

IDS

OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

November 21, 2025 Quarterly Commission Meeting

Meeting Material

Commission on Indigent Defense Services

November 21, 2025

Proposed Agenda	10:00 AM – 3:00 PM
Call to Order	Bryan Jones
Introductions	
Adoption of Proposed Agenda	
State Government Ethics Act Reminder	
<i>Members of the commission/committee are hereby advised of their duty under the State Government Ethics Act to avoid conflicts of interest & the appearance of conflict & are instructed to refrain from participating in any matter coming before this commission/committee with respect to which there is a conflict of interest or appearance of conflict</i>	
Minutes of August 22, 2025, Commission Meeting	
Remarks from the Chair	Bryan Jones
Welcome and Administration of Oath for New Commissioner(s)	
The North Carolina Capital Defender’s Award	
Remarks from the Director	
Legislative Update	Mary S. Pollard
Agency Business	
Changes in Law and Practice	
Juvenile FDM Appointment Roster	Eric Zogry
Fiscal Reports	Aaron Gallagher
Update on FY24-25 Spending and Projections for FY25-26	
Commission Business	Bryan Jones
IDS Commission Appointment (G.S. 7A-498.4(b)(11) (Dorothy Hairston Mitchell Seat)	
Committee Reports	
Budget Committee – Revisions to Billing Guidelines for Managed	Whitney Fairbanks
Assigned Counsel Program	
Adopt 2026 Meeting Calendar	Bryan Jones
Executive Session the Commission shall meet in closed session as allowed by G.S. 143-318.11(a)	
(3) [t]o consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.	
Adjournment	Bryan Jones
Next Meeting: February 20, 2026 (Campbell Law School, Raleigh)	



OFFICE OF INDIGENT
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NCIDS.org

NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD

EXECUTIVE DIRECTOR
MARY.S.POLLARD@NCCOURTS.ORG

BRYAN JONES

CHAIR

Memorandum

To: IDS Commissioners
Cc: IDS Director
From: Whitney Fairbanks, IDS Deputy Director/General Counsel & Designated Ethics Liaison
Re: State Government Ethics Act and Lobbying Laws¹
Date: Updated October 2021

This memo is intended to summarize the main aspects of the Election and Ethics Enforcement Act that impact individuals who serve on the Commission on Indigent Defense Services.¹

I. STATE GOVERNMENT ETHICS ACT

A. COVERAGE AND DEFINITIONS:

The State Ethics Act went into effect on October 1, 2006, and applies to all “covered persons” as of January 1, 2007². “Covered persons” include the following:

- “Judicial officers”: All Justices and Judges of the appellate and trial courts, District Attorneys, and Clerks of Superior Court, or any person elected or appointed to any of these positions prior to taking office. G.S. 138A-3(21).
- “Judicial employees”: The Director and Assistant Director of the Administrative Office of the Courts, and any other Judicial Branch employees who earn at least \$60,000 per year and are designated by the Chief Justice as a judicial employee. 138A-3(42).
- “Public servants”: Judicial employees and voting members of public boards or commissions with more than advisory authority. G.S. 138A-3(3) & (70)i.

So, all members of the IDS Commission are “covered persons” under the Act’s definition of

¹ This memo is a revision of one originally drafted by Danielle Carman in January of 2008, which was drawn in large part from a Memorandum titled “State Ethics Act—Effective January 1, 2007,” which was authored by Pamela Weaver Best, AOC Deputy Legal Counsel, and distributed to judicial officials on December 15, 2006, as well as materials distributed at an October 11, 2006 North Carolina Academy of Trial Lawyers CLE titled “Ethics and Lobbying: The New Statute.”

²Effective December 18, 2018, the North Carolina General Assembly recodified Chapter 163A, Elections and Ethics Enforcement Act, into Chapter 138A, State Government Ethics Act. See S.L. 2018-46.

“public servants.”³ To date the Chief Justice has not designated any IDS employees as “judicial employees.” Chief Justice Martin also has not designated any IDS employees as “judicial employees.” Thus, the IDS Director, Appellate Defender, Capital Defender, Juvenile Defender, Parent Defender, Special Counsel Supervising Attorney, and Chief Public Defenders are not subject to the Act.

B. SPECIAL DUTIES OF THE IDS DIRECTOR AND IDS COMMISSION CHAIR:

The head of each State agency, and Chair of each board or commission subject to the Act, have special obligations that are set forth in G.S. 138A-15, such as:

- At the beginning of each IDS Commission meeting, the IDS Commission Chair must remind the members of their duty to avoid conflicts of interest or the appearance of conflicts of interest, and must inquire of members whether there is a possible conflict with any issue coming before the Commission. G.S. 138A-15(e).
- The IDS Director and IDS Chair must notify the Ethics Commission of all new public servants or other officials who are covered by the Act, and provide those public servants or officials with copies of the Ethics Act and any necessary disclosure forms. 138A-15(h).
- The IDS Director and IDS Chair must consider the need for the development and implementation of in-house ethics educational programs, procedures, or policies. 138A15(g).

C. OBLIGATIONS OF PUBLIC SERVANTS:

1. Annual Statements of Economic Interest:

All members of the IDS Commission (and anyone who may be designated in the future as a “judicial employee” by the Chief Justice) must file an annual Statement of Economic Interest (“SEI”) with the North Carolina Ethics Commission by April 15. Because all of the information in each year’s SEI must be current as of the last day of December of the preceding year, a SEI cannot be filed prior to January 1 of the filing year. G.S. 138A-22(d). All SEIs are public records. G.S. 138A-23.

³ This memo describes the obligations of an IDS Commissioner as a “public servant” under the Act. It does not describe any additional or different obligations of “judicial officers.” IDS Commissioners who are also judges should receive information and training about their obligations as “judicial officers” directly from the AOC and North Carolina Ethics Commission.

The SEI form requires reporting of your ownership or interest in certain assets and businesses as of December 31 of the prior year, including:

- Real estate, including personal residence;
- Interests in public or private corporations or other businesses;
- Vested trusts created, established, or controlled by the filing person; and
- All liabilities, excluding indebtedness on a personal residence.

See G.S. 138A-24 and the SEI long form for the full contents of the required disclosure. The Ethics Commission has instructed filers not to leave any questions blank or the form will be returned and the filer may be subject to a fine or sanction; if the answer to any question is “none,” the filer should write “none.”

The Ethics Commission has a duty to evaluate SEIs on a biennial basis and issue written opinions about the existence or lack of conflicts of interest and potential conflicts of interest. G.S. 1385-24(e). If the Ethics Commission cites an actual or potential conflict of interest with regard to any member of the IDS Commission, the conflict must be recorded in the Commission minutes and brought to the attention of the Commission by the Commission Chair. G.S. 138A-15(c).

All new IDS Commission appointees must file a SEI and have it evaluated by the Ethics Commission before their initial appointment can be effective. G.S. 138A-22(a). The only exception is that a public servant who serves on more than one board may file one SEI and, if that public servant begins membership on another covered board during the biennial cycle, s/he is not required to file another SEI and the Commission is not required to evaluate the existing one again.

Any public servant who fails to file the required SEI will be notified by the Commission within 30 days of the due date, with a copy to the designated ethics liaison. If the public servant fails to file the SEI within 30 days of receipt of the late notice, he or she will be subject to a \$250 fine. If the public servant fails to file the SEI within 60 days of receipt of the late notice, he or she will be subject to disciplinary action. G.S. 138A-25(b).

It is a Class 1 misdemeanor knowingly to conceal or fail to disclose required information on a SEI. G.S. 138A-26. It is a Class H felony knowingly to provide false information on a SEI. G.S. 138A-27.

2. Mandatory Ethics Education:

As public servants, all members of the IDS Commission are required to receive ethics education within six months of their appointment, and must receive refresher education every two years thereafter. The Act also requires the designated ethics liaison to receive that education. G.S. 138A-14(c) & (f). Unless the Chief Justice designates any IDS employees as “judicial employees” in the future, no other IDS staff members are subject to this requirement.

The Ethics Commission has developed an educational program that satisfies the ethics education and the lobbying education requirements. See Section II.B. below. The combined program is about 2 hours long. The Commission has also developed an on-line training program that satisfies

these requirements, which is available at <http://www.ethicscommission.nc.gov/education/eduOnline.aspx>.

3. Ethical Standards:

Public servants and other covered persons shall not knowingly use their public position in a manner that will result in a financial benefit to the person, a member of the person's extended family, or a business with which he or she is associated. G.S. 138A-31(a).

Public servants and other covered persons "shall not mention or permit another person to mention the covered person's public position in nongovernmental advertising that advances the private interest of the covered person or others. The prohibition . . . shall not apply to political advertising, news stories, news articles, the inclusion of a covered person's position in a directory or biographical listing, or the charitable solicitation for a nonprofit business entity . . ." G.S. 138A-31(b).

In addition, public servants must protect against conflicts of interest by continually monitoring their financial, personal, and professional interests. G.S. 138A-35(b). Public servants must also refrain from taking any official action, up to and including abstaining from voting, if the public servant or a person with whom the public servant is associated "may incur a reasonably foreseeable financial benefit from the matter under consideration" and that benefit "would impair the public servant's independence of judgment or from which it could reasonably be inferred that the financial benefit would influence the public servant's participation in the official action." G.S. 138A-36(a) & (b). If the public servant is unsure whether there is a conflict, the public servant should disclose the relationship to the person presiding over the proceeding and seek appropriate guidance. G.S. 138A-35(a) and 138A-36(d).

Recusal is the stated way of avoiding conflicts of interest. G.S. 138-36. However, otherwise disqualified covered persons are allowed to participate in official actions if the interest or reasonably foreseeable benefit accrues equally to all members of the particular profession, occupation, or general class. G.S. 138A-38(a)(1). It has been the IDS staff's belief that the exception in 138-38(a)(1) allows Commissioners who are also private appointed counsel to take part in official actions that impact payments to private attorneys in indigent cases, such as changes in the hourly rates. On May 22, 2008, the State Ethics Commission issued an advisory opinion, which provides that Commissioners who are also private appointed counsel may take part in official actions that impact payments to private attorneys in indigent cases, such as changes in the hourly rates private attorneys, under the "safe harbor" in 138-38(a)(1).

4. Gifts:

A covered person "shall not knowingly, directly or indirectly, ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive anything of value for the covered person . . . or for another person, in return for being influenced in the discharge of the covered person's . . . official responsibilities." G.S. 138-32.

Covered persons “may not solicit for a charitable purpose any gift from any subordinate State employee.” This ban does not apply if the solicitation is a generic request to all employees, such as requests to contribute to the State Employees Combined Campaign. G.S. 138A-32(b).

In addition, public servants shall not “knowingly accept a gift, directly or indirectly, from a lobbyist or lobbyist principal registered under Article 8 of [Chapter 163A]. G.S. 138A-32(c). Nor may a public servant “knowingly accept a gift, directly or indirectly, from a person whom the public servant knows or has reason to know any of the following:

- (1) Is doing or is seeking to do business of any kind with the public servant’s employing entity.
- (2) Is engaged in activities that are regulated or controlled by the public servant’s employing entity.
- (3) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant’s official duties.”

G.S. 138A-32(d). Prohibited gifts must be declined, returned, paid for, or donated to charity or the State. G.S. 138-32(g).

There are a number of exceptions to the gift ban that permit public servants to accept food and beverages for immediate consumption at public events (such as IDS Commission meetings), reasonable actual expenditures for educational programs or meetings, and plaques or non-monetary recognition mementos. G.S. 138A-32(f).

In addition, 138A-32(f)(10) provides that the gift bans in G.S. 138A-32(c) and (d) do not apply to “[g]ifts given or received as part of a business, civil, religious, fraternal, personal, or commercial relationship not related to the person’s public service or position and made under circumstances that a reasonable person would conclude that the gift was not given for the purpose of lobbying.”

5. Honoraria:

Covered persons shall not accept an honorarium for “conducting any activity where any of the following apply:

- (1) The employing entity reimburses the covered person . . . for travel, subsistence, and registration expenses.
- (2) The employing entity’s work time or resources are used.
- (3) The activity would be considered official duty or would bear a reasonably close relationship to the covered person’s . . . official duties.

An outside source may reimburse the employing entity for actual expenses incurred by a covered person . . . in conducting an activity within the duties of the covered person . . . or may pay a fee to the employing entity, in lieu of an honorarium, for the services of the covered person . . .” G.S. 138A-32.

6. Other Compensation or Benefits:

Public servants and other covered persons “shall not solicit or receive personal financial gain” for acting in the public servant’s official capacity or for advice or assistance given in the course of official duties. G.S. 138A-33.

In addition, covered persons shall not cause a member of the covered persons’ extended family to be hired or appointed to a position over which the covered person has supervisory authority. G.S. 138A-40.

D. ADVISORY OPINIONS FROM THE ETHICS COMMISSION:

The Ethics Commission has authority to render advisory opinions if requested by a public servant or other covered person. G.S. 138A-13(a). A person who seeks an opinion is immunized from sanctions when he or she acts in accordance with an advisory opinion. G.S. 163A-157.

E. DESIGNATED ETHICS LIAISON:

Each agency is required to designate someone on staff as the ethics liaison to advise public servants of their duties under the law and maintain communication with the Ethics Commission. G.S. 138A-13(f). (IDS has designated the IDS Deputy Director/General Counsel to serve as our ethics liaison.

