

IDS

OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

February 20, 2026 Quarterly Commission Meeting
Meeting Material

Commission on Indigent Defense Services

February 20, 2026

Proposed Agenda

10:00 AM – 3:00 PM

Call to Order

Bryan Jones

Introductions

Adoption of Proposed Agenda

State Government Ethics Act Reminder

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

Minutes of November 21, 2025, Commission Meeting

Remarks from the Chair

Bryan Jones

Recognize Cynthia “Cindy” Black, Retired Chief Public Defender, Defender District 14

Recognize Adam Phillips, newly appointed Chief Public Defender, District 14

Remarks from the Director

Legislative Update

Mary S. Pollard

Agency Business

Workload Standards

Becky Whitaker

Recruitment and Development

Carla Huff

Update from the Field

Office of Special Counsel

J. Chad Perry

Commission Business

Bryan Jones

IDS Commission Appointment (G.S. 7A-498.4(b)(11) (Dorothy Hairston Mitchell Seat)

Parent Defense Policy Change: Petitions for Rehearing

Annick Lenoir-Peek

Fee Deadline Waivers

Chad Boykin

Executive Session the Commission shall meet in closed session as allowed by G.S. 143-318.11(a)

(2) [t]o prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

(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: May 1, 2026 | NC Administrative Office of the Courts, Raleigh, NC



OFFICE OF INDIGENT
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NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD

EXECUTIVE DIRECTOR
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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.	In-State	Out-of-State		Other Exp.
						\$ 0.00	\$ 0.00	\$ 0.00		\$ 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

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

2025.11.21 Meeting Minutes

Commission on Indigent Defense Services

For Review at the Quarterly Meeting – February 20, 2026

Commissioner Attendees:

Bryan Jones (Chair), Miriam Thompson (*virtual*) (Vice-Chair), Cara Bridges, George Doyle, Marshall Ellis (*virtual*), Cait Fenhagen, Jarrod Lowery, The Honorable Dorothy Hairston Mitchell, John Nieman (*virtual*), Stacy Rubain (*virtual*), The Honorable Scott Ussery

IDS Staff Attendees:

Chad Boykin (Assistant General Counsel, Financial Services), Amanda Bunch (Communications Specialist), Sharif Deveaux (Regional Defender), Whitney Fairbanks (Deputy Director/ General Counsel), Aaron Gallagher (Finance Officer), Angela Henderson (Contracts Administrator), Joshua Hummel (title), 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), Carla Huff (Recruitment and Training Coordinator), Sonia Colon (IDS Budget Manager)

Local and State Public Defender Program Attendees:

Dawn Baxton (District 16), Ricky Champion (District 17), Roszena Devione-Bivens for Niccoya Dobson (District 5), A. Traynham Dorn (District 13), Glenn Gerding (Appellate Defender), Laura Gibson (*virtual*) (District 2), Woodrena Baker Harrell (District 18), Burcu Hensley (APD, District 10), Annick Lenoir-Peek (Parent Defender), J. Chad Perry (Chief Special Counsel), Robert Sharpe (Capital Defender), Jennifer Rierson (District 24), Eric Zogry (Juvenile Defender), Deonte' L. Thomas (District 10), Terri Johnson (Office of the Juvenile Defender), Phillip Elkins (District 21), Michael Driver (Office of the Appellate Defender), Sharice Zachary (Office of the Parent Defender), Benjamin Kull (Assistant Parent Defender)

Other Attendees:

Duane K. Bryant (NC Capital Defender's Award Recipient) and Christian Bryant, Chandler Bryant, Wanda Bryant, Donna P. McDonald, Sybil P. Boyd (family and guests of Mr. Bryant); Meredith Randolph (NC Legislature), Beth Hopkins Thomas (NCPLS), James "Jimbo" Perry (NCSC Chief Justice's Commission on Professionalism), Phil Dixon (UNC School of Government), Monica Yelverton (UNC School of Government), Jackie Parker (OSBM), Bhairavi Jayaraman (NC Legislature)

Call to Order and Introductions

The meeting was called to order at 10:11 a.m. by IDS Commission Chair Bryan Jones, who then proceeded with the welcome.

Adoption of the Agenda

The agenda was adopted unanimously.

<u>State</u>	<u>Government</u>	<u>Ethics</u>	<u>Act</u>
Chair Jones reminded the Commissioners of their responsibilities under the State Government Ethics Act.			

Minutes of August 22, 2025, Commission Meeting

The minutes from the August 22, 2025, IDS Commission meeting were presented for consideration and were unanimously approved.

Remarks from the Chair:

NC Capital Defender's Award – Capital Defender Robert Sharp presented the first North Carolina Capital Defender's Award to Duane Kenneth Bryant in recognition of his distinguished legal career, service to the community and longstanding commitment to justice. Bryant reflected on his career, expressed gratitude to colleagues, family, and mentors, and shared scripture and remarks emphasizing compassion and service.

Oath for new Commissioner – Jarrod Lowery was formally sworn in as a member of the Commission on Indigent Defense Services. He provided brief remarks about his background and commitment to the Commission's mission.

Link to the relevant news items posted on the IDS website:

<https://www.ncids.org/2025/highlights-of-the-nov-21-ids-commission-meeting/>

Remarks from the Director:

State Budget – Executive Director Mary Pollard reminded Commissioners that to date, there was still no comprehensive state budget but that IDS remained grateful for the non-recurring funds granted for the PAC Fund through the mini budget.

HB 307 – In September, the passage of HB 307 implemented a number of changes to pre-trial release policies that were to become effective December 1, 2025. NC Superior Court Chief justice Paul Newby created a task force in charge of a comprehensive review of pre-trial release policies from across the state, chaired by Justice Phil Horner and by Judge Stuart Albright of Guilford County. Director Pollard and the Wake County Chief Public Defender and NC Association of Public Defenders' President Deonte' Thomas bring the defense perspectives to the committee, and stakeholders are encouraged to reach out to Chief Thomas to be heard. Director Pollard emphasized that the budgetary implications from other parts of HB 307 could be significant to the agency though not immediate. The bill stipulates that all capital appeals and evidentiary hearings for pending post-conviction cases—many of which have been dormant for 20 years or more—must be heard within the next 35 months. Director Pollard said she is concerned about finding enough lawyers to staff these case types and finding the money to pay for the surge in caseloads. She added these cases are billable at the highest rate of \$100 per hour, and the PAC

Fund could be impacted significantly as early as the end of the current fiscal year/beginning of the new fiscal year.

JPS Oversight Committee Presentation – IDS will be to presenting to the JPS Oversight Committee in the near future. Topics were to include public defense expansion, conflicts, and challenges with data collection and reporting.

Collaborative Efforts to Draft New Legislation – IDS was asked to and will provide input into draft legislation with the AOC and DHHS that would create a permanent process and procedure for capacity restoration that does not involve involuntary commitment. Included on this team will be Chad Perry, Glenn Gerding and David Andrews.

Agency Business:

Set-off Debt Solutions – Director Pollard reminded the Commission and guests that the agency receives about \$10 to \$12 million a year for the PAC fund from the recoupment of attorney's fees. She said half (or more) of that money comes from the Set-off Debt program, which is where the agency intercepts tax refunds and lottery winnings of people who have civil judgments against them for repayment of attorney fees. She explained that Enterprise Justice exacerbated an already problematic function. She said the module built by Tyler Technologies, which was released in the spring of 2024, had a greater than 30% error rate. It couldn't identify the taxpayer associated with an intercept. And then it couldn't apply the judgment to the amount owed. This is a problem because IDS was recouping a client's money to pay off the debt, but it was never applied. So then, the following year, the agency would take the money again to pay the debt, which again, was not applied—and so on. Director Pollard reported that in June 2025, the AOC leaders and IDS staff sat down together to (1) acquire the data needed from Enterprise Justice to fix the issue and (2) to develop a solution that would help the agency correctly recoup what is owed back to it. Subsequently, the IDS team wrote hundreds of lines of code and analyzed hundreds of millions of rows of data to ensure the agency would not continue to intercept the same monies repeatedly. The IDS team identified most of the erroneous models as well as the causes of the errors, and Director Pollard reported that the team was down to about 5,000 files that must be hand corrected. She said she hoped AOC would fund the hiring of temporary labor to assist with these correction efforts. She added that Tyler Technologies would have charged a significant sum to do the same work that was done by IDS staff, and she expressed great thanks to those who helped work toward the resolution.

The DAVE Report – Director Pollard reported that the DAVE Report, which was a compilation of data on agency operations and fiscal effectiveness, was submitted to the State Auditor in October 2025.

IOLTA Grant-Funded Position – Director Pollard said that the agency lost IOLTA grant funding for the Recruitment and Training Coordinator position, currently held by Carla Huff. She said IDS will repurpose and reallocate some position in house in order to keep Ms. Huff employed and to “regularize” her position as a permanent, state-funded position. Director Pollard said Ms. Huff

has done great work with training opportunities and by getting access to law schools to recruit and make sure that students know about public defense as a career path.

Director Pollard said further that aside from Ms. Huff's position, IDS as an agency did not lose any money as a result of the demise of IOLTA. Commissioner Fenhagen expressed concern over the impact on legal aid and for the financial hit so many of the offices that serve indigent clients will endure. She called it a "tremendous loss."

Commissioner Dorothy Hairston Mitchell chimed in and assured the Commission and guests that the State Bar Council is working diligently every day to develop a resolution—both short term and long term—to mitigate the impacts on what the entities and agencies that depend on IOLTA funds can now do without the funding.

Enterprise Justice Update – Upon the request of NC Supreme Court Chief Justice Paul Newby, IDS (and all other stakeholder groups—defenders, the DA conference, judges, etc.) will identify the top 10-15 improvements/enhancement they would like to see made in Enterprise Justice that would make it more user friendly.

