: none"> <li>• Obtaining prior written approval for out-of-state travel was changed from “urged” to “required”, the documentation may be an informal judge email, and the documentation must be attached to the fee app.</li> </ul>
III.C Photocopying	<ul style="list-style-type: none"> <li>• Photocopying policy updated to address that photocopies should be minimal now that the court system is paperless.</li> <li>• Update to out-of-house copy reimbursement, such that the actual cost of out-of-house copies (those made at a commercial copy center) are reimbursable with a receipt, the receipt must be attached to the fee application. Reimbursement is no longer capped at the .10 single sided and .16 double sided reimbursement rate that applies to in-house copies.</li> <li>• Out-of-house copies must be billed in OASIS as “other expense” and the receipt attached to the fee application. They must not be billed in OASIS in the “copy” reimbursement boxes, which are for in-house copies only, and apply the .10 and .16 reimbursement rate.</li> </ul>
III.E Digital Storage CDs/DVDs/USB Flash Drives	<ul style="list-style-type: none"> <li>• Digital storage updated to provide for reimbursement of USB Flash Drives up to \$30 each; and</li> <li>• External Hard Drives up to \$75.00 each</li> <li>• This is predicated on the digital storage devices being used exclusively for a single appointed case and that receipts must be attached to the fee application.</li> </ul>
III.F Online Video Conferencing with Clients in Jail	<ul style="list-style-type: none"> <li>• Updated to include a link to the direct billing options available through JurisLink and iWebVisit.</li> </ul>

III.H Providing Closed Client Files	<ul style="list-style-type: none"> <li>Updated to remove language related to any ethical or professional obligations to provide closed client files, directing the attorney to contact the NC State Bar for guidance on these obligations and the Rules of Professional Conduct.</li> <li>Removed all language unrelated to what IDS will and will not reimburse related to providing closed client files, the substance of which is unchanged.</li> </ul>
III.I Other Expenses	<ul style="list-style-type: none"> <li>Additional clarifying language that all “other expenses” must be specifically related to representation of an individual appointed client.</li> <li>Addition that while receipts that do not cumulatively total \$25.00 do not have to be attached to the fee app, they must be maintained by the attorney for 5 years and must be made available to IDS, upon request, for audit purposes.</li> <li>Addition of language providing guidance on purchasing client clothing as a reimbursable expense. Directs attorney to check with local Public Defender’s offices for available clothing to borrow, and to contact IDS CFO if clothing must be purchased.</li> <li>Added language prohibiting subcontracting:</li> <li>“No person may be paid for any services rendered other than the appointed attorney (or law firm), an in-house paralegal (see Section G), or an expert or investigator approved by the court (see Section V). No payment will be issued to a subcontractor, assistant, or other person whose services are listed as an expense.”</li> </ul>
V: Expert and Support Services	
V. A Expert Fees	<ul style="list-style-type: none"> <li>Reminder added to the guidance on submitting the AOC-G-309 providing that the maximum amount authorized by the judge must be entered on the appropriate line in Part II of the Form, without this IDS is not authorized to pay and must return the Form for correction.</li> <li>Link to <i>Policies for Experts and Investigators</i> added: <a href="https://www.ncids.org/ids-policies-and-rules/">https://www.ncids.org/ids-policies-and-rules/</a></li> </ul>
V.B Lay Witness Fees	<ul style="list-style-type: none"> <li>Link to lay witness travel form and IDS contact email added.</li> </ul>
VI: Clerk Responsibilities	
VI.A Fee Awards Must be Sent to IDS by the Clerk’s Office	<ul style="list-style-type: none"> <li>Language added updating clerk fee app procedures to confirm with use of the Task Queues in eCourts for confidential case types.</li> </ul>

	<ul style="list-style-type: none"><li>• Language added updating clerk fee app procedures to confirm with the use of OASIS for non-capital adult criminal fee applications at the trial level</li></ul>
--	--