F. VIOLATIONS, INQUIRIES BY THE ETHICS COMMISSION, AND ACTION ON COMPLAINTS:

The Ethics Commission can accept complaints, investigate, and conduct hearings on alleged violations by public servants. If the Commission finds by clear and convincing evidence that a public servant has violated the Act, the Commission may issue a private admonishment or refer the matter for appropriate action to the entity that appointed or employed the public servant. The Commission can also refer criminal matters to the Attorney General and local district attorney. G.S. 138A-12(m)(1).

Willful violations of the Act by board members constitute malfeasance, misfeasance, and nonfeasance subjecting the person to removal from the board. Willful violations by State employees constitute a violation of a written work order that could lead to dismissal.

II. AMENDED LOBBYING LAWS:

A. COVERAGE AND DEFINITIONS:

In varying degrees, the lobbying laws apply to numerous individuals as defined by G.S. 120C-100:

- “Designated individuals”: Those subject to being lobbied, including legislators, legislative employees, and public servants (as defined above).

- “Liaison personnel”: Any state employee whose principal duties, in practice or as set forth in his or her job description, include lobbying legislators or legislative employees.
- “Lobbyist”: Does not include designated individuals who are acting in their official capacity or individuals registered as liaison personnel.
- “Lobbying”: Includes direct lobbying and goodwill lobbying.

Except for any person designated as a liaison personnel under G.S. 120C-500, the provisions of Article 8 of Chapter 163A do not apply to state employees when appearing solely in connection with matters pertaining to their office and public duties. G.S. 120C-700(3). Article 8 of Chapter 1163A also does not apply to any person appearing before a committee, commission, board, or council at the invitation or request of the committee or a member thereof. G.S. 120C-700(2)

B. OBLIGATIONS OF PUBLIC SERVANTS: LOBBYING EDUCATION:

As public servants, all members of the IDS Commission are required to receive lobbying education and awareness training within six months of their appointment, and must receive refresher education every two years thereafter. G.S. 120C-103(a). Any IDS employee who may be designated by the Chief Justice in the future as a “judicial employee” will also become subject to this requirement.

C. ADDITIONAL OBLIGATIONS OF LIAISON PERSONNEL:

Every State agency must designate at least one and no more than two liaison personnel to lobby for legislative action. G.S. 120C-500. Subsection (d) provides that the Chief Justice shall designate “at least one, but no more than four, liaison personnel to lobby for legislative action for all offices, conferences, commissions, and other agencies established under Chapter 7A of the General Statutes.” In March 2009, the Chief Justice designated the IDS Director as one of the four liaison personnel for Chapter 7A agencies.

Liaison personnel are generally exempt from the lobbying laws, but are subject to the registration, reporting, and gift ban provisions of Article 8 of Chapter 163A. G.S. 120C-501.

Violations of the registration and reporting provisions are generally Class 1 misdemeanors and may subject the violator to civil fines. G.S. 120C-602.

1. Registration:

Annually, liaison personnel must file with the Secretary of State a Liaison Registration form and a State Agency Authorization Statement. No registration fee shall be required. G.S. 120C-200 and 120C-501(b).

2. Reporting:

Liaison personnel must file quarterly lobbyist reports with the Secretary of State under G.S. 120C-402. G.S. 120C-501. “The report shall include all of the following for the reporting period:

- (1) All reportable expenditures made for the purpose of lobbying.

- (2) Solicitation of others when such solicitation involves an aggregate cost of more than three thousand dollars (\$3,000).
- (3) Reportable expenditures reimbursed by the lobbyist's principal, or another person on the lobbyist's principal's behalf.
- (4) All reportable expenditures for gifts given G.S. 138A-32(f)(1)-(9), 138A-32(f)(11), 138A-32(f)(12), and all gifts given under G.S. 138A-32(f)(10) with a value of more than ten dollars (\$10.00)."

In addition, if the liaison personnel incurs reportable expenditures in any month while the General Assembly is in session, the liaison personnel shall file a monthly reportable expenditure report.

3. Gifts:

The gift ban in G.S. 120C-501) applies to liaison personnel with respect to legislators and legislative employees. G.S. 163A-346(e). Subject to the gift exceptions in G.S. 138A-3(32), liaison personnel may not directly or indirectly give a gift to a legislator or legislative employee.

However, liaison personnel may make political contributions to legislators. G.S. 138A-3(32) defines a "gift" for purposes of the State Government Ethics Act as anything of monetary value given or received without valuable consideration by or from a lobbyist, lobbyist principal, liaison personnel, or a person described under G.S. 138A-3(d)(1), (2), or (3). However, pursuant to G.S. 138A-3(3), campaign contributions that are properly received and reported as required under Article 23 of Chapter 163A are not gifts. In addition, while G.S. 163-278.13B provides that no lobbyist may make a campaign contribution as defined in G.S. 163-278.6 to a candidate who is a legislator, G.S. 120C-100 provides that the term "lobbyist" shall not include registered liaison personnel.

D. LIMITATION ON IDS COMMISSION APPOINTMENT OF LOBBYISTS:

There are limitations on the ability of the IDS Commission to appoint lobbyists or recent lobbyists as one of the Commission's three appointees to the IDS Commission. G.S. 120C-304 has been amended to provide: "A lobbyist shall not be eligible for appointment by a State official to, or service on, any body created under the laws of this State that has regulatory authority over the activities of a person that the lobbyist currently represents or has represented within 120 days after the expiration of the lobbyist's registration representing that person." Any appointment made in violation of this section is void. G.S. 120C-304

E. NO STATE AGENCY MAY CONTRACT WITH A LOBBYIST:

G.S. 120C-500 provides that "[n]o State agency or constitutional officer of the State may contract with individuals who are not employed by the State to lobby legislators and legislative employees. This subsection shall not apply to counsel employed by any agency, board, department, or division authorized to employ counsel under G.S. 147-17."

III. FORMS & QUESTIONS:

- The following link is to the North Carolina Ethics Commission website: <http://www.ethicscommission.nc.gov>. The annual Statement of Economic Interest forms, including the long form and no change form, can be accessed at that site.
- For general questions about your obligations under Subchapter II of the State Elections and Ethics Enforcement Act (formerly the State Ethics Act) as a member of the IDS Commission, please contact:
 - Whitney B. Fairbanks, IDS Deputy Director/General Counsel & Designated Ethics Liaison, at (919) 354-7205 or Whitney.B.Fairbanks@nccourts.org; or
 - Kathleen Edwards, Associate General Counsel, State Board of Elections and Ethics Enforcement at (919) 814-3600 or Ethics.Commissions@ncsbe.gov.
- For questions about the Statement of Economic Interest, please contact Lisa Johnson, Disclosure and Reporting Manager, State Board of Elections and Ethics Enforcement, at (919) 814-3600 or lisa.johnson@ncsbe.gov.

For questions about the mandatory ethics education, please contact Sue Lundberg, Associate General Counsel, State Board of Elections and Ethics Enforcement, at (919) 8143600 or sr.lundberg@ncsbe.gov



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MARY POLLARD

EXECUTIVE DIRECTOR
MARY.S.POLLARD@NCCOURTS.ORG

BRYAN JONES

CHAIR

To: Members of the Commission on Indigent Defense Services
Re: Reimbursement of Expenses

Thank you for donating your valuable time to serve on the IDS Commission.

Reimbursable Expenses

Upon request, IDS will reimburse all Commissioners for the following expenses associated with your attendance at IDS Commission meetings:

1. Mileage to and from your place of business and the Commission meeting location (currently at \$.625 per mile);
2. Parking if a receipt is provided; and
3. The actual cost of any overnight lodging, not to exceed \$89.10 plus actual taxes incurred, if a valid hotel receipt is provided.

In addition, Commissioners who are not state employees may claim a \$15 per diem for each day of official service. See G.S. 7A-498.4(j) and 138-5(a)(1). Beginning January 1, 2017, the IRS considers all non-state employee commission and board members who receive a stipend or per diem to be employees for employment tax purposes. This means per diem payments will be considered income subject to income tax and social security/Medicare tax withholding. If you request a per diem, IDS will enter you in the HR-Payroll system as a temporary employee and you will receive a W-2 rather than a 1099 at year end. This change only affects per diem payments and does not affect reimbursement payments for mileage, parking, or lodging. If you choose to waive the "temporary employee" compensation, you will need to complete the attached waiver.

There will be no charge for lunches provided to Commissioners who RSVP in advance. Instead, IDS staff have established a way to pay for Commissioner meals that are preplanned as part of a Commission meeting, and then get reimbursed for all meals directly.

Reimbursement Procedure

To claim your expense reimbursement, please complete the attached form (AOC-A-25) and mail or fax it to the following address within 30 days of the Commission meeting:

Office of Indigent Defense Services
Attn: Cati Rosu
123 W. Main St., Suite 400
Durham, NC 27701
Fax: 919.354.7201

A fillable version of the form is available at:

<http://www.nccourts.org/Forms/Documents/1028.pdf>.

Upon receipt, we will approve reimbursement and forward the form to our Financial Services Division for payment. Please indicate at the top of the form if you are not a state employee.

STATE OF NORTH CAROLINA
Judicial Branch
Indigent Defense Services

**REIMBURSEMENT OF TRAVEL AND
OTHER EXPENSES INCURRED IN THE
DISCHARGE OF OFFICIAL BUSINESS**

G.S. 138-6

INSTRUCTIONS: Forward the completed form (remove any blank pages) and all receipts/supporting documents (itemized hotel receipt, registration, parking receipts, advance approval, etc.) to ids.employee.reimbursements@nccourts.org in a single email. Include your first name, last name, and "travel" in the subject line of the email.

ATTESTATION REQUIRED

A state-owned vehicle is unavailable, the mileage rate of \$.625 per mile applies.

_____ (Supervisor Initials)

A state-owned vehicle is available, a private vehicle is being used by choice, the mileage rate of \$.33 applies.

_____ (Supervisor Initials)

☐ Office of Special Counsel ☐ Public Defender's Office
☐ IDS Staff
☐ Capital Defender
☐ Appellate Defender
☐ Juvenile Defender

(Defender District)

Payee's Name And Address <input type="checkbox"/> Check If Name Or Address Change	Position/Title	Headquarters (city)	
	Personnel No. (top of paystub)	Travel For (month and year)	Date Request Prepared

Under penalties of perjury, I certify this is a true and accurate statement of the city of lodging, expenses, and allowances incurred in the service of the State. If Federal GSA standard lodging rates are used, I affirm that I complied with the policy criteria for such rates.	I have examined this reimbursement request and certify that it is just and reasonable.	Total Cost	\$ \$ 0.00
Signature/e-Signature Of Claimant	Signature/e-Signature Of Supervisor	Less Advance	\$ \$ 0.00
	Name Of Supervisor	Reimbursement	\$ \$ 0.00

FOR USE BY IDS FINANCIAL SERVICES DIVISION

COMPANY	ACCOUNT	CENTER	AMOUNT	Date
	532714			
	532721			
	532724			

Verified And Approved
For Payment:

TRAVEL (show each city visited)			TRANSPORTATION			SUBSISTENCE			OTHER EXPENSES	
Day	From	To	(1) Mode	Daily Private Car Mileage	Amount	(2) Type	In-State	Out-of-State	Explanation	Amount
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
Category Totals For This Day:					\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
Category Totals For This Day:					\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
CATEGORY TOTALS:						Transport. \$ 0.00	In-State \$ 0.00	Out-of-State \$ 0.00		Other Exp. \$ 0.00

- | | | | |
|-------------------------|--------------------------|----------------|-----------------|
| (1) Mode of Travel: | (2) Type of Subsistence: | In-State | Out-of-State |
| P - Privately-owned car | B - Breakfast | \$ 10.10 | \$ 10.10 |
| A - Air | L - Lunch | \$ 13.30 | \$ 13.30 |
| B - Bus | D - Dinner | \$ 23.10 | \$ 26.30 |
| R - Rail | H - Hotel | \$ 89.10 + Tax | \$ 105.20 + Tax |
| | 24-hr. period | \$ 135.60 | \$ 154.90 |

Check List: (1) Claimant and supervisor signature
(2) Depart and return times required + overnight status to claim meals
(3) Must have itemized hotel receipt, credit card receipt not accepted.

NOTE: Purpose of trip must be noted, please indicate purpose of trip under city visited.

Payee's Name					Personnel No.					
	TRAVEL (show each city visited)		TRANSPORTATION			SUBSISTENCE			OTHER EXPENSES	
Day	From	To	(1) Mode	Daily Private Car Mileage	Amount	(2) Type	In-State	Out-of-State	Explanation	Amount
	TOTALS BROUGHT FORWARD:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
			A			L				
	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
CUMULATIVE CATEGORY TOTALS:					Transport.		In-State	Out-of-State		Other Exp.
					\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00

Payee's Name					Personnel No.					
	TRAVEL (show each city visited)		TRANSPORTATION			SUBSISTENCE			OTHER EXPENSES	
Day	From	To	(1) Mode	Daily Private Car Mileage	Amount	(2) Type	In-State	Out-of-State	Explanation	Amount
	TOTALS BROUGHT FORWARD:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
			P			B				
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	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		0.00	0.00		\$ 0.00
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	Purpose of Trip:		B			D				
	Depart Time:	Return Time:	R			H				
	Category Totals For This Day:				\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00
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CUMULATIVE CATEGORY TOTALS:					Transport.		In-State	Out-of-State		Other Exp.
					\$ 0.00		\$ 0.00	\$ 0.00		\$ 0.00

VOLUNTARY WAIVER OF PER DIEM

Indigent Defense Services Commissioners who are not state employees may claim a \$15 per diem for each day of official service. See G.S. 7A-498.4(j) and 138-5(a)(1). Beginning January 1, 2017, IDS is required to report Commissioner per diem fees to the Internal Revenue Service as income. (If you have any questions about the tax issues related to per diem payment as a Commissioner, consult a financial professional.)