Director Pollard also reported:

- The Office of Special Counsel, formerly housed on Dix Campus in Raleigh, moved to the NC Judicial Center/AOC building.
- Whitney Fairbanks and Becky Whitaker were to present at the District Court Judges' Conference on treatment courts.
- The application period for one of the two regional defender positions closed. The vacancy opened back up after Sharif Deveaux decided to return to work as an APD specializing in juvenile defense for the Wake County Public Defender's Office.
- The agency started communicating to the field about the rule changes, the billing and expense policy updates that the Commission approved at the last meeting. Chair Jones and IDS Communications Specialist Amanda Bunch developed a video, and Ms. Bunch has gone to great lengths to spread the word.
- OASIS was live in 95 counties as of the day of the meeting and would be fully statewide by December 10. OASIS is the new electronic invoice system that replaces paper fee apps for noncapital adult criminal cases at the trial level. It ensures that attorneys are paid within 30 days of submitting an invoice.

Updates on Changes in Law and Practice

State Juvenile Defender Eric Zogry reported that the Office of the Juvenile Defender is ready to begin the appointment process early next year (2026) for the Juvenile First-Degree Murder Roster. The roster is for attorneys who represent youth ages 13 through 17 in North Carolina charged with first-degree murder and facing life without parole. He provided some background to the commission, which first approved the rules to create the roster back in the spring of 2024. He reported that about 30 attorneys are on the roster, which will cover 27 counties in a phased-in

approach. Once the roster is “activated,” and attorneys are being appointed from it, Zogry said there will be another wave of recruitment efforts to attract even more attorneys who are specialized in juvenile defense to join the list.

Director Pollard asked Zogry to provide some context for newer commissioners. Zogry explained the problems created for juvenile defendants by having different attorneys representing them on homicide charges at the district and superior court levels and the benefits arising from having one lawyer with expertise in working with adolescents handle the case at all stages. Adults facing life without parole received highly trained representation from capital roster attorneys, and defendants as young as 13 facing that same sentence require skilled attorneys as well. Commissioner Fenhagen praised Zogry for working to ensure youthful defendants had trained, excellent representation.

Zogry said he anticipates that having one attorney throughout the duration of the case will save time and money, and the quality of representation will be improved.

He plans to bring information to a future IDS Commission meeting with the list of attorneys who are on the roster as well as data that supports the notion that there will be improved outcomes for youth facing serious charges.

Fiscal Report:

IDS Fiscal Office Aaron Gallagher provided the Commission with an update on fiscal operations. Gallagher opened the Fiscal Report by acknowledging the team effort behind IDS’s fiscal operations and crediting his team with for working with him on effective and informed decision-making.

Gallagher emphasized that the fiscal section’s primary mission is not simply processing payments but rather ensuring that people’s constitutional rights are protected by maintaining a robust network of attorneys and experts willing to take indigent defense cases. He framed every fiscal activity—paying appointed counsel, reimbursing experts, managing contracts—as serving that overarching purpose.

Primary functions of the fiscal section were described as follows: issuing payments to appointed counsel (PAC attorneys), experts supporting appointed counsel, capital attorneys, and capital experts; troubleshooting problems in fee application processing; issuing payments to contractors; reimbursing staff and commissioners for travel and expenses; paying invoices to trade vendors and service providers; preserving fiscal records for audit purposes; providing customer service to attorneys, suppliers, and vendors; and adhering to audit standards and best practices.

Division Accomplishments:

- Clean audit: For the third consecutive year, IDS received a clean, unqualified audit from the internal auditors at the Administrative Office of the Courts (AOC), confirming adherence to best practices.

- Fiscal year management: Despite facing a projected shortfall of tens of millions of dollars the previous year, IDS managed to continue payments throughout all twelve months of the fiscal year without suspending or slowing down payments. This was achieved through belt-tightening, adherence to best practices, and additional funding from the General Assembly.
- Staff development: Sonia Colon, the Budget Manager, attended OSBM's budget certification course for state government professionals and successfully attained the designation of Certified State Government Budget Professional.

Update on OASIS:

Gallagher provided a detailed update on OASIS, IDS's automated invoicing platform that replaces the legacy paper-based fee application process.

- Rollout status: OASIS has launched in 95 of 100 counties. The remaining five counties were scheduled to go live on December 10, ahead of the original January target. At the time of the presentation, approximately 1,561 attorneys were onboard to the system (up from approximately 1,500 when the presentation was initially prepared a few weeks earlier).
- Current scope: OASIS is currently limited to adult criminal cases. Plans are underway to expand to juvenile cases and then parent representation cases. Gallagher stressed that expansion must be done slowly and methodically due to confidentiality concerns.
- Attorney feedback: Gallagher shared quotes from attorneys praising the system. One attorney reported that OASIS takes approximately three minutes to enter a fee application and that payment arrived five weeks earlier than under the old system. Others praised the ease of use, the training materials, and the transparency the system provides.
- Audit and integrity controls: Gallagher explained that Oasis was added as a service contact in eCourts, so when an attorney files and serves a fee application, IDS simultaneously receives an electronic link to that filing. IDS cross-references the file number entered in OASIS against filings in the court system to verify the fee application. Higher-level audits flag applications with more than 75 hours, expenses over a certain threshold, or duplicate file numbers. Over 50% of fee applications receive a physical, eyes-on audit, supplemented by automated checks. The system was designed in consultation with AOC's internal audit division.
- Judicial fee reductions: Discussion addressed how judicial fee reductions are handled. If a judge reduces a fee application at the disposition stage, both the fee application and the OASIS system have built-in fields to document the discrepancy.
- Overpayment recovery: Gallagher explained the overpayment process and noted that one hundred percent of identified overpayments have been resolved.
- Integration with eCourts: Gallagher explained that OASIS is not directly integrated with eCourts but noted that despite some duplication in work, the faster turnaround and the reduction of risk related moving paper fee applications around made the program an improvement.

Fee Application Volume and Trends:

Gallagher reviewed fee application volume over the past several fiscal years, noting the following trends:

- **FY 2022:** Approximately 120,000 non-capital cases (including adult criminal, parent representation, and juvenile), plus approximately 1,000 capital cases, 1,300 non-capital expert fee applications, and 1,600 capital expert fee applications.
- **FY 2023:** Volume dipped, likely a residual effect of the pandemic. Fewer court proceedings in 2021 meant fewer cases reaching disposition.
- **FY 2024:** A massive spike as post-pandemic backlogs cleared. Courts resumed full operations, and Chief Justice Newby made case disposition a priority.
- **FY 2025:** Volume dropped somewhat from the FY 2024 spike. Gallagher attributed this to two factors: the post-pandemic surge subsiding, and the introduction of eight new Public Defender (PD) offices absorbing caseload that would previously have gone to appointed counsel.
- **Capital case trend:** The number of capital cases has increased over the past four years, and capital cases carry significantly higher costs. Capital attorney spending has doubled in four years. Gallagher described this as an “alarming trend” and noted that while overall fee application numbers may decline due to PD office expansion, costs may not decrease proportionally because a greater share of remaining cases are capital.
- **Monthly payment patterns:** IDS receives its budget allocation from OSBM in quarterly installments. Spending tends to spike in the first month of each quarter when cash is available, then tapers off as the quarter progresses and cash reserves decline. Set-off debt receipts (primarily from tax refund intercepts) bolster cash availability beginning in March, which explains why spending did not taper as sharply in the final quarter.

PAC Roster:

Gallagher stressed that growing the attorney pool remains essential. Gallagher provided updated data on the number of PAC being paid by IDS. The figure presented the previous year (1,370) was acknowledged to be low due to complications with the state’s new financial system (NCFS).

The research team worked to produce a more accurate figure: 1,916 individual attorneys were paid in the relevant period. For FY 2025, the updated figure is also approximately 1,916, reflecting a leveling off. While this is an improvement over the misleadingly low prior figure, IDS lost an estimated 400–500 attorneys during the pandemic and has not yet returned to pre-pandemic levels.

Priorities for the Current Fiscal Year:

- **Enhance OASIS:** Expand acceptable case types to include parent representation and juvenile cases.

- Retain and grow appointed counsel: Explore differential pay rates and financial incentives to attract attorneys to the IDS list and encourage case acceptance, particularly in underserved areas.
- High-biller analysis: The new NCFS financial system has improved data accessibility, allowing the fiscal section to identify high-billing firms and practitioners and conduct deeper analysis of billing patterns.
- Shift from quantity to quality in accounts payable: With Oasis reducing the manual processing burden, the accounts payable team is shifting focus from simply getting payments out the door to performing more rigorous quality control and auditing of payments.

Digital Discovery and Axon Licensing:

Gallagher raised the issue of digital discovery costs as a major fiscal challenge. Body camera footage requires significant storage capacity and time to review. The primary vendor, Axon, charges license fees for access to its platform, which includes features such as transcription, video enhancement, multi-angle viewing, and keyword search.

- Current licensing situation: In 2022, IDS obtained Axon licenses for existing PD offices at \$15 per person per month. Axon has since raised the price dramatically; IDS negotiated the rate down to approximately \$70 per person per month, achieving parity with the rate charged to prosecutors. However, full licensing for all PD offices would cost approximately \$600,000 per year. As a result, licenses are distributed selectively to the districts with the greatest need, rather than to every individual public defender.
- Private assigned counsel: Axon has communicated to IDS that it does not currently offer a product designed for private attorneys or private law firms and is not interested in developing one. This creates an uneven playing field between PDs and PAC.
- Duplicate state spending: Commissioner Ussery raised concerns about the state paying Axon two or three times for the same content: once through the Conference of District Attorneys, once through PD offices, and potentially again through PAC. Pollard explained that everyone who accesses AXON needs their own license. Commissioner Ussery suggested the legislature should negotiate a single statewide contract.
- Legislative proposal: IDS has proposed a pilot program in which IDS would use its purchasing power to offer Axon licenses to appointed counsel, but this would require both dedicated funding and explicit legislative authorization. The proposal did not advance in the current budget cycle. Gallagher noted that previous hopes that the eCourts discovery module might serve as an alternative to Axon seems to have been ruled out.
- Cost-benefit evidence: A survey conducted by IDS found that some attorneys reported saving 20 or more hours of billable time when they had access to Axon's platform features (e.g., keyword-searchable transcription), suggesting that license costs may be partially offset by reduced hourly billing.

The commission agreed that this issue warrants a dedicated agenda item at a future meeting for continued discussion and strategic planning.