WAIVER

I hereby waive payment of per diem fees as set forth in G.S. 7A-498.4(j) and 138-5(a)(1) for my services on the Indigent Defense Services Commission. I understand this waiver will continue in effect for all services related to IDS Commission business including Commission and Commission Committee meetings until such time as I submit a written revocation of this waiver to Indigent Defense Services.

Name of Commissioner

Date

Signature of Commissioner

Minutes from August 22, 2025

2025.08.22 Meeting Minutes

Commission on Indigent Defense Services

For Review at the Quarterly Meeting – November 21, 2025

Commissioner Attendees:

Bryan Jones (Chair), Miriam Thompson (*virtual*) (Vice-Chair), Tonya Davis Barber, Cara Bridges, George Doyle, Marshall Ellis, The Honorable Dorothy Hairston Mitchell, John Nieman, Stacey Rubain, The Honorable Scott Ussery

IDS Staff Attendees:

Jamie Blackwell (Business Analyst), Chad Boykin (Assistant General Counsel, Financial Services), Amanda Bunch (Communications Specialist), Tucker Charns (Regional Defender), Sharif Deveau (Regional Defender), Whitney Fairbanks (Deputy Director/ General Counsel), Aaron Gallagher (Finance Officer), Angela Henderson (Contracts Administrator), Joshua Hummel (IDS Data Analyst), Joseph Oder (Senior Research Analyst), Sarah R. Olson (*virtual*) (Forensic Resource Counsel), Mary S. Pollard (Executive Director), Christopher Sadler (Research Director), Max Silva (Legal Assistant), Rebecca Whitaker (Defender Policy and Planning Attorney)

Local and State Public Defender Program Attendees:

Janna Allison (*virtual*) (District 43), Dawn Baxton (District 16), Ricky Champion (District 17), Niccoya Dobson (District 5), A. Traynham Dorn (*virtual*) (District 13), Glenn Gerding (Appellate Defender), Laura Gibson (*virtual*) (District 2), Woodrena Baker Harrell (District 18), Burcu Hensley (APD, District 10), Yolanda Fair (*virtual*) (Assistant Juvenile Defender), Annick Lenoir-Peek (Parent Defender), J. Chad Perry (Chief Special Counsel), Jennifer Rierson (District 24), Wendy Sotolongo (Retired Parent Defender), Jacob Ward (*virtual*) (District 15), Thomas L. “Bud” Woodrum II (*virtual*) (District 6), Eric Zogry (Juvenile Defender)

Other Attendees:

Jackie Parker (OSBM), Sarah Grimsrud (OSBM), Beth Hopkins Thomas (NCPLS), James “Jimbo” Perry (NCSC Chief Justice’s Commission on Professionalism), Phil Dixon (UNC School of Government), Timothy Heinle (UNC School of Government)

Call to Order and Introductions

The meeting was called to order at 10:05 a.m. by IDS Commission Chair Bryan Jones, who then proceeded with the welcome.

Adoption of the Agenda

The agenda was adopted unanimously.

State Government Ethics Act

Chair Jones reminded the Commissioners of their responsibilities under the State Government Ethics Act.

Minutes of May 2, 2025, Commission Meeting

The minutes from the May 2, 2025, IDS Commission meeting were tabled until after lunch.

Remarks from the Chair

The Commission acknowledged and expressed its deepest gratitude to the **Honorable Judge Dorothy Hairston Mitchell** for eight years of service on the IDS Commission, including terms as vice chair and chair. Chair Jones highlighted her unique leadership style, significant contributions to indigent defense, and unwavering commitment to community service. In her farewell remarks, Judge Hairston Mitchell expressed appreciation for the opportunity to serve and affirmed her readiness to continue supporting indigent defense efforts. The Commission acknowledged her guidance as pivotal to its success and expressed hope for her continued involvement.

Thomas “Bud” Woodrum II was introduced as the new chief public defender for District 6 (New Hanover and Pender counties).

Annick Lenoir-Peek was introduced as the new parent defender for North Carolina, succeeding **Wendy Sotolongo** who retired earlier this year. And Sotolongo was honored for her foundational work in establishing the interdisciplinary parent representation program and for securing federal funds to support innovative programs for parent defense.

Remarks from the Director

Executive Director Mary Pollard introduced **Dr. Joshua Hummel**, who joined the research and development team in May as IDS Data Analyst.

Updates on Changes in Law and Practice

Timothy Heinle, Assistant Professor, UNC School of Government, presented on new representation issues related to the “dual role” of GAL attorneys in guardianship proceedings.

Key issues raised included:

- Ethical conflicts between clients’ expressed wishes and attorneys’ duty to advocate for their perceived best interests
- GAL / attorneys’ lack of training in estate law/drafting powers of attorney
- Ethical concerns stemming from these dual responsibilities, and

- Potential funding issues created, related to shifting scope of representation for GAL Attorneys.

With robust discussion among commissioners and others present, some potential solutions and/or paths forward involve clarifying the scope of GAL work to exclude drafting powers of attorney; providing specialized training or authorized consultations with estate attorneys; collaborating with pro bono or legal aid programs; and seeking an ethics opinion from the North Carolina State Bar.

The Commission voted unanimously to form a subcommittee to study the issue and explore further engagement with the State Bar and legislature. The motion came from Commissioner Hairston Mitchell and was seconded by Commissioner John Nieman.

Director's Report

Executive Director Mary Pollard provided an update on legislative matters affecting indigent defense and public defense operations. She noted that the State has not yet adopted a budget for Fiscal Year 2026, which continues to delay key appropriations decisions. She also discussed pending legislative proposals that would modify North Carolina's guardianship laws and other statutory changes that could impact indigent defense services.

Pollard updated the Commission on staff's ongoing efforts to address issues arising from the Setoff Debt program following the eCourts rollout. She noted that staff continue to monitor the program closely and will provide further updates as corrective measures progress. She also shared that she recently attended the annual N.C. Supreme Court Judges' Conference, where she presented on the theme "Time is Money." She concluded her remarks by addressing compliance with the DAVE Act—the Division of Accountability, Value, and Efficiency—and added that she has no fear of "Dave."

Development Committee Report

James "Jimbo" Perry, director of the NCSC Chief Justice's Commission on Professionalism, gave the report from the Development Committee. He cited several key areas of effort and successes, all of which are centered on training, recruitment, and retention. He reported IDS staff host a one-hour, monthly orientation for new PAC, which also are open to new assistant public defenders. as the sessions serve as an onboarding to criminal defense. The committee hopes to develop these monthly sessions into one six-hour course next year, and ultimately into a 12-hour course for new attorneys by the following year.

Perry spoke about recruitment efforts, placing emphasis on internships and demonstrating sincere appreciation for the work people do. He shared some short-term and long-term recruitment goals, emphasizing “early and often” recruiting of law students and reminding attorneys who are *not* on rosters about why they became lawyers in the first place. He said every attorney takes an oath essentially to do three things: to serve as zealous but honorable advocates, to serve as officers of the court, and to be public citizens who are committed to access to justice. In closing, Perry reminded everyone that the Development Committee welcomes all ideas and discussions from stakeholders on additional creative ways to recruit and retain attorneys to serve on PAC rosters.

IDS Strategic Plan

Chief Fiscal Officer Aaron Gallagher covered highlights from the agency’s Strategic Plan 2025-29, which was due to be submitted to OSBM on August 27. He covered the mission, vision, and values as well as three agency goals focused on providing effective public defense and prioritizing effective resource management.

Commission Business

IDS Commission Appointments – The first action item was to review qualifications for two vacant seats on the Commission, both of which have the commission as the appointing authority. Representative Jared Lowrey was considered for the first appointment. The commission noted his legislative experience as an asset for educating fellow legislators about and potentially advancing IDS’s interests in the General Assembly.

Commissioner Ussery made a motion to appoint Rep. Lowrey to the seat previously held by Karen Franco. Commissioner George Doyle seconded the motion and all commissioners present voted in favor.

Regarding the seat that will become vacant upon Commissioner Hairston Mitchell’s departure, the Commission discussed the process for identifying potential candidates. Members emphasized the value of broader engagement and input from the full Commission and requested additional names for consideration for the second vacancy.

Commissioner Ussery moved to table the second appointment until the November meeting. Commissioner Hairston Mitchell seconded, and the motion passed unanimously.

Commissioner Ussery then moved to extend Judge Hairston Mitchell’s service until a replacement is appointed. Commissioner Hairston Mitchell seconded, and the motion passed unanimously.

Budget Committee – IDS Assistant Director and General Counsel Whitney Fairbanks presented the suggested revisions to Part 1 of the IDS Rules for the Delivery of Services for Noncapital Criminal and Non-Criminal Cases at the Trial Level as well as the draft revisions to the related IDS Billing Policies. She stated that the revisions to the Rules were

mostly cosmetic while the more substantial changes involved the billing policies. For example, commentary was removed from body of the Rules, and a companion guide was created.

Staff then presented proposed changes to the billing policies, highlighting the changes that present the most change.

1. A new 90-day deadline to submit fee apps for payment;
2. A requirement to keep time records for all cases and to make them available to IDS, upon request, for up to five years in conformity with bar rules; and
3. A requirement for all attorneys to set up direct deposit/ePay.

Commissioner Ussery motioned to adopt the Rules changes. Commissioner Nieman seconded the motion, which passed with a unanimous vote. Next, Commissioner Ussery made a motion to adopt the new budget and expense (billing) policies as presented, which was seconded by Commissioner Nieman. Prior to the vote, Chair Jones asked for the motion to reflect that, for counties where courts operate on flat fees, there would be no need to maintain time records *unless* the attorney intends to apply for extraordinary pay. Commissioner Ussery then amended his original motion to reflect the Chair's request. Commissioner Nieman seconded the motion, which was unanimously approved.

Minutes

Fairbanks presented draft minutes from the May 2, 2025, meeting amended to accurately reflect Commissioner Scott Ussery's motion regarding updates to the Uniform Appointment Plan. Specifically, the minutes were updated to reflect that roster applicants for List 2 (Low level felonies) must observe one voir dire and one jury instruction *or* contact IDS for trial training. Commissioner Nieman made a motion to approve the amendments with the change, which Commissioner Ussery seconded. The Commission adopted the amended minute by unanimous vote.

Executive Session

At 1:43 p.m., Commissioner Ussery made a motion, which was seconded by Commissioner Hariston Mitchell, to go into executive session to consider the reappointment of State Appellate Defender Glenn Gerding.

Open session was reconvened at 2:25 p.m. Commissioner Ussery made a motion to reappoint Gerding to a new term as State Appellate Defender. Commissioner Hairston Mitchell seconded the motion. All Commissioners present voted to reappoint Gerding.

Adjournment

All agenda items having been addressed, the Chair adjourned the meeting at 2:26 p.m.

Next Meeting: February 20, 2026

Location: Campbell Law School – Room 309

DRAFT

Director's Report



O.A.S.I.S.

STATEWIDE IMPLEMENTATION

DECEMBER 10, 2025

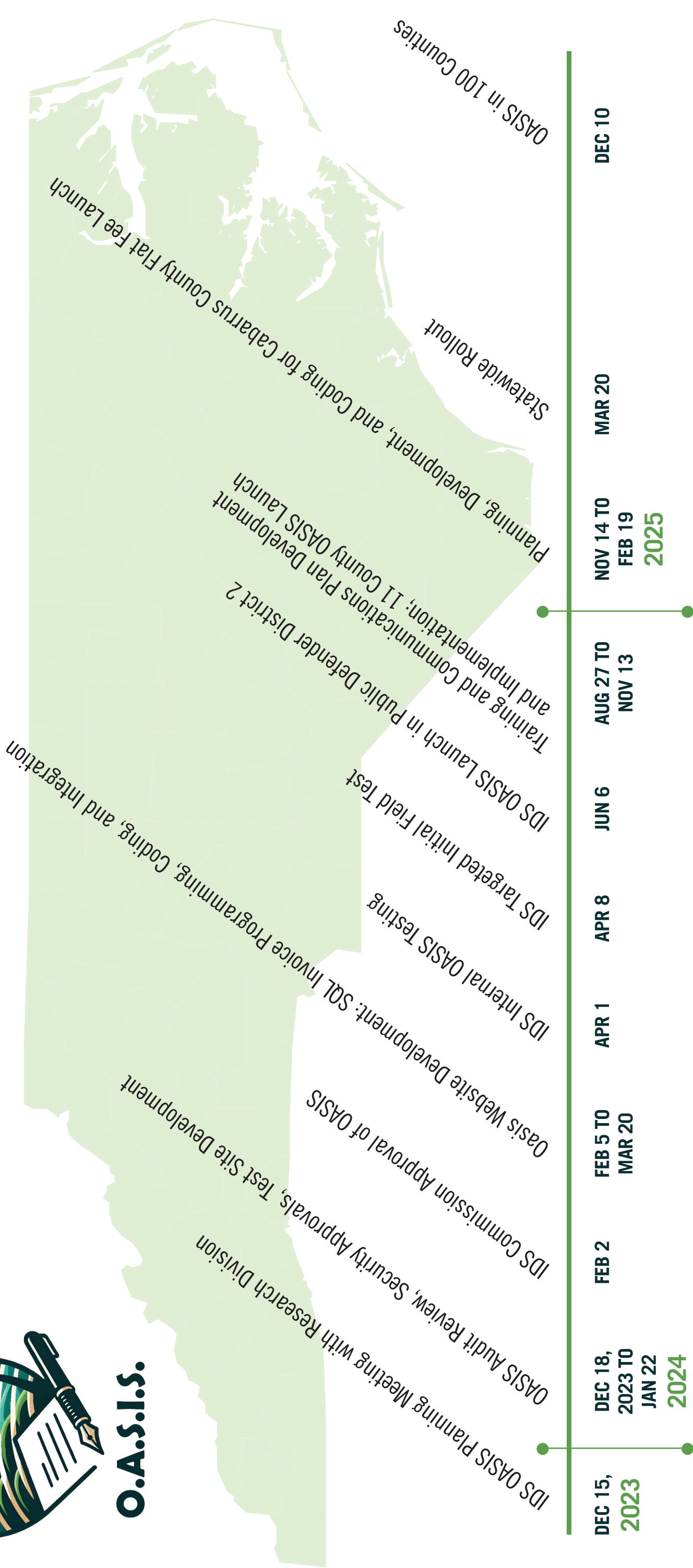


IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE



O.A.S.I.S.

Statewide Implementation



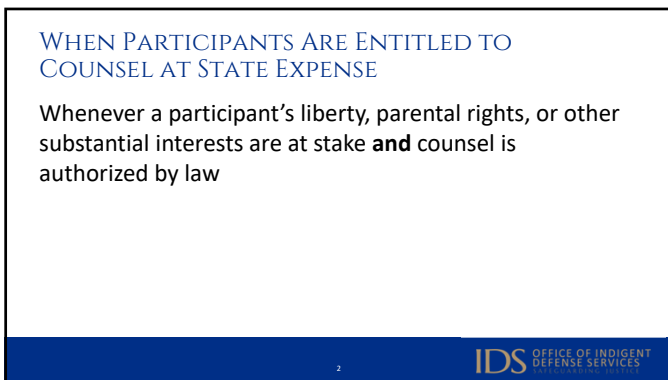


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DEFENSE SERVICES
SAFEGUARDING JUSTICE

DEFENSE COUNSEL IN RECOVERY COURT

OCTOBER 14, 2025

1

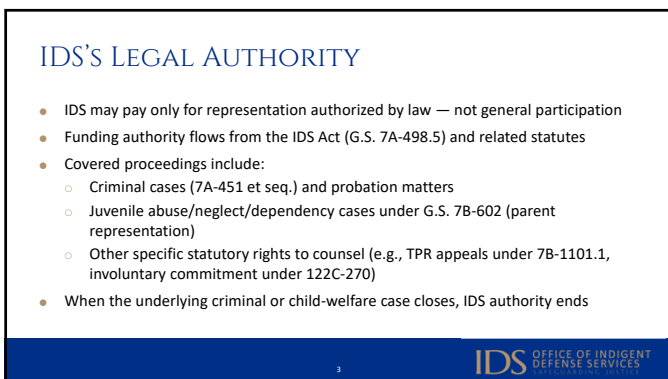


WHEN PARTICIPANTS ARE ENTITLED TO
COUNSEL AT STATE EXPENSE

Whenever a participant's liberty, parental rights, or other
substantial interests are at stake **and** counsel is
authorized by law

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IDS'S LEGAL AUTHORITY

- IDS may pay only for representation authorized by law — not general participation
- Funding authority flows from the IDS Act (G.S. 7A-498.5) and related statutes
- Covered proceedings include:
 - Criminal cases (7A-451 et seq.) and probation matters
 - Juvenile abuse/neglect/dependency cases under G.S. 7B-602 (parent representation)
 - Other specific statutory rights to counsel (e.g., TPR appeals under 7B-1101.1, involuntary commitment under 122C-270)
- When the underlying criminal or child-welfare case closes, IDS authority ends

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NO CASE = NO COUNSEL (AT STATE EXPENSE)

- IDS authority begins only when a legal case exists—a filed charge, petition, or proceeding that creates a statutory right to counsel
- Deflection ≠ Diversion
 - Deflection:
 - *Pre-charge* redirection to services by law enforcement or agencies
 - No case, no judicial action, no right to counsel
 - Diversion:
 - *Post-charge* alternative within court or prosecutorial oversight
 - Active case → statutory right to counsel may apply
- Key Principle:
 - Without a pending case, IDS has no legal authority to appoint or pay counsel

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1 CASE = ATTORNEY

Unless statutorily authorized, IDS is only able to compensate 1 attorney per case

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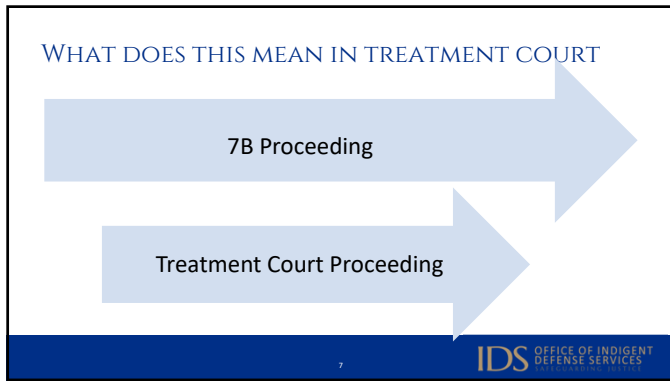
WHAT DOES THIS MEAN IN TREATMENT COURT



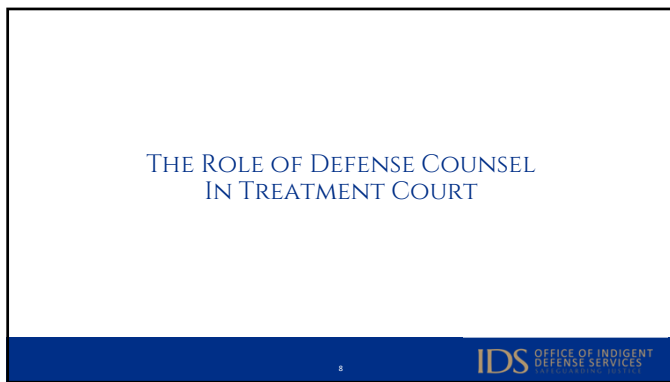
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THE RIGHT TO COUNSEL

- The *fundamental right to counsel* remains unchanged in the treatment court context
 - Sixth Amendment right to counsel attaches when formal adversarial proceedings are initiated
 - Are liberty interests ultimately at risk?
 - Jail sanctions?
 - Termination hearings?
 - Costs, fees, and fines?

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TREATMENT COURT IS...

- ✓ Holistic
- ✓ Collaborative
- ✓ A partnership
- ✓ Multidisciplinary

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BUT DEFENSE ATTORNEYS ARE STILL...

- ✓ Advisors
- ✓ Advocates
- ✓ Litigators
- ✓ Bound by the Rules of Professional Conduct

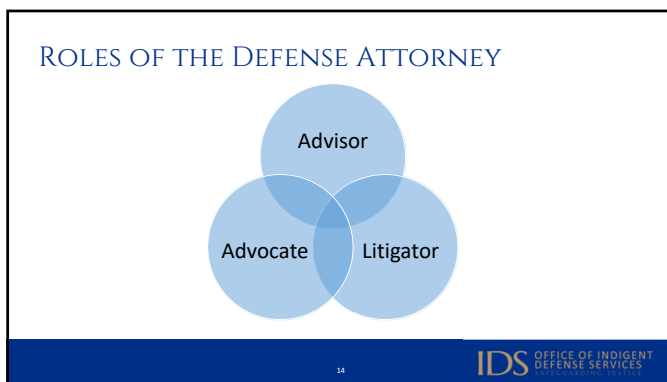
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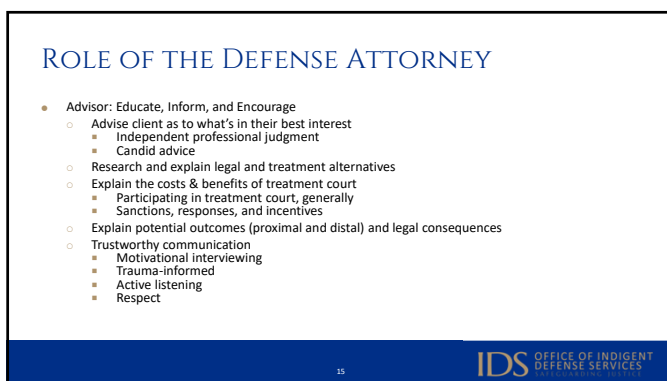
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ROLE OF THE DEFENSE ATTORNEY

- Advocate
 - Advocate for client's stated interest
 - Communicate on behalf of the client
 - In staff meetings
 - In court proceedings
 - Negotiate with team members on behalf of the client
 - Maintain records
 - Protect confidentiality

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ROLE OF THE DEFENSE ATTORNEY

- Litigator
 - Be prepared to go on the record
 - Shift back into adversarial posture
 - Protect client's due process
 - Challenge evidence
 - Challenge proposed sanction, response, probation revocation/termination
 - Preserve the record

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ETHICAL CONSIDERATIONS

- Competence (RPC 1.1)
- Scope of Representation (RPC 1.2)
- Diligence (RPC 1.3)
- Communication (RPC 1.4)
- Confidentiality (RPC 1.6) and Candor Toward the Tribunal (RPC 3.3)
- Conflicts of Interest (RPC 1.7, 1.8)

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POLICY CONSIDERATIONS

- Defense attorneys should have a role in creating treatment court policies including, but not limited to,
 - Participant eligibility
 - Evolution of evidence-based practices
 - Sanction levels
 - Policies and procedures manual
 - Participant handbook
 - Memoranda of understanding
 - Education and training
 - Media and community messaging
- Not necessarily compensable!

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DEFINING WHAT IDS CAN — AND CANNOT — PAY FOR

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OUTSIDE IDS AUTHORITY (NOT COMPENSABLE):

- Routine staffing or team meetings not connected to a docketed case (administrative planning or steering committee)
- Participation after the underlying case closes (charges dismissed, probation terminated, or 7B petition dismissed)
- Post-program legal needs not covered by statute (expunction, DL restoration, housing advocacy)

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ANCILLARY LEGAL MATTERS: BEYOND IDS AUTHORITY (NON-COMPENSABLE)

- Any work not ordered or authorized by statute under the original criminal or juvenile appointment
 - Expunctions / record clean-up after graduation or dismissal
 - Driver's-license restoration or DMV-related hearings
 - Housing or employment advocacy tied to collateral consequences
 - Post-reunification or post-closure participation in Family Treatment Court

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HOW COURTS CAN ADDRESS THESE NEEDS:

- Align Duties and Dollars
 - Avoid assigning appointed counsel to unfunded ancillary work
 - Define scope in the appointment or local order
 - Review annually with IDS to ensure compliance
 - Anchor every appearance to a docketed case or 7B proceeding
 - Build referral pipelines to Legal Aid, law-school clinics, or re-entry programs
 - Coordinate with AOC or DSS staff to ensure parents or participants receive information about available civil-legal resources
- Use other funding for non-covered tasks (grants, counties, partners)
- Use local grant funding or county stipends for post-program support

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Whitney Fairbanks
IDS Assistant Director and
General Counsel
Whitney.B.Fairbanks@nccourts.org

Becky Whitaker
IDS Defender Policy and Planning
Attorney
Rebecca.B.Whitaker2@nccourts.org

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NC Office of Indigent Defense Services

Strategic Plan

2025 – 2029

August 27, 2025

Office of Indigent Defense Services
Aaron.M.Gallagher@NCCourts.org

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A. Introduction

The North Carolina Office of Indigent Defense Services (IDS) has a statutory mandate to enhance oversight of the delivery of counsel and related services provided at State expense; to improve the quality of representation and ensure the independence of counsel; to establish uniform policies and procedures for the delivery of services; to generate reliable statistical information in order to evaluate the services provided and funds expended; and to deliver services in the most efficient and cost-effective manner without sacrificing quality representation.

IDS is responsible for the provision of counsel at the trial and appellate level in:

- adult criminal cases and juvenile delinquency proceedings;
- involuntary commitment cases;
- abuse, neglect, and termination of parental rights proceedings; and
- other cases where counsel is a statutory or constitutional right.

IDS Central Office staff is responsible for planning, budget oversight, development of policy, data analysis, and financial services (recoupment receipts and attorney payments).

There are five statewide defender offices: Capital Defender, Juvenile Defender, Parent Defender, Special Counsel (involuntary commitment), and Appellate Defender. The statewide defenders are appointed to four-year terms by the IDS Commission. The state defenders work closely with Central Office staff and the Commission.