Budget Overview:

- Actual expenditures, prior fiscal year: PAC: \$92.6 million; Public Defender offices: \$78.5 million; Statewide defenders (appellate, parent, juvenile, capital, special counsel and associated costs): \$12.2 million; Administration: approximately \$2 million.
- Milestone: For the first time, the IDS budget allocates more resources to Public Defender offices than to PAC, reflecting the ongoing expansion of PD offices statewide. Gallagher noted that IDS envisions a near-term future in which PD spending consistently exceeds PAC spending.
- Administrative efficiency: Gallagher highlighted that IDS spent only 2% of its budget on administration, which he described as remarkably low for a public entity. He noted that this small investment produced significant innovations, including OASIS (developed for less than \$10,000 in direct costs) and ongoing work on set-off debt improvements.

Projected Shortfall and Mitigation Strategies:

Gallagher outlined the current fiscal year's budget position for appointed counsel spending:

- Total resources available: \$79.3 million (comprising \$66 million in General Assembly appropriations—including \$10 million from a mini-budget passed in August/September—\$12.7 million in projected receipts primarily from set-off debt, and a small carryforward of obligated but unspent funds from the prior year).
- Projected spending: Q1 spending was \$21 million. At the current burn rate of \$7–\$7.5 million per month, projected full-year spending is \$88–\$90 million, consistent with the prior year.
- Projected shortfall: Approximately \$4.4 million after accounting for lapsed salary savings (from vacant positions) and other adjustments. This is significantly improved from the tens-of-million shortfall projected the previous year.
- Operational impact: IDS expects to be able to continue payments through June, with potential throttling or suspension only in the final month of the fiscal year (June). Contract attorney payments will not be slowed; any slowdowns would apply to fee applications processed through Oasis and the traditional system.

Mitigation strategies discussed include:

- Lapsed salary: Vacant positions generate one-time savings, though this source is shrinking. IDS began the fiscal year with 36 vacancies, now down to 20 out of 700+ employees.
- Maximizing DHHS reimbursements: IDS invoices DHHS pursuant to the federal IV-E program for costs associated with representing parents whose children are in DSS custody. Gallagher urged PD offices to report hours their APDs spend on eligible cases so those can

be included in monthly DHHS invoices. Even an additional \$300,000–\$1 million over the remaining months would meaningfully reduce the shortfall.

- Potential supplemental appropriation: When the General Assembly reconvenes after the new year, IDS may seek additional funding to close the gap.

Ongoing Challenges:

- Contract attorney commitments: IDS has committed to paying contract attorneys monthly. This limits fiscal flexibility.
- Declining lapsed salary: With vacancies shrinking (from 36 to 20), less one-time savings are available to redirect toward appointed counsel spending.
- Set-off debt volatility: The eCourts set-off debt module has experienced errors that make revenue from this source less predictable. IDS collected over \$13 million last fiscal year, but continued problems with the system could impact collections.
- Lack of a comprehensive state budget: North Carolina does not currently have a full state budget. The state is operating under a series of patches that address specific cost increases (e.g., retirement rate increases, health plan contribution increases) but do not comprehensively address all agency needs.
- OASIS payment timeline increasing burn rate: To incentivize attorney participation in OASIS, IDS promises payment within 30 days (compared to 45 days for traditional paper fee applications). While this improves attorney satisfaction and recruitment, it accelerates the rate at which IDS expends its available cash.

Public Defender Office Expansion:

Gallagher addressed the fiscal implications of PD office expansion. Key points raised included:

There is a natural lag between when a PD office becomes operational and when it meaningfully reduces appointed counsel spending. Offices authorized in October 2023, January 2024, and July 2024 are still ramping up. Commissioner Ussery noted that in his district, it took approximately 18 months for the PD office to reach full operational capacity after legislative authorization.

Gallagher acknowledged the tension between expanding PD offices (which have higher fixed costs but provide more predictable budgeting) and increasing the PAC rate. Raising the PAC rate could attract more private attorneys and make PD offices appear comparatively more cost-effective.

Commissioner Ussery noted that fiscally conservative legislators will want to see demonstrated cost-benefit data from the new PD offices. Gallagher expressed optimism that next year's data will show a meaningful reduction in PAC spending attributable to PD expansion.

Pollard observed that some PD offices were staffed to cover only 50% of eligible cases per their legislative authorization, which can make their caseload statistics appear less robust compared to offices authorized for full coverage. Gallagher acknowledged this complexity.

Commission Business

IDS Commission Appointment (Dorothy Hairston Mitchell Seat) – Chair Jones made a motion to table the discussion and vote for this agenda item and revisit the appointment decision at the next meeting. The motion was seconded by Commissioner Ussery and was approved unanimously. Commissioner Hairston Mitchell will continue to serve in a holdover capacity.

Budget Committee – IDS Assistant Director and General Counsel, Whitney Fairbanks, provided a brief update to the full commission on behalf of the Budget Committee. She reported that the committee's recent meeting included a discussion of billing guidelines within the Managed Assigned Counsel (MAC) program. That discussion resulted in a committee decision to direct IDS staff to develop more detailed proposals for a two-tiered billing review process within the MAC program.

Fairbanks noted that the details of the committee's discussion and direction are laid out in a memo provided to commissioners. She emphasized that the Budget Committee is not requesting any action from the full commission at this time; the update was informational only.

She reported that Jamie Blackwell, who was unable to attend the meeting, is taking the lead on the process and procedural aspects of the project. The committee anticipates being able to present options to the full commission for review and potential adoption at the February meeting.

Adopt the 2026 IDS Commission Meeting Calendar – The proposed 2026 Commission meeting calendar was presented. All Commissioners present voted to approve the 2026 meeting dates. The Commission will meet on February 20, May 1, August 7 and November 6 in 2026.

Executive Session

At 12:47 p.m., Commissioner Ussery made a motion, which was seconded by Commissioner George Doyle, to go into executive session to hear an update on litigation and to discuss a personnel matter.

Open session was convened at 1:29 p.m., during which the Commission took no further action.

All agenda items having been addressed, the Chair adjourned the meeting at 1:30 p.m.

Next Meeting: May 1, 2026

Location: NC Administrative Office of the Courts, Raleigh, NC

Remarks from the Director

JANUARY 15, 2026

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

PRESENTATION TO THE NCGA
**JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON JUSTICE AND PUBLIC SAFETY**

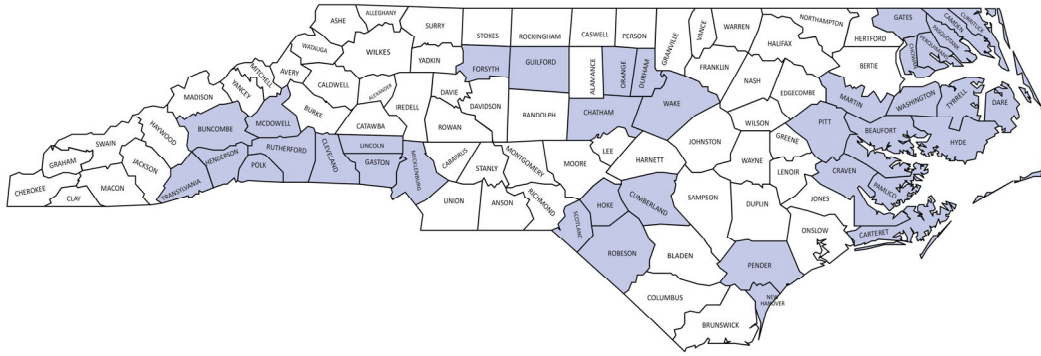
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PD EXPANSION STATUS



2

PRE-EXPANSION COVERAGE

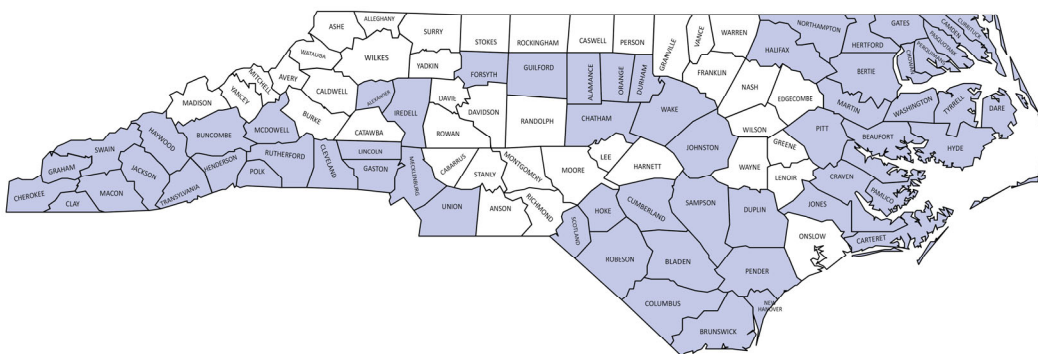


3

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

3

CURRENT PD OFFICE COVERAGE



4

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

4

NEW PUBLIC DEFENDER OFFICES

New Defender District	Coverage
5	Duplin, Jones, Sampson
7	Bertie, Halifax, Hertford, Northampton
13	Johnston
15	Bladen, Brunswick, Columbus
17	Alamance
30	Union
32	Alexander, Iredell
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain

ONBOARDING FOR NEW CHIEFS



TRAINING FOR NEW PD OFFICE LEADERS



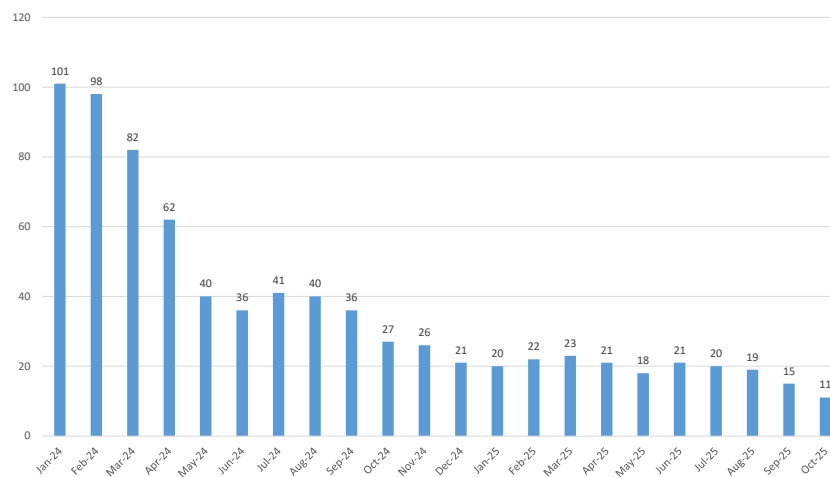
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IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

7

STAFFING

NEW PD DISTRICT VACANCIES



8

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DEFENSE SERVICES
SAFEGUARDING JUSTICE

8

DISTRICT 7 SWEARING-IN CEREMONY



9

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DEFENSE SERVICES
SAFEGUARDING JUSTICE

9

BRUNSWICK COUNTY STAFF

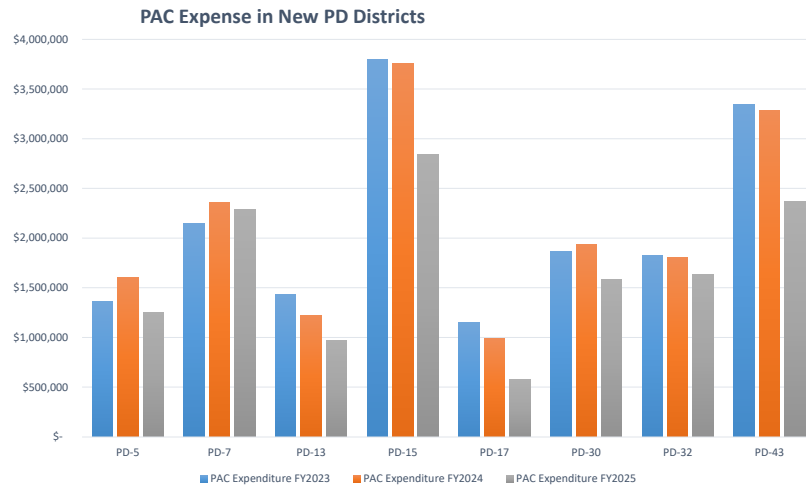


10

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

10

EFFECTS ON PAC SPENDING



11

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DEFENSE SERVICES
SAFEGUARDING JUSTICE

11

CHALLENGES

1. Staffing in Rural Districts

12

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

12

CHALLENGES

1. Staffing in Rural Districts
2. Conflict Coverage in Lawyer Deserts

13

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DEFENSE SERVICES
SAFEGUARDING JUSTICE

13

CHALLENGES

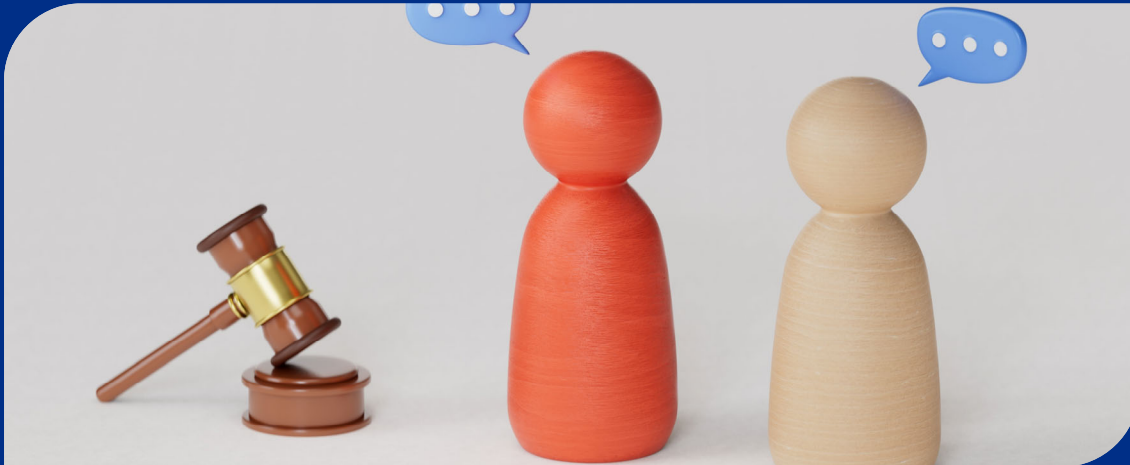
1. Staffing in Rural Districts
2. Conflict Coverage in Lawyer Deserts
3. Costly Technology and Explosion in Digital Discovery

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IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

14

CONFLICT CASES



15

Ethical Obligations & Constitutional Foundation

Three Categories of Reported Conflicts

Ethical Conflicts

Cannot represent due to RPC
Example: Co-defendants with
adverse interests; current vs.
former client conflicts

Workload Conflicts

Caseload exceeds capacity for
competent representation

Also an ethical issue per

- RPC 1.1 (Competence)
and
- RPC 1.3 (Diligence)

Strategic Assignments

Efficiency-based reassignments

Defendant already has PAC on
related matters; specialized
expertise needed

6th Amendment Foundation

The right to effective assistance of counsel requires conflict-free representation. Conflicts that adversely affect counsel's performance constitute constitutional violations.

16

16

Inter-Office Assignments

Geographical Impediments

Most effective in geographically clustered districts.

Resource Challenges

- Staffing
- Calendaring
- Partitioning

Outside the Box Ideas:

Proposed change to RPC 1.10

17

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

17

DATA CHALLENGES



18

WHY DO WE NEED ACCURATE DATA?

Goal 1:

Accurately determine percentage of indigent caseload being handled by public defender offices in their judicial districts so that we can assess office efficiency and appropriate staffing levels.

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(f) during the prior fiscal year and the savings to the State in private assigned counsel funds as a result.

ATTORNEY STATUS ISSUE COUNTY WITH PD OFFICE

26CR000418-730

STATE OF NORTH CAROLINA VS ALMONI LEWIS

Lead Attorney: ATTAWAY, VERA CARALYNE
Retained: 01/08/2026

Status **Pending**
Filed 01/07/2026
Type **Criminal**
Court Pitt Superior Court
Judicial Officer
Financial Balance 0.00

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ATTORNEY STATUS ISSUE PRIVATE ASSIGNED COUNSEL

25CR487358-310



STATE OF NORTH CAROLINA VS ANTHONY JEROME JACKSON

Lead Attorney: FLUDD, JESSICA SHA'RON
Retained: 01/03/2026

Status **Pending**
Filed 12/16/2025
Type **Criminal**
Court Durham District Court
Judicial Officer
Financial Balance 0.00

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WHY DO WE NEED ACCURATE DATA?

Goal 2:

Accurately determine number of indigent cases with appointed counsel so that we can project the needs for private assigned counsel and PAC funding.

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WHY DO WE NEED ACCURATE DATA?

Goal 3:

Accurately identify people ordered to repay attorneys' fees to maximize recoupment revenue.

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PROPOSED SOLUTION

- Verification of client information prior to data entry into court files

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PROPOSED SOLUTION

- Verification of client information prior to data entry into court files
 - Develop an Electronic Indigency Affidavit

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WHY DO WE NEED ACCURATE DATA?

Goal 4:

Accurately assess the number of parent defense cases involving children in foster care to maximize federal funding available to defray state expenditures on attorneys' fees in these cases.

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PROPOSED SOLUTION

- North Carolina Department of Health and Human Services NC FAST



NC FAST

North Carolina Families Accessing
Services through Technology

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QUESTIONS?

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QUESTIONS?

Mary Pollard, Executive Director

Mary.S.Pollard@nccourts.org

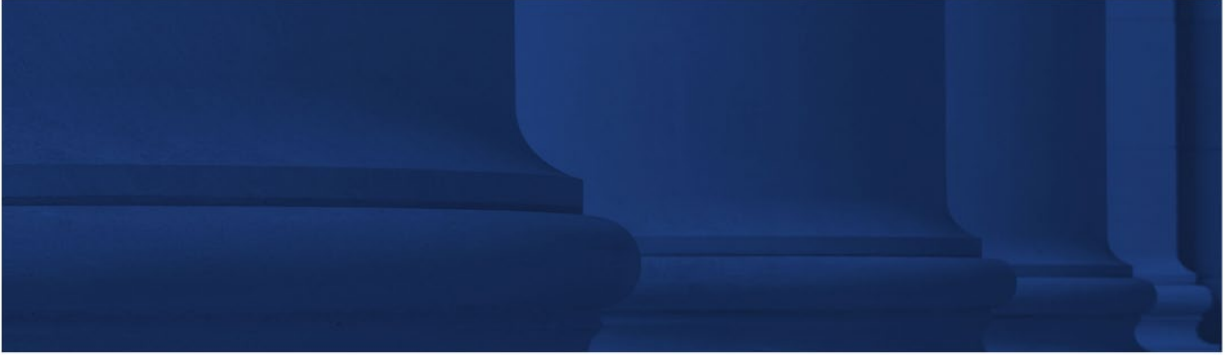
Whitney Fairbanks, Deputy Director and General Counsel

Whitney.B.Fairbanks@nccourts.org

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JANUARY 15, 2026

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PRESENTATION TO THE NCGA
**JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON JUSTICE AND PUBLIC SAFETY**

MATERIALS

PAC Expenditure Comparison FY 2023; 2024 and 2025

PD-5

Counties	2023	2024	2025
DUPLIN	718,240	779,673	531,664
JONES	100,832	98,474	53,354
SAMPSON	545,286	727,021	671,873
	1,364,358	1,605,168	1,256,890

PD-7

Counties	2023	2024	2025
BERTIE	287,724	444,484	414,030
HALIFAX	1,283,594	1,206,308	1,384,018
HERTFORD	307,307	369,510	259,077
NORTHAMPTON	264,475	334,843	231,837
	2,143,099	2,355,146	2,288,962

PD-13

County	2023	2024	2025
JOHNSTON	1,431,815	1,217,684	968,878
	1,431,815	1,217,684	968,878

PD-15

Counties	2023	2024	2025
BLADEN	678,523	788,175	747,467
BRUNSWICK	1,399,022	1,510,977	954,321
COLUMBUS	1,722,887	1,460,215	1,135,871
	3,800,433	3,759,367	2,837,659