IDS's ability to fulfill the second prong of its statutory mandate – improve the quality of representation and ensure the independence of counsel – is presently limited. Trial level representation in the state's 100 counties is provided through three different delivery models. State-funded public defender offices exist in 60 counties; while IDS has budgetary oversight, the chief public defender is selected by the senior resident superior court judge and IDS has no supervisory control over that individual. In 18 counties, five of which also have public defender offices, IDS contracts with private attorneys to provide representation; those attorneys receive some oversight from IDS's two regional defenders and are paid directly by IDS pursuant to the terms of their contracts. In the remaining 27 counties, judges appoint counsel from a roster that is to be composed in accordance with the Uniform Appointment Plan promulgated by IDS pursuant to statute. The Plan sets out required qualifications for counsel for different types of cases. Roster management and oversight is left to the local bar. Fee applications are submitted to the judge who oversaw the matter to be approved and sent to IDS for payment.

A statewide shortage of quality attorneys willing to agree to take cases at the state rates limits the ability of IDS to improve the quality of representation and ensure the independence of counsel.

B. Mission, Vision, & Values

1. Mission

To uphold the constitutional promise of counsel for every indigent person by supporting a system of independent public defense grounded in quality, consistency, and accountability. We provide the resources, training, and policy framework public defense attorneys need to deliver effective, client-centered representation across North Carolina.

2. Vision

Ensure all North Carolinians, regardless of the ability to pay, has robust legal representation and their cases are fairly adjudicated.

3. Values

Value # 1: Independence of Defense Counsel

Everyone deserves independent counsel with no allegiance to the government or the courts, regardless of their ability to pay. The United States Supreme Court has recognized that a lawyer's independence is essential to a fair trial. The American Bar Association also lists independence as the first of its Ten Principles of a Public Defense Delivery System, calling it a core requirement for meaningful representation.

To protect this right, public defense attorneys must be free to act in the interest of their clients, without pressure from political leaders, judges, or funding concerns. IDS supports a system where appointed lawyers have the same independence as private attorneys.

This independence is what allows attorneys to advocate zealously and effectively. When public defense lawyers are empowered to focus solely on their clients' needs, it strengthens both the quality of representation and the fairness of outcomes. Just as importantly, the public must see that this independence is real. The appearance of fairness and impartiality is essential to building and maintaining trust in the justice system.

Value # 2: Excellent service to our stakeholders

IDS staff will receive feedback and respond to the concerns of its wide array of stakeholders including the clients who rely on attorneys funded by IDS, the attorneys who rely on IDS for the resources necessary to provide effective representation, and the judges and other court system actors who are involved in the process of appointment of qualified counsel for indigent persons.

The responses provided by IDS will address stakeholder concerns through the implementation of solutions that will increase agency accountability and automation to further the agency vision of growing and supporting a strong, statewide community of zealous, client centered public defense attorneys.

Value # 3: Responsible stewardship of the tax dollars entrusted to the agency for the provision of counsel to poor people

IDS best serves both indigent clients and our state’s taxpayers by thoughtfully allocating and carefully accounting for the funds provided to it. Responsible stewardship includes working to ensure that public funds are not used to provide anything less than zealous and effective representation.

4. Goals, Objectives, & Performance Measures

Goal 1

Continue to implement a comprehensive long-term plan for provision of quality client service in 100 counties.

	Performance Measures
Objective: 1.1 Improve the effectiveness and efficiency of public defense by implementing statewide expansion of public defender districts.	<ul style="list-style-type: none"> • Performance Measure 1.1.1 – Percentage of Judicial Districts with a public defender office. • Performance Measure 1.1.2 – Percentage of indigent cases to which a public defender is appointed as opposed to private assigned counsel (PAC) or managed assigned counsel (MAC) is appointed. • Performance Measure 1.1.3 – Effective case outcomes achieved by PD compared to similar outcomes achieved by PAC/MAC.
Objective: 1.2 Determine the effectiveness and efficiency of the Managed Assigned Counsel (MAC) system.	<ul style="list-style-type: none"> • Performance Measure 1.2.1 – Cost per case for MAC attorneys compared to the cost per case of PAC attorneys. • Performance Measure 1.2.2 – Percentage of MAC attorneys remaining in the program after one year.

Goal 2

Improve compensation and case-related support to all appointed counsel to help build private assigned counsel rosters and to help improve client outcomes.

	Performance Measures
Objective: 2.1 Implement the OASIS system statewide to streamline payments and increase PAC population.	<ul style="list-style-type: none"> • Performance Measure 2.1.1 – Percentage of IDS Fiscal staff time to process 100 fee apps in OASIS compared to processing 100 fee apps counties using Enterprise Justice (excluding MAC). • Performance Measure 2.1.2 – Percentage of PAC retained from prior year.
Objective: 2.2 Implement increased or differential rates to grow the PAC population in underserved rural areas.	<ul style="list-style-type: none"> • Performance Measure 2.2.1 – Number of new PAC attorneys added in the previous 12 months.
Objective: 2.3 Provide PD level access to AXON digital discovery platform to pilot MAC population to increase effectiveness and efficiency. (This would require legislative approval.)	<ul style="list-style-type: none"> • Performance Measure 2.3.1 – Number of PAC attorneys with AXON licenses provided by IDS. • Performance Measure 2.3.2 – Hours spent on digital discovery for pilot population compared to those without AXON licenses for similar case types.

Goal 3

Improve agency administrative support for and communications to public defense attorneys to help improve client outcomes and to increase efficiency of agency operations.

	Performance Measures
Objective: 3.1 Increase PD office operational effectiveness and efficiency.	<ul style="list-style-type: none"> • Performance Measure 3.1.1 – Assistant Public Defenders retained from prior year. • Performance Measure 3.1.2 – Percentage of new APDs assigned a mentor during onboarding. • Performance Measure 3.1.3 – Number of training

	<p>opportunities offered to APDs annually.</p> <ul style="list-style-type: none"> • Performance Measure 3.1.4 – Number of PD staff participating in agency training and community building opportunities during the previous 12 months.
--	--

	Performance Measures
<p>Objective: 3.2 Increase the effectiveness of counsel through informed decision making by PD staff.</p>	<ul style="list-style-type: none"> • Performance Measure 3.2.1 – Number of opportunities and resources to support informed decision making about client conflicts. • Performance Measure 3.2.2 – Percentage of cases being referred to PAC due to conflicts in the PD office. • Performance Measure 3.3.1 – Number of staff hours reviewing digital discovery as a percentage of hours out of court. • Performance Measure 3.4.1 – Number of unique clicks per quarterly IDS newsletter.
<p>Objective: 3.3 Increase the efficiency of counsel and strategic use of staff time through the utilization of available technology tools by PD staff.</p>	
<p>Objective: 3.4 Maximize the subscriber engagement with IDS publications issued to the defense community.</p>	

C. Priority Questions

1. What can IDS do to ensure adequate access to counsel in all of North Carolina's 100 counties?
2. How does digital discovery affect casework and PAC costs?
3. Are there identifiable and changing trends in demand for services that can inform PAC projections?
4. Will MAC be the preferred method of service delivery in court appointed cases in the future?

COMMISSION ON INDIGENT DEFENSE SERVICES REPORT ON PUBLIC DEFENDER CONFLICTS FOR FISCAL YEAR 2024-2025

SUBMITTED TO THE NORTH CAROLINA GENERAL ASSEMBLY PURSUANT TO S.L. 2013-360, SECTION 18A.6.(B)

The Office of Indigent Defense Services shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2013, and by October 1 of each year thereafter, on (i) the number of conflicts of interest that arose in public defender offices during the prior fiscal year and the cost to the State in private assigned counsel funds to resolve them and (ii) beginning with the report on October 1, 2014, the number of conflicts of interest resolved through the authorization in G.S. 7A-498.7(f1) during the prior fiscal year and the savings to the State in private assigned counsel funds as a result.

I. Relevant Legislative Provisions

This report is prepared pursuant to S.L. 360, § 18A.6.(b), which requires the North Carolina Office of Indigent Defense services to report annually on the following:

1. the number of conflicts of interest that arose in public defender offices during the prior fiscal year and the cost to the State in private assigned counsel funds to resolve them; and
2. the number of conflicts of interest resolved through the authorization in G.S. 7A-498.7(f1) during the prior fiscal year and the savings to the State in private assigned counsel funds as a result.

G.S. 498.7(f1), as amended by S.L. 360, § 18A.6.(a), directs that:

In cases in which a public defender determines that a conflict of interest exists in the office, whenever practical, rather than obtaining private assigned counsel to resolve the conflict, the public defender may request the appointment of an assistant public defender from another office of public defender in the region to resolve the conflict.

II. Ethical Obligations and Assignment Practices

A. Ethical Obligations

Public defender attorneys, like their private counterparts, are bound by the North Carolina State Bar's Rules of Professional Conduct (RPC) to avoid representing clients who have conflicts of interest with other current or former clients. Specifically, RPC 1.16(a)(1) requires an attorney to decline or to withdraw from representation if the representation will result in a violation of law or the Rules.

- RPC 1.7, Conflict of Interest: Current Clients, prohibits representation of a client if it will be directly adverse to another client, with certain limited exceptions.
- RPC 1.9, Duties to Former Clients: disallows representation of another person in the same or a substantially related matter in which the person's interests are materially adverse to the interests of a former client unless the former client provides a written waiver. Matters are substantially related if the lawyer learned of confidential information from the former client that can be used against the former client in the present matter or if facts relevant to the prior matter are relevant and material to present matter.
- RPC 1.10, Imputation of Conflicts of Interest: attributes to the attorney knowledge of any confidential information obtained through the office's prior representation and thus disqualification. If the office gained confidential information from both clients, the office will likely have to forgo representing each of them.
- RPC 1.1, Competence: requires, among other things, thoroughness and preparation for representation.
- RPC 1.3, Diligence: states in Comment 2 that "a lawyer's workload must be controlled so that each matter can be handled competently."

Conflicts and reassignments can also occur for other reasons, such as a breakdown in the attorney-client relationship. Another form of conflict of interest can occur when offices receive influxes of cases or have vacant positions, creating situations where the attorneys' caseloads may exceed their capacity to adequately represent each client according to ethical standards.

B. Assignment Practices

All public defender offices in the state handle adult criminal cases in their respective districts. Some offices also handle other cases in which indigent persons are entitled to counsel, such as abuse, neglect, dependency, and termination of parental rights.

As part of their original design, offices are not expected to accept 100% of cases. This approach serves several purposes, including maintaining a strong and active private bar. In addition, some offices were established with the understanding that they could only manage a portion of the adult criminal caseload in their jurisdictions. For instance, Judicial District 10 was originally, and continues to be, staffed to handle approximately half of the district's adult criminal cases.

Depending on local preferences, some jurisdictions initially assign all cases of the case types that the offices have agreed and are staffed to handle to the public defender. After being assigned, public defender staff check for conflicts. If they find a conflict, they reassign the case to private counsel.

In other districts, judges or clerks preemptively conflict out cases whenever they identify a conflict. In these jurisdictions, the public defender's office may not know about the case and will not enter any data about it in the conflicts database. In either scenario, a judicial official may reassign a case upon request if a conflict arises after initial appointment.

Offices also may reassign cases they might otherwise handle to private assigned counsel (PAC) because it is more efficient to do so. For example, if a defendant or respondent is represented by private counsel on other charges related or unrelated to the present matter, the office may assign the new matter to the same attorney to ensure that, whenever possible, all matters are considered and resolved concurrently. An office may also do this if the defendant or respondent was represented by PAC in the past, taking advantage of an existing attorney-client relationship and possible saving of time in investigation. Sometimes offices will assign cases to PAC whose specialized knowledge or skills afford heightened ability to address certain complex matters.

Historically, public defender offices did not cover each other's conflict cases. Instead, they relied on local private assigned counsel (PAC) to fill the gaps. PAC attorneys who already practiced in the district were available without extra travel costs, and this approach avoided the inefficiency of assigning a small number of cases to an outside office. The 2015 amendment to G.S. 498.7(f1) changed that,

allowing defender offices to handle each other's conflicts when practicable.

IDS does not track how many conflict cases other public defender offices cover. However, chief public defenders report that they rely on this help on a case-by-case basis. The practice is most common in regions where public defender offices are clustered together. For example, chiefs in Districts 1, 2, 3, 4, and 7 report more frequent case-by-case assistance to one another.

Some stakeholders have suggested that public defender expansion will allow neighboring offices to handle each other's conflicts, and, in fact, the Gaston County and Mecklenburg County offices had a longstanding arrangement wherein the Gaston office employed an assistant public defender who was housed in the Mecklenburg office to handle some of the latter's felony conflict cases.

The arrangement, which was discontinued following the appointment of a new Chief Public Defender in Gaston County in July 2023, highlighted several concerns that would have to be addressed before replicating in other offices, including:

- The office providing the conflict counsel must be adequately staffed to meet in district demand.
- The office hosting the conflict counsel must have the ability to strictly partition the work product of the conflict counsel from the other attorneys in the office.
- There must be geographic proximity between two districts.
- There must be a sufficient conflict caseload to justify a full-time conflict counsel position.

Even assuming adequate staffing and sufficient demand, public defenders would need input into the calendaring of the conflict matters to justify the allocation of time and resources to out of district conflict cases.

Nonetheless, the public defender offices do on occasion cover conflicts in a neighboring district.

C. Conflict Tracking

In October 2013, Indigent Defense Services (IDS) updated its online disposition database, enabling public defender offices to more effectively monitor conflicts and cases assigned outside their jurisdictions.

In late 2023, this tracking system malfunctioned, prompting IDS to develop a new system for tracking dispositions and conflicts, which is discussed in greater detail in Section III.C. While the timing of the breakdown was challenging, the system was outdated, and IDS had already been considering its replacement. The failure ultimately created an opportunity to modernize the process and implement improvements within the website-based conflict reporting system. It is important to note that public defender offices often lack awareness

of conflict assignments made directly from the courtroom.

III. FY 2024-25 Conflict of Interest and Assignments to Private Counsel

A. Assignments to Private Counsel

In FY 2024-25, public defender offices reported a total of 45,000 cases reassigned to private counsel due to case conflicts, workload conflicts, and other non-conflict reasons. Specifically, offices reported:

- See Appendix A, Cases Assigned/Reassigned to PAC and MAC FY2024-25.

B. Assignments to Other Public Defender Offices

In prior years, interoffice transfers were primarily used to secure coverage when local counsel was unavailable rather than as a cost-saving measure. Aside from conflict units embedded within offices, there is little evidence that having public defender offices cover conflicts from other districts is cost-effective. While there may be some benefit to allowing public defender offices to support adjacent districts, the expense of sending an attorney to another district for a single case often outweighs the cost of assigning local PAC. Nonetheless, if PAC is entirely unavailable, PD offices will cover conflicts for neighboring districts. Most PD offices cover conflicts.

C. Conflict Tracking

During FY 2024–2025, public defender offices reported their conflicts through a new web-based platform. This system was designed to replace the online database originally implemented in 2013. The transition to the new platform marked a significant procedural change, requiring an adjustment period for offices.

The conflicts website records cases that are:

- Reassigned to PAC/MAC due to conflicts or other practical considerations;
or
- Transferred to other public defender offices.

It is important to note that website entries may not always align with the official court record. In many instances, offices are not immediately aware when conflict assignments are made directly in the courtroom. Moreover, because conflict tracking is a manual process, the data is inherently subject to human error.

D. Data Usage

The data collected through the disposition and conflict reporting system are self-reported by public defender offices and therefore subject to human error. In addition, some cases are not assigned to public defender offices at all but are instead preemptively conflicted out by judges or clerks, meaning they are not fully captured in the system. Given these limitations, IDS treats the accuracy of these data with caution and restricts their use primarily to internal reference. Nonetheless, IDS continues to collect these data because, even with their

limitations, they provide valuable insight into trends, patterns, and office-level challenges that may not be evident in other datasets. For purposes such as financial assessments, budget requests, workload analyses, consideration of potential rate increases, and staffing adjustments, IDS relies on alternative and more comprehensive data sources.

E. Limitations

Conflict reporting within the indigent defense system is subject to several challenges that affect both accuracy and consistency. One issue arises when clerks or judges preemptively conflict a case from a Public Defender office to a PAC or MAC attorney. Ideally, the PD Office should receive all initial case assignments and serve as the sole decision-maker regarding conflicts. When this process is circumvented, it limits the PD Office's ability to document and report conflicts accurately and uniformly.

Another complication stems from the recent rollout of eCourts in a number of counties. This transition disrupted how PD offices manage their internal processes. As offices adjust to new systems and workflows, inconsistencies in how conflicts are reported are likely to occur. These disruptions further complicate the reliability of data and have a direct effect on the statewide conflict reporting system.

To improve accuracy, IDS has sought to rely on the official court record as the basis for tracking and reporting conflicts. However, an initial review revealed significant issues with these records—most notably with the *Attorney Type* field. The data in this field is unreliable.

Table 1 illustrates the extent of these inaccuracies. For example, in Wake and Durham Counties, 98% and 89% of cases, respectively, are recorded as *Retained/Self-Represented*. Similarly, Lee and Moore Counties show cases assigned to a public defender office, which is implausible given that neither county has one. These patterns are inconsistent with expectations and undermine the validity of the Annual Conflict Report. IDS's review indicates that the problem originates within the eCourts system itself rather than within local public defender offices.

Table 1

Track	County	Case Count	Retained/Self (%)	PD Office (%)	PAC (%)
1	Wake	85,138	97.69	1.6	0.71
1	Johnston	43,808	77.76	3.04	19.2
8	Pitt	3,413	96.54	3.16	0.29
4	Guilford	47,295	85.15	4.48	10.36
5	Transylvania	2,310	65.93	18.14	15.93
6	Cumberland	20,522	73.55	16.76	9.69
8	Wilson	1,955	41.79	0	58.21
1	Lee	13,004	55.74	0.5	43.76
6	Moore	6,464	55.49	0.22	44.29
7	New Hanover	11,259	92.81	3.19	4
7	Pender	2,782	92.13	6	1.87
4	Durham	12,373	88.78	9.22	2
2	Mecklenburg	77,273	97.21	2.63	0.16

IDS has made AOC aware of this issue. Until these errors are corrected, IDS's ability to depend on official court records for conflict monitoring remains limited. This reduces transparency, disrupts consistency in reporting, and complicates statewide oversight. Ensuring the accuracy of eCourts data entry and classification is therefore essential for conflict reporting to reflect the true scope of case assignments across counties accurately.

Appendix A

Cases reassigned to private counsel FY2024-25

Public Defender District	Fiscal Year	Total Conflicts	Total Dispositions
01: Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2025	153	1,442
02: Beaufort, Hyde, Martin, Tyrrell, Washington	2025	1,073	1,264
03: Pitt	2025	2,068	3,019
04: Carteret, Craven, Pamlico	2025	884	1,230
05: Duplin, Jones, Sampson	2025	485	716
06: New Hanover, Pender*	2025	777	5,613
07: Bertie, Halifax, Hertford, Northampton	2025	604	712
10: Wake	2025	7,233	7,232
13: Johnston†	2025	1,175	1,024
14: Cumberland‡	2025	1,119	3,703
15: Bladen, Brunswick, Columbus	2025	2,854	3,051
16: Durham	2025	921	8,408
17: Alamance	2025	2,268	3,511
18: Chatham, Orange	2025	567	1,813
20: Robeson*	2025	3,274	1,338
21: Hoke, Scotland*	2025	163	1,199
24: Guilford	2025	5,002	8,792
26: Mecklenburg	2025	5,823	15,917
30: Union	2025	339	1,489
31: Forsyth	2025	233	5,123
32: Alexander, Iredell	2025	120	1,636
38: Gaston	2025	152	1,808
39: Cleveland, Lincoln	2025	362	3,223
40: Buncombe‡	2025	1,277	2,049
41: McDowell, Rutherford	2025	77	3,446
42: Henderson, Polk, Transylvania	2025	1,827	1,780
43: Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain	2025	4,170	3,233
Total:	--	45,000	93,771

Notes:

*New Chief Public Defender appointed in FY2024-25.

†New office; started reporting in October 2024.

‡Data may be affected by eCourts rollout.

Updates on Changes in Law and Practice

ERIC J. ZOGRY
JUVENILE DEFENDER
ERIC.J.ZOGRY@NCCOURTS.ORG
NCJUVENILEDEFENDER.ORG

**OFFICE OF THE
JUVENILE DEFENDER
STATE OF NORTH CAROLINA**
www.ncids.org
PO BOX 2448
RALEIGH NC 27602

TELEPHONE:
(919) 890-1650
FACSIMILE:
(919) 890-1922

November 21, 2025

Dear IDS Commission:

As you may know, for the last several years our office has developed a project to directly appoint attorneys in cases where youth aged 13 through 17 are charged with first degree murder. At the April 3, 2024 Commission meeting you approved rules to this effect. Since then we have done the following:

- Created business processes for appointment and payment of counsel, and approval and payment of experts
- Created forms to implement the process
- Provided comprehensive trainings for roster members and defenders
- Presented at both the District Court Judges and Superior Court Judges conferences
- Informed stakeholders of our process
- Received a modest grant to pay for less experienced attorneys to pair with experienced attorneys for the less experienced attorneys to be eligible for the roster
- Maintained a list of future potential roster applicants
- Assisted over 25 counties in locating counsel for these cases

More information about the project is provided in the attached FAQs.

We plan to start appointing attorneys directly in January 2026. Please let me know if you have any questions, suggestions or concerns.



Eric J. Zogry
Juvenile Defender

First Degree Murder Office Appointment Plan – Office of the Juvenile Defender

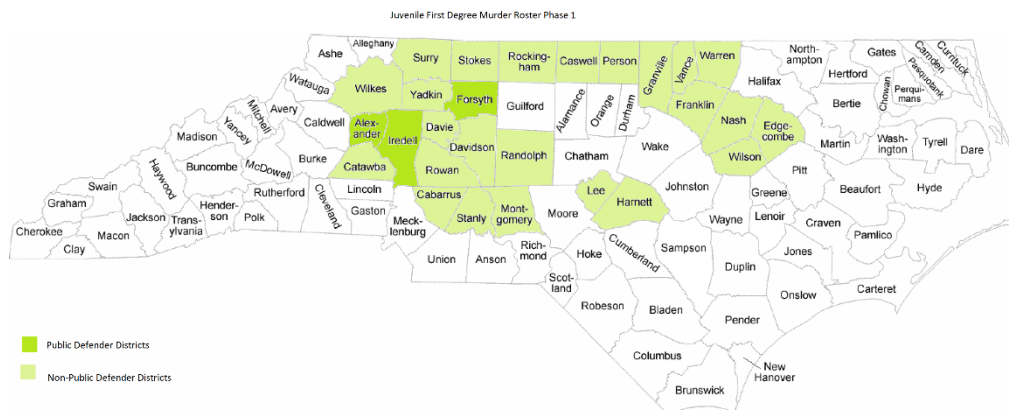
- At this time attorneys are appointed locally to represent juveniles aged 13 through 17 charged with first degree murder. Since these youth cannot be constitutionally sentenced to death, the Office of the Capital Defender does not appoint attorneys in these cases.
- In 2025 the Office of the Juvenile Defender (OJD) will manage an appointment list of attorneys qualified to represent juveniles aged 13 through 17 charged with first degree murder in 27 counties, largely in non-public-defender districts. In most of the Public Defender districts, appointments will continue to be made locally. This proposal has been approved by the Indigent Defense Services Commission (IDS).

What Cases Will be Affected?

- Youth 13 through 17 charged with First Degree Murder in 27 counties where there is appropriate attorney coverage. This includes both 13 through 15 year olds charged in juvenile court and 16 and 17 year olds charged in adult criminal court.

Which Counties Will Be Impacted?

- In the following 27 counties: Alexander, Cabarrus, Caswell, Catawba, Davidson, Davie, Edgecombe, Forsyth, Franklin, Granville, Harnett, Iredell, Lee, Montgomery, Nash, Person, Randolph, Rockingham, Rowan, Stanly, Stokes, Surry, Vance, Warren, Wilkes, Wilson, Vance



How Will Appointment Occur?

- The juvenile clerk will contact OJD who will appoint an attorney from the Juvenile First Degree Murder roster and notify the clerk. If the juvenile is in secure custody, the court will appoint provisional counsel to represent the juvenile at the initial secure custody. After the initial secure custody hearing, the juvenile will be represented by counsel appointed by OJD.

How Long Will the Attorney Stay In the Case?

- The attorney will remain in the case for the duration of the entire case – through transfer, conviction and sentencing in adult criminal court if that occurs, or removal from adult court, adjudication and disposition in juvenile court. The court will not need to appoint another attorney in either situation.

Starting in early 2026 (exact data to be determined) OJD will:

- Appoint attorneys and approve payments.
- Review expert requests and approve requests and payments to experts.
- Pay attorneys for these cases at the current hourly rate of \$100/hour; the same rate attorneys are paid for capital cases.
- Ask attorneys whether they can and are willing to take a case; attorneys may always decline to take a case if they do not have the capacity to take on a new case at the time they are asked.
- Only ask attorneys to take on cases in counties within a limited radius of their office.

- Provide substantive training for attorneys in delinquency proceedings and superior court proceedings, both before/concurrent with being placed on the roster, and on an ongoing basis.
- Provide ongoing training and technical support to these attorneys.
- Continue to recruit attorneys for the roster.

For more information, please contact Eric J. Zogry, Juvenile Defender, at Eric.J.Zogry@nccourts.org or 919-890-1650.