PD-17

County	2023	2024	2025
ALAMANCE	1,148,548	992,272	578,822
	1,148,548	992,272	578,822

PD-30

County	2023	2024	2025
UNION	1,869,241	1,937,996	1,585,576
	1,869,241	1,937,996	1,585,576

PD-32

Counties	2023	2024	2025
ALEXANDER	273,350	286,871	244,399
IREDELL	1,548,410	1,519,484	1,389,254
	1,821,759	1,806,355	1,633,653

PD-43

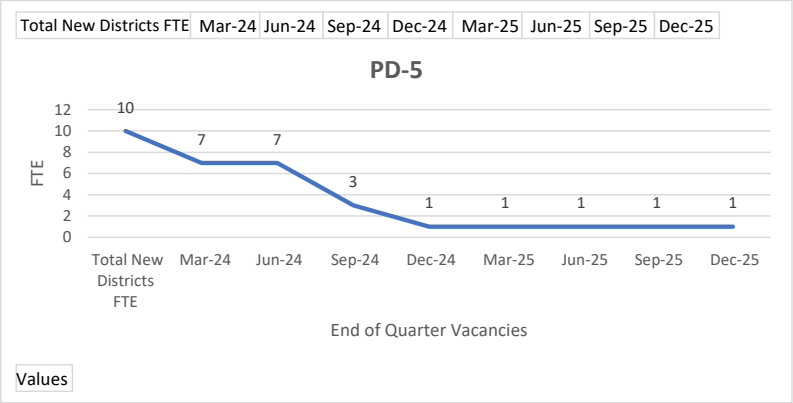
Counties	2023	2024	2025
CHEROKEE	444,508	421,589	305,299
CLAY	154,492	153,947	111,304
GRAHAM	161,653	206,480	188,293
HAYWOOD	1,140,712	1,055,112	704,083
JACKSON	543,464	570,199	432,448
MACON	535,907	429,092	351,661
SWAIN	360,079	443,941	276,379
	3,340,815	3,280,362	2,369,466

Grand Total	16,920,068	16,954,349	13,519,907
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Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-5
Total New Districts FTE	10
Mar-24	7
Jun-24	7
Sep-24	3
Dec-24	1
Mar-25	1
Jun-25	1
Sep-25	1
Dec-25	1



NOTE: hiring for this vacant position (APD) was approved 11/24/2025

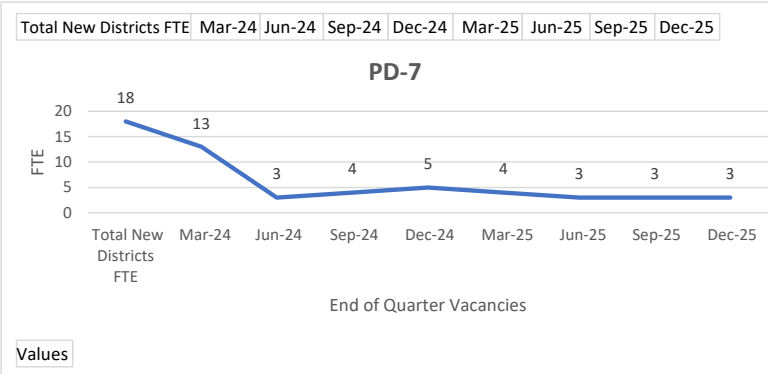
PD-5 vacancy trend by position

Districts	Total New Distri cts								
	FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
PD-5									
Assistant Public Defender	6	6	6	3	1	1	1	1	1
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	1	1	0	0	0	0	0	0
Public Defender Legal Assistant	1	0	0	0	0	0	0	0	0
Grand Total	10	7	7	3	1	1	1	1	1

Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-7
Total New Districts FTE	18
Mar-24	13
Jun-24	3
Sep-24	4
Dec-24	5
Mar-25	4
Jun-25	3
Sep-25	3
Dec-25	3



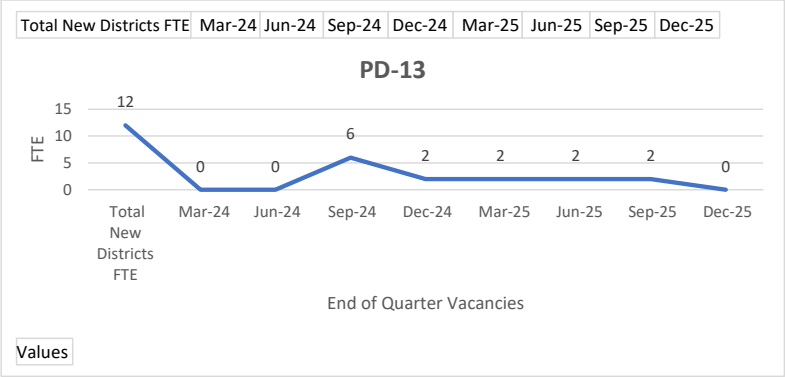
PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-7								
Assistant Public Defender	11	8	3	4	5	4	3	3	3
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	1	0	0	0	0	0	0	0
Public Defender Legal Assistant	3	3	0	0	0	0	0	0	0
Public Defender Social Worker	1	1	0	0	0	0	0	0	0
Grand Total	18	13	3	4	5	4	3	3	3

Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-13
Total New Districts FTE	12
Mar-24	0
Jun-24	0
Sep-24	6
Dec-24	2
Mar-25	2
Jun-25	2
Sep-25	2
Dec-25	0



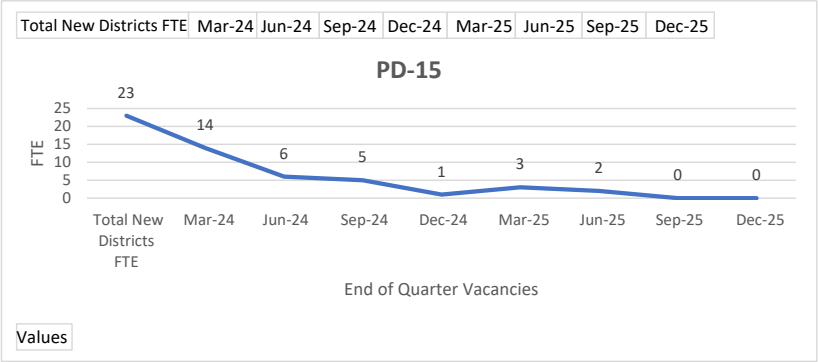
PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-13								
Assistant Public Defender	7	0	0	5	2	2	2	2	0
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	0	0	0	0	0	0	0	0
Public Defender Legal Assistant	2	0	0	1	0	0	0	0	0
Grand Total	12	0	0	6	2	2	2	2	0

Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-15
Total New Districts FTE	23
Mar-24	14
Jun-24	6
Sep-24	5
Dec-24	1
Mar-25	3
Jun-25	2
Sep-25	0
Dec-25	0



PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-15								
Assistant Public Defender	16	13	6	5	1	2	2	0	-
Public Defender	1	0	0	0	0	0	0	0	-
Public Defender Administrative Assistant III	1	0	0	0	0	0	0	0	-
Public Defender Investigator	2	1	0	0	0	0	0	0	-
Public Defender Legal Assistant	1	0	0	0	0	1	0	0	-
Public Defender Legal Assistant Senior	1	0	0	0	0	0	0	0	-
Public Defender Social Worker	1	0	0	0	0	0	0	0	-
Grand Total	23	14	6	5	1	3	2	0	-

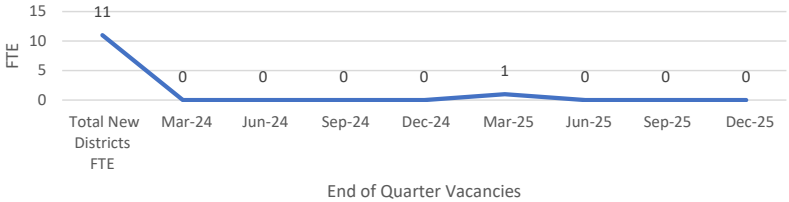
Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-17
Total New Districts FTE	11
Mar-24	0
Jun-24	0
Sep-24	0
Dec-24	0
Mar-25	1
Jun-25	0
Sep-25	0
Dec-25	0

Total New Districts FTE Mar-24 Jun-24 Sep-24 Dec-24 Mar-25 Jun-25 Sep-25 Dec-25

PD-17



Values

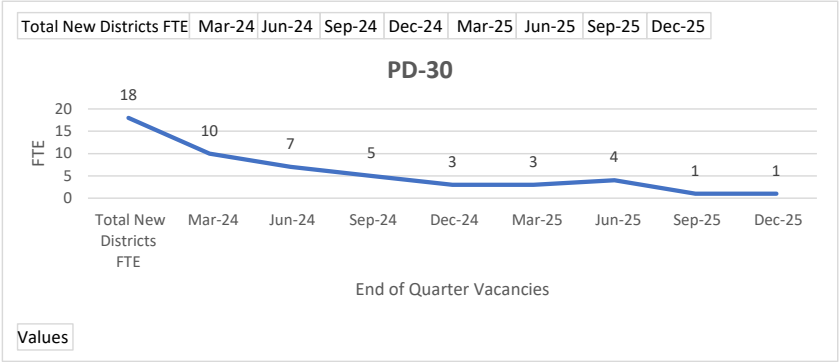
PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-17								
Assistant Public Defender	6	0	0	0	0	1	0	0	0
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	0	0	0	0	0	0	0	0
Public Defender Legal Assistant	2	0	0	0	0	0	0	0	0
Grand Total	11	0	0	0	0	1	0	0	0

Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-30
Total New Districts FTE	18
Mar-24	10
Jun-24	7
Sep-24	5
Dec-24	3
Mar-25	3
Jun-25	4
Sep-25	1
Dec-25	1



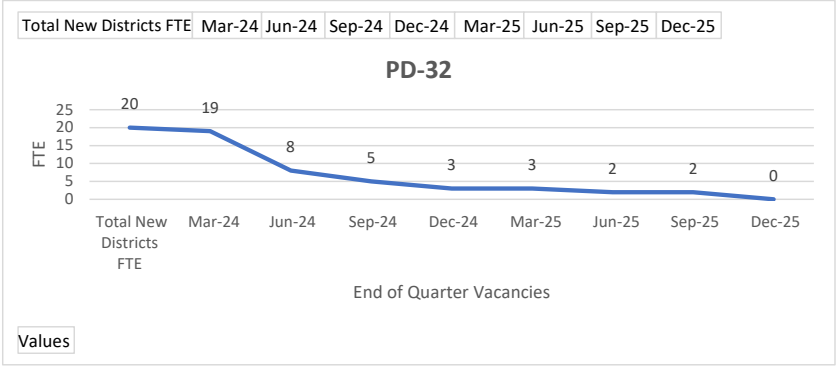
PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-30								
Assistant Public Defender	11	8	6	4	3	3	3	1	1
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	0	0	0	0	0	0	0	0
Public Defender Legal Assistant	3	1	0	1	0	0	1	0	0
Public Defender Social Worker	1	1	1	0	0	0	0	0	0
Grand Total	18	10	7	5	3	3	4	1	1

Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-32
Total New Districts FTE	20
Mar-24	19
Jun-24	8
Sep-24	5
Dec-24	3
Mar-25	3
Jun-25	2
Sep-25	2
Dec-25	0



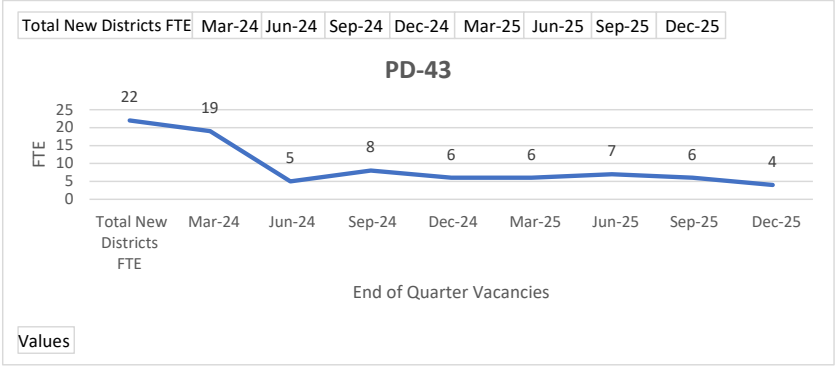
PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-32								
Assistant Public Defender	12	12	6	4	3	3	2	2	0
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	1	0	0	0	0	0	0	0
Public Defender Investigator	2	2	1	0	0	0	0	0	0
Public Defender Legal Assistant	3	3	0	0	0	0	0	0	0
Public Defender Social Worker	1	1	1	1	0	0	0	0	0
Grand Total	20	19	8	5	3	3	2	2	0

Quarterly monthly vacant positions 2024-2025

Source: B0149 and Money Report FY 2023-24

Values	PD-43
Total New Districts FTE	22
Mar-24	19
Jun-24	5
Sep-24	8
Dec-24	6
Mar-25	6
Jun-25	7
Sep-25	6
Dec-25	4



PD-5 vacancy trend by position

Districts	Total New Districts FTE	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
	PD-43								
Assistant Public Defender	14	14	5	7	5	6	7	6	4
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	2	2	0	0	0	0	0	0	0
Public Defender Legal Assistant	3	2	0	1	1	0	0	0	0
Public Defender Social Worker	1	1	0	0	0	0	0	0	0
Grand Total	22	19	5	8	6	6	7	6	4

Amendments to the Rules Governing Professional Conduct

27 NCAC 02, Section .0100, Rules of Professional Conduct

The proposed amendments permit the North Carolina Department of Justice and public defender offices to resolve imputed conflicts of interest by timely screening the disqualified lawyer and providing written notice as described in the Rules.

Rule 1.10, Imputation of Conflicts of Interest: General Rule

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer, including a prohibition under Rule 6.6, and the prohibition does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 unless:

(1) the personally disqualified lawyer is timely screened from any participation in the matter; and

(2) written notice is promptly given to any affected former client to enable it to ascertain compliance with the provisions of this Rule.

(d) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.

(e) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

(f) The disqualification prescribed by paragraphs (a) and (b) when applied to members of the North Carolina Department of Justice may be resolved by following the screening and notice requirements as set out in paragraphs (c)(1) and (c)(2).

(g) Disqualification pursuant to Rule 1.9 as prescribed by paragraphs (a) and (b) when applied to members of a public defender's office may be resolved by following the screening and notice requirements as set out in paragraphs (c)(1) and (c)(2).

Comment

...

...

[12] Lawyers working in a public defender's office provide clients with constitutionally guaranteed representation. Similarly, lawyers working in the North Carolina Department of Justice provide government entities, agencies, and individuals with statutorily guaranteed representation. See, e.g., N.C. Gen. Stat. § 114-2. Historically, lawyers working in either of these offices have been considered part of a single "firm" for conflict analysis. See, e.g., 98 FEO 5. However, application of the imputed conflict rules set out in Rule 1.10 can create a limitation on the provision of constitutionally or statutorily guaranteed representation, thereby hindering the public's or the government's ability to avail itself to the legal representation provided by law. Considering the Rules of Professional Conduct are "rules of reason" (see Rule .02 Scope [1]; see also RPC 55), paragraphs (f) and (g) permit the North Carolina Department of Justice and public defender offices, respectively, to resolve certain imputed conflict issues by taking reasonable precautions to screen disqualified lawyers from participation in the representation giving rise to the conflict under this Rule and provide notice to the affected individual(s) as set out in paragraph (c). Paragraphs (f) and (g) only apply to the referenced agencies or offices and do not permit private law firms to avoid imputed disqualification under Rule 1.10 by employing screening measures other than as set out in paragraph (c).

[13] The chief public defender of any Public Defender Office is tasked with making reasonable efforts to ensure all assistant public defenders employed by the office conform their conduct to the Rules of Professional Conduct. See generally Rule 5.1. Accordingly, the chief public defender of a Public Defender Office should review and make the determination as to whether a public defender office can proceed with representation pursuant to this Rule.

Agency Business



IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

DEFENDER WORKLOADS

FEBRUARY 20, 2026

1

NCGS 7A-498.5 RESPONSIBILITIES OF COMMISSION

- (c) The Commission shall develop standards governing the provision of services under this Article. The standards shall include:
 - (3) Standards for public defender and appointed counsel caseloads

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2

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WHY WORKLOAD STANDARDS?

- Ethical considerations
 - Rules of Professional Conduct (i.e., Competence, Diligence)
 - *Strickland v. Washington*
 - Other professional guidelines
- Burnout and attrition prevention
- Attorney and support staff health and wellbeing
- Calculation of budgetary, personnel, and other resource needs

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WORKLOAD STANDARDS OVERVIEW



4

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1973 NAC STANDARDS

- Standard 13.12: Workload of Public Defenders
 - Estimated maximum number of cases per year
 - Felonies: 150
 - Misdemeanors: 400
 - Mental health cases: 200
 - Juvenile cases: 200
 - Appeals: 25
 - Adopted from a set of standards set forth in 1972 by a defender committee of the National Legal Aid and Defender Association

1973 NAC STANDARDS

Standard 13.12 Workload of Public Defenders

The caseload of a public defender office should not exceed the following: felonies per attorney per year: not more than 150; misdemeanors (excluding traffic) per attorney per year: not more than 400; juvenile court cases per attorney per year: not more than 200; Mental Health Act cases per attorney per year: not more than 200; and appeals per attorney per year: not more than 25.

For purposes of this standard, the term case means a single charge or set of charges concerning a defendant (or other client) in one court in one proceeding. An appeal or other action for postjudgment review is a separate case. If the public defender determines that because of excessive workload the assumption of additional cases or continued representation in previously accepted cases by his office might reasonably be expected to lead to inadequate representation in cases handled by him, he should bring this to the attention of the court. If the court accepts such assertions, the court should direct the public defender to refuse to accept or retain additional cases for representation by his office.

KEY DEFINITIONS

- Case Weights
 - The average amount of time required to represent clients in cases of a particular type (i.e., high level felonies), regardless of disposition, weighted to the equivalent of a year's worth of working hours
- Weighted Caseloads
 - Formula that consists of case dispositions, case weights, and working time
 - Total annual workload is calculated by multiplying the annual dispositions for each case type by the corresponding case weight, then adding the workload across all case types
 - To establish personnel needs, divide the total workload by the number of working hours in a year
- Delphi Method
 - A structured process during which the opinions of a panel of experts are distilled, discussed, and revised until consensus is reached

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2019 NC IDS WORKLOAD ASSESSMENT

- 2017: General Assembly directed IDS to work with the National Center for State Courts to develop a "workload formula" for public defender offices
- Components:
 - Time study (what is)
 - Quality adjustment (what should be)
 - Survey
 - Site visits
 - Delphi panels

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2019 NC IDS WORKLOAD ASSESSMENT

Exhibit 5a. Preliminary and Quality-Adjusted Case Weights, Attorneys

	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
First-Degree Murder, Capital and Non-Capital	6,226	8,189
Felony A, B1, B2	2,519	4,519
Felony C, D, E, F	764	1,560
Felony G, H, I	317	524
Driving While Impaired	302	527
Misdemeanor, Traffic and Non-Traffic	129	246
Probation Violation, Felony and Non-Felony	117	189
Specialized Courts - All	620	620
Other Criminal	151	151
Felony - Juvenile	725	1,544
Misdemeanor - Juvenile	308	699
Other Juvenile	65	65
Abuse/Neglect/Dependency Adjudication	379	937
Abuse/Neglect/Dependency Review	657	687
Termination of Parental Rights	1,337	1,367
Involuntary Commitment/Competency	14	41
Child Support Contempt	113	113
Other Civil	39	39

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DEFENSE SERVICES
SAFEGUARDING JUSTICE

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2019 NC IDS WORKLOAD ASSESSMENT