Fiscal Reports



IDS FISCAL REVIEW

NOVEMBER 21, 2025

AARON GALLAGHER, IDS FISCAL OFFICER

1

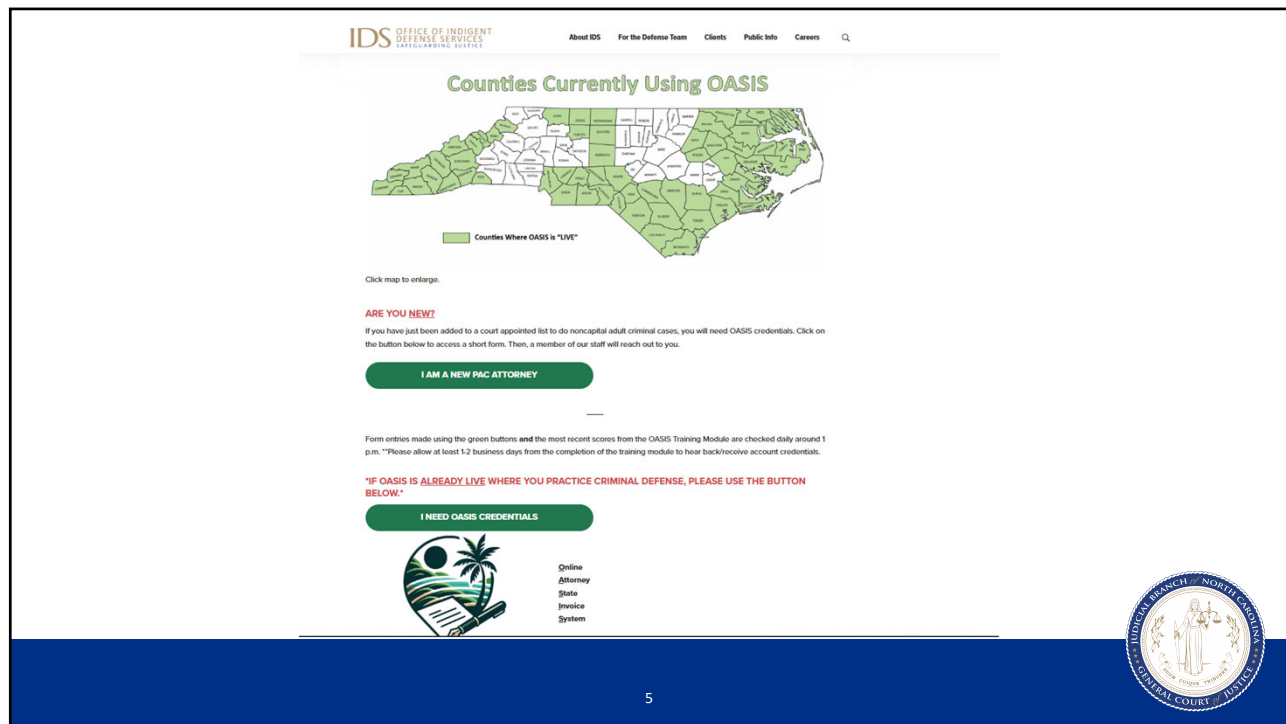
PRIMARY ACTIVITIES OF THE FISCAL SECTION

- Process fee applications and issue payments to the following:
 - PAC attorneys
 - Experts supporting PAC attorneys
 - Capital attorneys
 - Experts supporting capital attorneys
 - Troubleshoot any problems that arise in processing these fee applications
- Issue payments to contract attorneys
- Reimburse staff for travel and other business-related expenses
- Pay invoices from trade vendors and service providers
- Preserve a record of fiscal activities
- Provide customer service to the many attorneys, suppliers and vendors who serve IDS and its clients.
- **Adhere to audit standards and best practices**



2

2



The screenshot shows the IDS Office of Indigent Defense Services website. At the top, the logo reads 'IDS OFFICE OF INDIENT DEFENSE SERVICES SAFEGUARDING JUSTICE'. Navigation links include 'About IDS', 'For the Defense Team', 'Clients', 'Public Info', and 'Careers'. The main heading is 'Counties Currently Using OASIS', followed by a map of North Carolina counties. A legend indicates 'Counties Where OASIS is "LIVE"'. Below the map, a button says 'I AM A NEW PAC ATTORNEY'. A section titled 'ARE YOU NEW?' provides instructions for new attorneys. Another button says 'I NEED OASIS CREDENTIALS'. At the bottom right is the North Carolina Judicial Branch seal.

5

OASIS FACTS

- Launched in 95 of the 100 counties.
- Will be implemented statewide by January 2026.
- Over 500 enrolled attorneys.
- Limited to adult criminal cases.



6

WHAT ATTORNEYS ARE SAYING...

OASIS has greatly sped up the time it takes to get paid. It takes me approximately 3 minutes to enter a fee app on the OASIS website and I get my check 5 weeks earlier!

~ Tim Emry

I realize I have been a very outspoken critic of the IDS office in the past. But today I would just like to say thank you for all the hard work y'all have done. The new Odyssey payment system is fantastic.

~ Andrew Clement

The new OASIS system is a wonderful improvement for the payment of court appointed work. Thank you.

~ Ron L. Cowart, Hayesville, NC

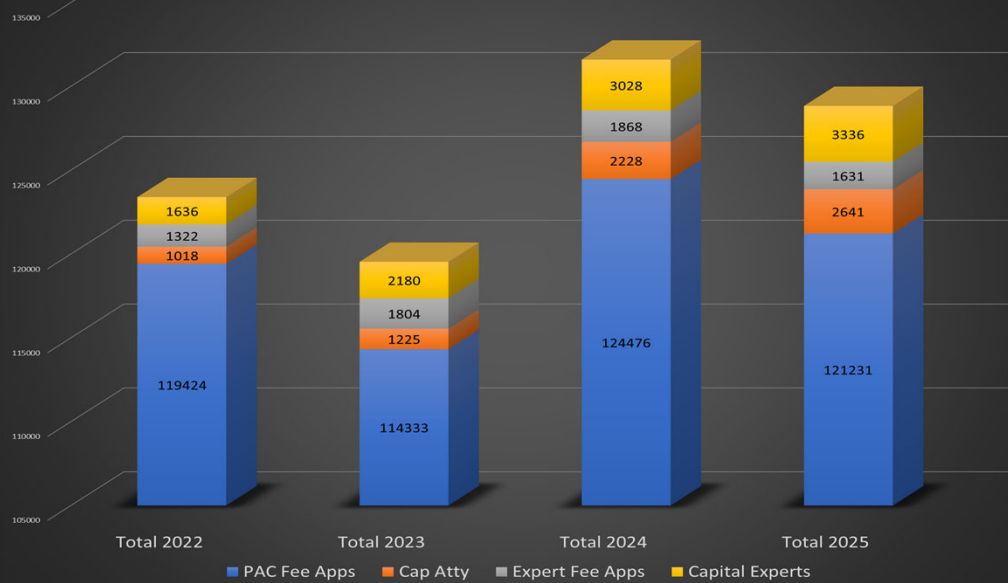
OASIS is easy to use. I followed the directions, which were amazingly easy to follow and were very helpful. Thank you all for the training and webinars ... Thank you all... please tell your crew of people that they are appreciated. And as OASIS kicks in with Forsyth County, the attorneys see that delays do not stem from y'all.

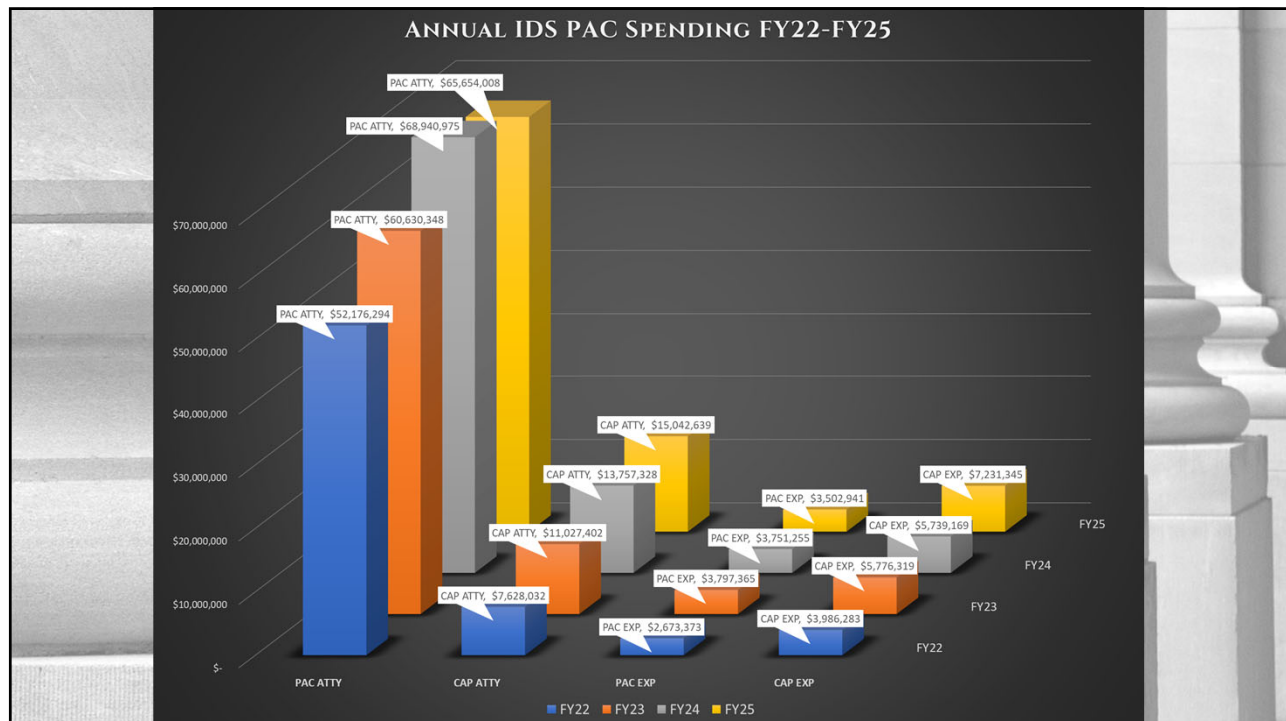
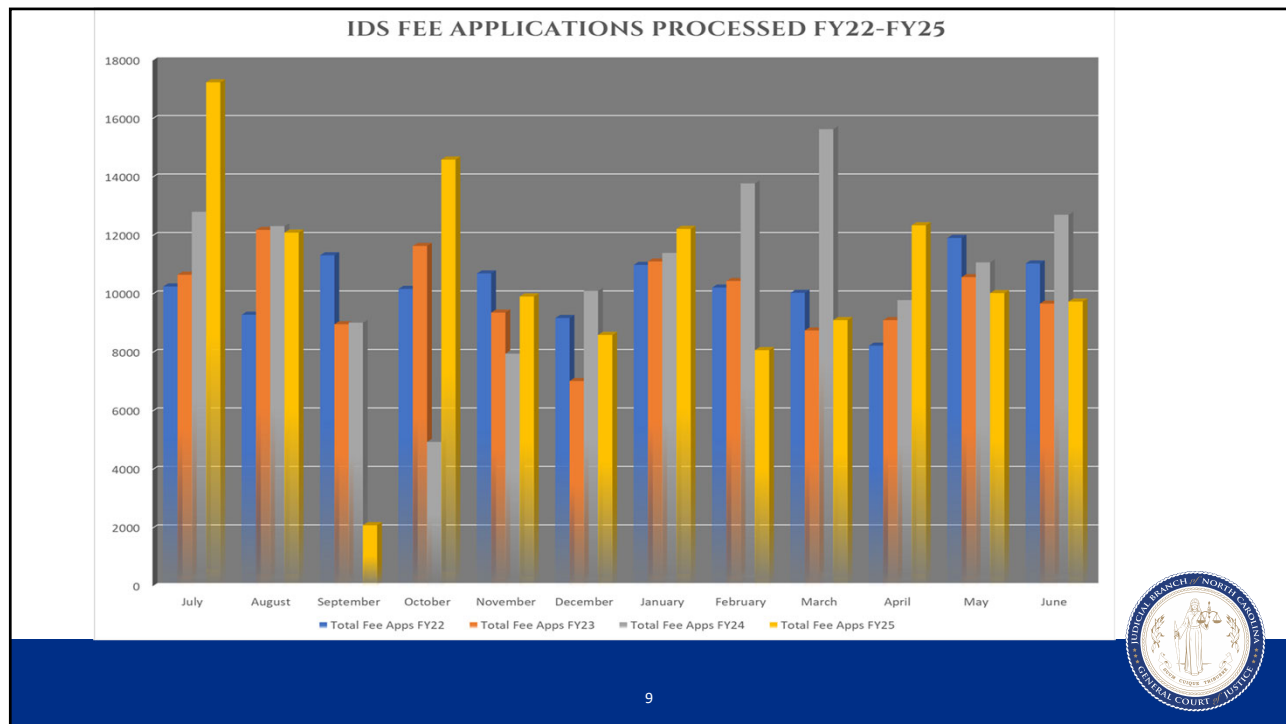
~ Julie Boyer, Attorney at Law, Rockingham County

O.A.S.I.S.



FY22-FY25 IDS FEE APPLICATIONS PROCESSED









11

ISSUES FOR FY2025-26



- Complete OASIS Roll-out
 - Enhance OASIS by expanding acceptable case types
- Continue ongoing efforts to retain and grow the number of PAC attorneys
 - Rate differential pilot project
- Manage increased resource demands of digital discovery
- Analyze billing data to identify issues of concern related to high billers
- Shift accounts payable staff focus from fee app processing to fee app auditing

12



12

QUESTIONS OR COMMENTS



???