Exhibit 5b. Preliminary and Quality-Adjusted Case Weights, Staff

	Administrative Staff		Investigators	
	Preliminary Case Weight (minutes)	Final Case Weight (minutes)	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
First-Degree Murder, Capital and Non-Capital	403	691	2,614	4,494
Felony	114	133	87	298
Driving While Impaired	59	67	14	56
Misdemeanor, Traffic and Non-Traffic	52	60	11	52
Probation Violation, Felony and Non-Felony	44	53	12	23
Specialized Courts - All	67	67	249	274
Other Criminal	370	370	67	67
Felony - Juvenile	116	124	68	270
Misdemeanor - Juvenile	81	86	23	81
Other Juvenile	13	13	2	2
Abuse/Neglect/Dependency Adjudication	144	144	2	3
Abuse/Neglect/Dependency Review	125	125	3	10
Termination of Parental Rights	68	68	21	56
Involuntary Commitment/Competency	4	40	0	0
Child Support Contempt	135	135	0	0
Other Civil	25	25	0	0

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IDS OFFICE OF INDIGENT
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SAFEGUARDING JUSTICE

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2019 NC IDS WORKLOAD ASSESSMENT

- Results:
 - 73% increase needed over existing attorney staffing levels
 - 10% increase needed over existing administrative staffing levels
 - 223% increase needed over existing investigator staffing levels

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IDS OFFICE OF INDIGENT
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SAFEGUARDING JUSTICE

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2019 NC IDS WORKLOAD ASSESSMENT

- Recommendations:
 - Manage workload: either increase staffing or reduce caseloads for effective representation
 - Improve court process efficiency and reduce time spent on activities that do not advance the resolution of cases
 - Make social workers available to all PD offices
 - Delineate attorney and support staff functions and do not treat attorney and support staff positions as fungible
 - Use weighted caseload model and calculate workload annually
 - Revise weighted caseload model every 5-7 years

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DEFENSE SERVICES
SAFEGUARDING JUSTICE

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2023 NATIONAL PUBLIC DEFENSE WORKLOAD STUDY

- Collaboration between the RAND Corporation, the National Center for State Courts, the ABA Standing Committee on Legal Aid and Indigent Defense, and Stephen Hanlon
- Funded by Arnold Ventures
- Components:
 - Review of 17 state-level public defense workload studies conducted between 2005 and 2022 (including the 2019 NC IDS Workload Assessment)
 - Delphi panel

2023 NATIONAL PUBLIC DEFENSE WORKLOAD STUDY

Table S.1. Final Results of the Expert Panel Session with Example Caseload Standards

Case Type	Case Weight (Hours per Case)	Annual Caseload Standard
Felony-High-LWOP	286.0	7
Felony-High-Murder	248.0	8
Felony-High-Sex	167.0	12
Felony-High-Other	99.0	21
Felony-Mid	57.0	36
Felony-Low	35.0	59
DUI-High	33.0	63
DUI-Low	19.0	109
Misdemeanor-High	22.3	93
Misdemeanor-Low	13.8	150
Probation/Parole Violations	13.5	154

NOTE: Annual caseload standards were calculated using an assumption of 2,080 hours available annually to a defender for case-related work.

SINCE 2023...

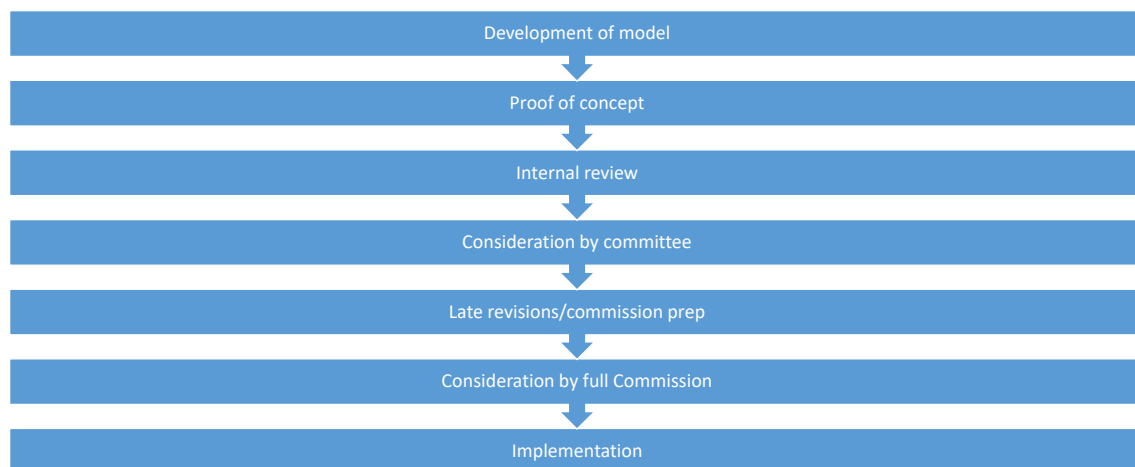
- Convened Workloads committee
 - Consisted of PD, APDs, PAC/MAC attorneys, Regional Defender
 - Staffed by IDS Defender Policy & Planning Attorney and Research Director
 - Reviewed:
 - Literature on caseloads
 - Standards used by other states
 - 2019 NC Workload Assessment and 2023 National Public Defender Workload Study
 - Research dept. analysis of time reported by PAC
 - Put on hold for research development

15

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

15

NEXT STEPS



16

IDS OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

16



17



18

Thank you for choosing a career in public service!

The Office of Indigent Defense Services welcomes you to the public defense system of North Carolina.



Margaret Amshay
Harvard Law School
Mecklenburg County
District 26



Breana Bennett
NCCU School of Law
Mecklenburg County
District 26



Jacob Evans
University of Pittsburgh School of Law
Union County
District 30



Thomas A. Frame
Washington and Lee Univ. School of Law
Alexander and Iredell Counties
District 32



Bethany Garrison
UNC School of Law
New Hanover County
District 6



Aselah Greenwood
Southern University Law Center
Alexander and Iredell Counties
District 32



Lindsay Grier
University of Pennsylvania Law School
Mecklenburg County
District 26



Ellie McIntyre
UNC School of Law
Wake County
District 10



Jolie Pringle
Wake Forest University School of Law
Johnston County
District 13



Caitlin Roach
NCCU School of Law
Bertie, Halifax, Hertford &
Northampton Counties
District 7



Julia Smith
Campbell Law School
Johnston County
District 13



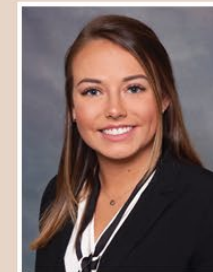
Emily Spittler
Elon University School of Law
Mecklenburg County
District 26



Amber Leigh Thompson
Wake Forest University School of Law
Mecklenburg County
District 26



Grace Thompson
UNC School of Law
Wake County
District 10



Sidney Vaught
Elon University School of Law
Gaston County
District 38

Update from the Field

OFFICE OF SPECIAL COUNSEL 2022-2026

By J. Chad Perry

February 20, 2026

1

OSC TEAM

Office Locations:

Raleigh
Butner
Goldsboro
Morganton



Contractors:
Winston Salem
Charlotte
Chapel Hill

Approx. 40 attorneys through the state of NC.

01

2

OSC BY THE NUMBERS

9 attorneys including myself

8 Legal Assistants

4 Locations-

-Raleigh

-Central Regional Hospital
(Butner)

-Broughton Hospital (Morganton)

-Cherry Hospital (Goldsboro)

02

3

FISCAL YEAR REPORTING

FY 22- 13,053

FY 23- 12,080


FY 24- 11,160

FY 25- 12, 923

**Total of 49, 216 commitment
cases.**

03

4



AN ERA OF GREAT CHANGE

- 1. Transition to E-Courts:** The Raleigh Office has been instrumental in navigating the transition to E-Courts, particularly regarding its impact on commitments. We led the rollout by coordinating numerous meetings with judges, clerks, and opposing counsel to address systemic issues.
- 2. Ongoing Advocacy & Consultation:** Three years into the implementation, significant challenges persist. Our office remains a primary resource for the legal community, frequently fielding inquiries from attorneys seeking guidance on resolving E-Court complications.
- 3. Strategic Relocation:** In December 2025, the Raleigh Office successfully transitioned to the NC Judicial Center, marking the end of a multi-decade tenure on the Dix campus.

04

5



EXECUTIVE SUMMARY



- 1.) Strategic Shift in Office Culture:** Our primary objective was to elevate the standard of advocacy within the office by recruiting high-caliber legal talent with extensive litigation experience.
Strengthening the Legal Team: We successfully recruited two former Public Defenders, a veteran criminal defense attorney, and a former felony District Attorney. Additionally, we rehired a former Special Counsel with over 20 years of experience to serve as a mentor and provide strategic guidance.
- 2.) Optimizing Support Operations:** We prioritized hiring highly qualified Legal Assistants, including two clerks from Special Proceedings with direct experience in involuntary commitment and a legal assistant from the healthcare sector.
- 3.) Community Accessibility:** To better serve our diverse community, we added a Spanish-speaking legal assistant to our team, ensuring inclusive and effective advocacy for all clients.



05

6

Elevated Advocacy Standards



Unprecedented Litigation Success: Our strategic hiring has yielded immediate results; notably, one recent addition to the team has secured victories in 60 out of 62 motions and hearings—a success rate that is virtually unparalleled in this field.

Elevating Private Assigned Counsel (PAC): We have applied the same rigorous standards to our PAC list, actively recruiting distinguished advocates and veteran defense attorneys with proven litigation backgrounds. By prioritizing courtroom experience, we have significantly strengthened the quality of representation across the board.

06

7

LEADERSHIP & LEGACY

The "Coaching Tree"

My commitment to Servant Leadership is defined by the success and advancement of the professionals I mentor. I believe in empowering my team to achieve their highest potential, as evidenced by these notable career transitions:

Strategic Career Placement: A Private Assigned Attorney from our roster was recruited directly by a major hospital to serve as their internal counsel.

Leadership Development: By entrusting a high-performing Special Counsel with expanded responsibilities and mentorship, I supported his trajectory to his current role as the City Attorney for Shelby.

These milestones reflect a culture where empowerment and excellence are the standard, ensuring that those I lead are positioned to "win" both within and beyond our office.

07

8

NEW INITIATIVES & ORGANIZATIONAL GROWTH

Launched Comprehensive Internship Program: Mentored law students from UNC and NCCU, alongside undergraduate criminal justice majors, to foster the next generation of North Carolina advocates.