13

13

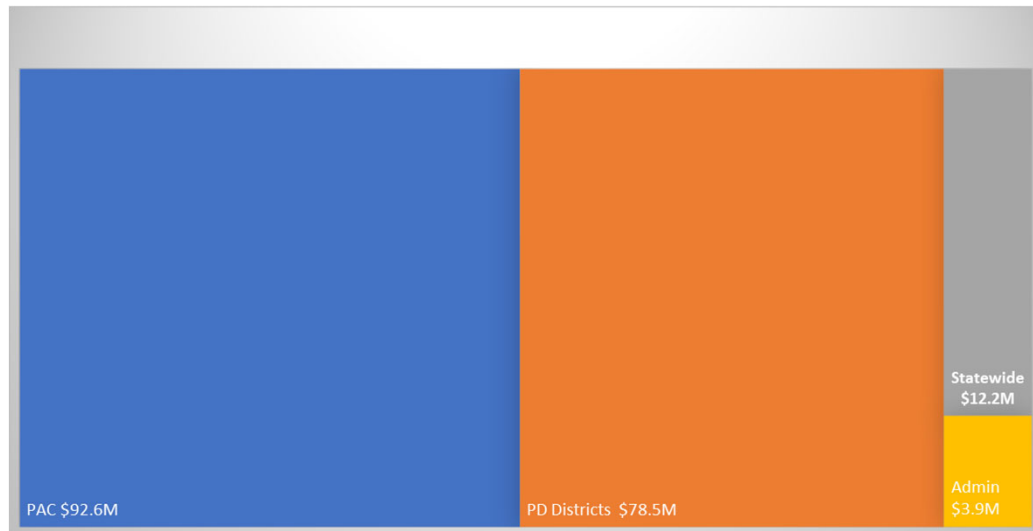
IDS BUDGET UPDATE



14

14

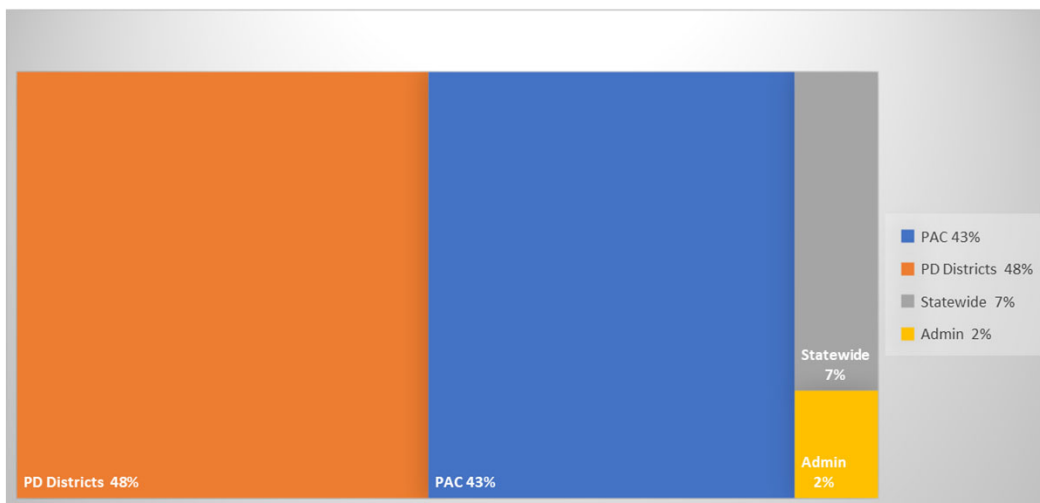
FY25 IDS ACTUAL EXPENSES



15

15

FY26 IDS BUDGET



16

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FY26 PAC PROJECTION

FY25 Appropriation	\$66,085,288
FY25 Receipts	\$12,777,469
Carry Forward	\$486,019
Total Budget	\$79,348,776
FY25 YTD PAC Exp (Q1)	\$21,260,069
FY25 Projected PAC Exp (Q2-Q4)	\$67,500,000
(\$7.1m per month)	
Total	\$88,760,069
Projected Shortfall	(\$9,411,293)
Funds to address shortfall	
PD Lapsed	\$5,000,000
Revised Shortfall	(\$4,411,293)



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HOW IDS CAN MANAGE FY26 PROJECTED SHORTFALL

- Use of lapsed salary
- Maximized the use of all revenue sources
 - Set-off debt
 - Federal IV-E funds
- Additional appropriations from the General Assembly
 - A non-recurring \$10m appropriation was made in a previous “mini budget”



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CHALLENGES TO MANAGING FY25 PROJECTED SHORTFALL

- Obligations to contract attorneys provide limited flexibility in payment timeframes
- Potential decrease in availability of lapsed salary
- Volatility of set-off debt revenue due to eCourts which is now statewide
- Lack of a comprehensive state budget
- An increased burn rate due to statewide roll-out of OASIS and paying OASIS invoices within 30 days



19

19



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Commission Business

§ 7A-498.4. Establishment of Commission on Indigent Defense Services.

(a) The Commission on Indigent Defense Services is created within the Office of Indigent Defense Services and shall consist of 13 members. To create an effective working group, assure continuity, and achieve staggered terms, the Commission shall be appointed as provided in this section.

(b) The members of the Commission shall be appointed as follows:

- (1) The Chief Justice of the North Carolina Supreme Court shall appoint one member, who shall be an active or former member of the North Carolina judiciary.
- (2) The Governor shall appoint one member, who shall be a nonattorney.
- (3) The General Assembly shall appoint one member, who shall be an attorney, upon the recommendation of the President Pro Tempore of the Senate.
- (4) The General Assembly shall appoint one member, who shall be an attorney, upon the recommendation of the Speaker of the House of Representatives.
- (5) The North Carolina Public Defenders Association shall appoint member, who shall be an attorney.
- (6) The North Carolina State Bar shall appoint one member, who shall be an attorney.
- (7) The North Carolina Bar Association shall appoint one member, who shall be an attorney.
- (8) The North Carolina Academy of Trial Lawyers shall appoint one member, who shall be an attorney.
- (9) The North Carolina Association of Black Lawyers shall appoint one member, who shall be an attorney.
- (10) The North Carolina Association of Women Lawyers shall appoint one member, who shall be an attorney.
- (11) The Commission shall appoint three members, who shall reside in different judicial districts from one another. One appointee shall be a nonattorney, and one appointee may be an active member of the North Carolina judiciary. One appointee shall be Native American. The initial three members satisfying this subdivision shall be appointed as provided in subsection (k) of this section.

(c) The terms of members appointed pursuant to subsection (b) of this section shall be as follows:

- (1) The initial appointments by the Chief Justice, the Governor, and the General Assembly shall be for four years.
- (2) The initial appointments by the Public Defenders Association and State Bar, and one appointment by the Commission, shall be for three years.
- (3) The initial appointments by the Bar Association and Trial Academy, and one appointment by the Commission, shall be for two years.
- (4) The initial appointments by the Black Lawyers Association and Women Lawyers Association, and one appointment by the Commission, shall be for one year.

At the expiration of these initial terms, appointments shall be for four years and shall be made by the appointing authorities designated in subsection (b) of this section. No person shall serve more than two consecutive four-year terms plus any initial term of less than four years.

(d) Persons appointed to the Commission shall have significant experience in the defense of criminal or other cases subject to this Article or shall have demonstrated a strong commitment to quality representation in indigent defense matters. No active prosecutors or law

enforcement officials, or active employees of such persons, may be appointed to or serve on the Commission. No active judicial officials, or active employees of such persons, may be appointed to or serve on the Commission, except as provided in subsection (b) of this section. No active public defenders, active employees of public defenders, or other active employees of the Office of Indigent Defense Services may be appointed to or serve on the Commission, except that notwithstanding this subsection, G.S. 14-234, or any other provision of law, Commission members may include part-time public defenders employed by the Office of Indigent Defense Services and may include persons, or employees of persons or organizations, who provide legal services subject to this Article as contractors or appointed attorneys.

(e) All members of the Commission are entitled to vote on any matters coming before the Commission unless otherwise provided by rules adopted by the Commission concerning voting on matters in which a member has, or appears to have, a financial or other personal interest.

(f) Each member of the Commission shall serve until a successor in office has been appointed. Vacancies shall be filled by appointment by the appointing authority for the unexpired term. Removal of Commission members shall be in accordance with policies and procedures adopted by the Commission.

(g) A quorum for purposes of conducting Commission business shall be a majority of the members of the Commission.

(h) The Commission shall elect a Commission chair from the members of the Commission for a term of two years.

(i) The Director of Indigent Defense Services shall attend all Commission meetings except those relating to removal or reappointment of the Director or allegations of misconduct by the Director. The Director shall not vote on any matter decided by the Commission.

(j) Commission members shall not receive compensation but are entitled to be paid necessary subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6 as applicable.

(k) The Commission shall hold its first meeting no later than September 15, 2000. All appointments to the Commission specified in subdivisions (1) through (10) of subsection (b) of this section shall be made by the appointing authorities by September 1, 2000. The appointee of the Chief Justice shall convene the first meeting. No later than 30 days after its first meeting, the Commission shall make the appointments specified in subdivision (11) of subsection (b) of this section and shall elect its chair. (2000-144, s. 1; 2001-424, s. 22.11(b).)

Budget Committee Meeting – October 14, 2025

Minutes – Managed Assigned Counsel (MAC) Billing Guidelines Working Group

Agenda Item: Establishment of a MAC Billing Guidelines Working Group

Discussion Summary:

The Committee discussed the need to review and revise the current Managed Assigned Counsel (MAC) Billing Guidelines. Staff noted that the existing structure places significant administrative strain on them due to the compressed timelines for voucher review, special review notification, and payment processing. The process is highly detail-driven, requiring individualized review of complex, multi-entry vouchers under a tight turnaround. Staff emphasized that the current system provides a tight margin for thorough verification and meaningful quality control and that a revised framework should build in breathing room to ensure accuracy, fairness, and long-term sustainability in both attorney payments and administrative workload.

The Committee also discussed the distinction between case-level and aggregate billing models. Staff noted that case-level review allows for detailed oversight and aligns with the federal system's approach of setting per-case caps with an exceptional-case policy. While this structure is well liked by participating attorneys, it does not address the issue of attorneys whose total hours are high due to heavy caseloads. By contrast, an aggregate or monthly review model provides a broader fiscal view and can help identify systemic workload concerns, though it risks overlooking outlier cases that legitimately require more time. Members agreed that an effective framework should strike a balance between the two, offering both fairness to attorneys and efficiency in fiscal oversight.

The discussion centered on adopting procedures to implement a two-tiered oversight model that would promote transparency while avoiding the creation of additional bottlenecks. Staff outlined the goal of developing a billing framework that supports fair, consistent attorney compensation while introducing greater predictability and efficiency.

Staff expressed hope that Committee members will support reforms that balance fairness and fiscal discipline while relieving the administrative bottlenecks inherent in the current system.

Action Taken:

The Budget Committee authorized the establishment of a MAC Billing Guidelines Working Group to develop recommendations for an oversight system. The working group will operate in an advisory capacity to the full Commission.

Working Group Charge

Purpose:

To develop proposed revisions to the MAC billing oversight structure that support fair and consistent attorney compensation, reduce administrative bottlenecks in voucher processing, and promote sustainable balance between fiscal discipline and timely payment.

Scope:

- ⇒ Develop a threshold-based aggregate review model establishing monthly compensation limits below which vouchers are automatically approved in the first billing cycle;
- ⇒ Design a secondary review process for vouchers exceeding those thresholds, to occur during a subsequent billing cycle;
- ⇒ Align case-level review procedures with the aggregate model to ensure proportionality and transparency;
- ⇒ Update justification, appeal, and communication protocols to reflect the new structure; and
- ⇒ Identify any staffing, data, or procedural adjustments required for effective implementation.

While the group may explore alternative concepts, its principal task is to refine and implement the aggregate-first, two-tier oversight model for Commission consideration.

Working Group:

- ⇒ Regional Defenders
- ⇒ Contract Administrators
- ⇒ Budget Manager
- ⇒ Assistant Director
- ⇒ Parent Defender
- ⇒ James “Jimbo” Perry
- ⇒ Three MAC attorneys (Daniel Meier, Shelby Towne, and an attorney engaged in parent representation)

The group will report to the Budget Committee and provide updates to the Commission.

Timeline and Deliverables:

- ⇒ November/December 2025: Initial Webex meeting to review current billing data, workflow constraints, and comparative systems.
- ⇒ February 2026 Commission Meeting: Proposed revisions to the MAC Billing Guidelines and supporting policy and procedure memo outlining the oversight model.

Next Steps:

Staff will circulate invitations to identified members, confirm availability for an early November meeting, and prepare briefing materials summarizing current billing patterns, review timelines, and comparative program data.



NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD

EXECUTIVE DIRECTOR
MARY.S.POLLARD@NCCOURTS.ORG

OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

BRYAN JONES

CHAIR

NCIDS.org

Memo

To: IDS Commission
From: Whitney Bishop Fairbanks
Re: 2026 Commission Meeting Schedule
Date: September 16, 2025

Proposed Commission Meeting Schedule:

1. February 20, 2026
2. May 1, 2026
3. August 7, 2026
4. November 6, 2026

Staff was mindful of the conflicts below while considering dates:

- January 19 (Monday) — MLK, Jr.
- February 6 — Felony Defender Training
- February 20 — SOG Criminal Law Developments Webinar
- March 6 — Whiskey in the Courtroom
- March 13 — Sentencing Policy and Advisory Committee Quarterly Meeting
- March 20 — Eid al-Fitr
- March 20 — Regional Wymore Jury Selection Training
- April 3 — Good Friday
- April 24 — Death Penalty Seminar
- May 8 — PD Conference
- May 22 — Shavuot
- May 25 (Monday) — Memorial Day Holiday
- June 5 — Sentencing Policy and Advisory Committee Quarterly Meeting; SOG Criminal Law Webinar
- June 19 — Juneteenth (Federal)
- June 26 — SOG Civil Law Webinar; NCAJ Criminal Masters
- July 3 — Independence Day (Observance)
- September 7 (Monday) — Labor Day
- September 11 — Sentencing Policy and Advisory Committee Quarterly Meeting
- November 27 — Day after Thanksgiving

- December 11 — Sentencing Policy and Advisory Committee Quarterly Meeting
- December 25 — Christmas

March Madness:

Men [2026 March Madness: Men's NCAA tournament schedule, dates | NCAA.com](#)

Women: [Women's Final Four: Future dates & sites](#)