Pioneered Holistic Defense Model: Integrated NCCU Social Work interns to provide wraparound services, including housing assistance, disability benefits navigation, and educational reintegration for youth.

Modernized Office Infrastructure: Oversaw the development of a new digital interface and the formalization of office operations through the drafting of first-ever Standard Operating Procedures (SOPs).



08

9

THOUGHT LEADERSHIP & SYSTEMIC IMPACT

Statewide IVC Authority: Served as a consultant to judicial and legal stakeholders across North Carolina, offering specialized expertise on involuntary commitment issues.

Healthcare Systems Training: Directed the successful onboarding of three hospital systems, training medical staff on legal best practices and IVC compliance.

Legislative Influence: Actively participated in policy discussions with DHHS to shape proposed statutory revisions, ensuring the legislative process is informed by frontline legal experience.

Public Information Initiative: Oversaw the creation of accessible legal resources and pamphlets to improve public literacy regarding the commitment process.

09

10

Strategic Increase in Office

Visibility

Distinguished Panelist:

Represented the office at the Disability Rights Conference, contributing to the dialogue on civil rights and legal advocacy.

CLE Contributors:

Provided specialized IVC training to judges and attorneys through the UNC School of Government and statewide PD conferences.

Advocate for Professional Wellness:

Featured speaker on lawyer wellness for the NC Bar Association (partnered with Jimbo Perry).

Community & Student Mentorship:

Committed to developing the next generation of attorneys through NCCU School of Law's "Thrive Thursdays" and the upcoming Spring 2026 Healthcare Law Panel.

10

11

FUTURE OUTLOOK: STRATEGIC GROWTH & LEGISLATIVE IMPACT

Client-Centric Initiatives: Launching a pilot program for client ID acquisition and exploring the feasibility of a Mental Health Court/diversionary model.


Proactive Scaling: Preparing for the WakeMed 150-bed expansion (2027) by identifying the need for up to four new staff members (2 Attorneys, 2 Legal Assistants).

Legal Analysis of Iryna's Law: Strategizing for the December rollout of Iryna's Law, which will likely increase our caseload through mandated psychiatric evaluations for specific defendant populations.

Commitment to Mission: Despite the challenging public climate regarding mental health and criminal justice, we remain dedicated to the principle of "treatment over incarceration" and the protection of our clients' due process rights.

11

12



IN CLOSING,

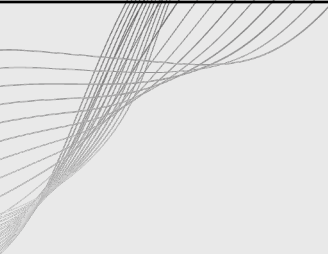
People-First Outlook: I am optimistic about our trajectory because of the dedicated advocates and support staff who bring our mission to life every day.

High-Level Advocacy: We are prepared to meet the demands of the future with the same rigor and passion that defined our work in this historic period of change.

Future-Ready: With the right people in place, I am confident in our ability to expand our services and continue our leadership in the mental health and legal fields.


12

13




THANK YOU

OSC REPORT OUTLINE



OSC FACT SHEET



13

14

Commission Business

HONORABLE TONIA A. CUTCHIN

Home Address: 3705 Worthing Court, Greensboro, North Carolina 27455

Telephone: 919-454-4944

E-mail Address Work: tonia.cutchin@nccourts.org

EDUCATION & EXPERIENCE

EDUCATION

Juris Doctor & Master of Business Administration

North Carolina Central University

May, 2003

Durham, NC

Bachelor of Business Administration (Concentration: Accounting)

North Carolina Central University

May, 1998

Durham, NC

LICENSE & CERTIFICATION

Certified Juvenile Judge

June, 2019

Bar Admissions:

United States Supreme Court

November, 2018

District of Columbia

June, 2004

North Carolina

April, 2005

United States Federal District Court for the District of Columbia

February, 2005

United States Federal District Court for the North Carolina Middle District

May, 2006

United States Federal District Court for the North Carolina Western District

May, 2007

PROFESSIONAL EXPERIENCE

Superior Court Judge

January, 2023-present

State of North Carolina Judicial Branch

Greensboro, NC

Preside over motions and complaints involving negligence, contract disputes, legal entities, injunctions, and securities regulations in matters that exceed \$25,000.

Preside over felony criminal matters and misdemeanor/infraction appeals from the district court.

Draft and file court orders required by the North Carolina Rules of Civil Procedure.

Provide legal analysis of applicable statutes and regulations.

Research laws, legal opinions, policies, and regulations.

District Court Judge

January, 2017-December 2022

State of North Carolina Judicial Branch

Greensboro, NC

Served as lead judge over cases involving abused, neglected, and dependent juveniles and petitions alleging delinquency.

Presided over issues involving civil disputes, divorce, child custody, child support, and alimony.

Presided over misdemeanors and infractions, involving guilty pleas, trials, and sentencing.

Presided over first appearances and probable cause hearings in felony cases.

Conducted training to educate new attorneys on trial litigation, ethics, and evidentiary procedures.

Preside over motions and complaints involving business, criminal, civil, traffic, specialty, injunctions, landlord/tenant, and property cases.

Drafted and filed court orders required by the North Carolina Rules of Civil Procedure.

Provided legal analysis of applicable statutes and regulations.

Researched laws, legal opinions, policies, and regulations.

Assistant Public Defender (District Court Supervisor)
State of North Carolina

December 2009-December 2016
Greensboro, NC

Managed caseload of criminal (felony & misdemeanors) and juvenile cases.

Conducted a monthly training to educate new attorneys on trial litigation, ethics, and evidentiary procedures.

Interviewed clients, conducted legal research, filed motions, and negotiated plea deals with the prosecutor.

Advised clients on their rights, the consequences of plea offers, and case strategies.

Represented clients in trials, including jury selection, opening statements, and witness examination.

Attorney
Capote & Associates, PLLC

July, 2005-December, 2009
Greensboro, NC

Litigated issues involving contract disputes, legal entities, and securities regulations.

Conducted a monthly seminar discussing the challenges of business ethics in a business environment.

Litigated motions and criminal defense of traffic, misdemeanors, and felonies in Guilford County District, Superior, and United States District Courts.

Drafted and filed pleadings required by the North Carolina Rules of Civil Procedure.

Provided legal analysis of applicable statutes and regulations.

Researched laws, legal opinions, policies, and regulations.

SERVICE & PROFESSIONAL DEVELOPMENT

National Association of Women's Judges-District Director (2026-present)

North Carolina Judges Association (2017-present)

Mental Health Associates of the Triad- Board of Directors (2018-2024)

The Piedmont School-Board of Directors (2020-2024)

Caring Services, Inc.-Board of Directors (2020-present)

YWCA of Greensboro-Board of Directors (2019-2023)

Women Professional Forum (2017-present)

Criminal Defense Bar Association-Former President (2016)

Guilford Education Alliance Board of Directors (Former Board Member)

AWARDS & HONORS

The Leading Ladies Leadership Achievement Award (2025)

City of Rocky Mount Mayor's Esteemed Citizen Award (2023)

Higher Height Humanitarian Award (2019)

The Men & Women of Smith Leader of the Year (2019)

Thurgood Marshall Scholar

National MBA Scholar

Bio Info:

Tessa Sellers is the Senior Resident Superior Court Judge for District 43 A of North Carolina. She has been serving in this position since being appointed by Governor Roy Cooper in May of 2024. Prior to becoming a Superior Court Judge, Judge Sellers had the opportunity to serve the district courts of North Carolina since 2014.

Judge Sellers spent a number of years as a litigator both as an Assistant District Attorney and as private defense counsel. During her time in legal practice, she had the opportunity to be on several court appointed lists, including criminal defense and juvenile court. Judge Sellers received her BA in Political Science and her J.D. from Campbell University School of Law. She is a member of the North Carolina State Bar. A native of Clay County she resides there with her husband, Joe and their two sons, Jackson and Rhett.



Home



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Post



Bill Stetzer · 2nd
Special Superior Court Judge



- North Carolina Administrative Office of the Courts

Gastonia, North Carolina, United States · [Contact info](#)

500+ connections



Brian Cromwell, Dena King, and 3 other mutual connections

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Highlights



You both worked at North Carolina Administrative Office of the Courts

Bill worked at North Carolina Administrative Office of the Courts after you started

Activity

805 followers

Bill Stetzer commented on a post · 3w

Todd is a great pick up!

Bill Stetzer commented on a post · 1mo

Congratulations! 🎉

Bill Stetzer commented on a post · 2mo

So happy for you but what a loss for Gaston County. I truly enjoyed working with you. Congratulations on your new adventure!!!

[Show all comments →](#)

Experience



Special Superior Court Judge

North Carolina Administrative Office of the Courts

Jan 2024 - Present · 1 yr 8 mos

Gastonia, North Carolina, United States

💡 Law



County Attorney

Gaston County · Full-time

Jan 2022 - Jan 2024 · 2 yrs 1 mo

📌 Law and Civil Litigation



United States Attorneys' Offices

Full-time · 4 yrs 1 mo

Acting First Assistant United States Attorney

Nov 2021 - Jan 2022 · 3 mos

Charlotte, North Carolina, United States

Acting United States Attorney

Mar 2021 - Nov 2021 · 9 mos

📌 Law

First Assistant United States Attorney

Jan 2018 - Mar 2021 · 3 yrs 3 mos

Charlotte, North Carolina, United States

📌 Civil Litigation

Homicide Team Supervisor

Mecklenburg County District Attorney's Office · Full-time

Jan 2011 - Jan 2018 · 7 yrs 1 mo

Charlotte, North Carolina, United States

📌 Law and Homicide Investigations

Education



Washburn University School of Law

Doctor of Law - JD, Law

1993 - 1996



University of Central Florida

Bachelor of Arts - BA

1989 - 1992

Skills

Homicide Investigations

Homicide Team Supervisor at Mecklenburg County District Attorney's Office



1 endorsement

Law



4 experiences across North Carolina Administrative Office of the Courts and 3 other companies



1 endorsement

Show all 6 skills →

Interests

Companies

Groups

Schools



United States Attorneys' Offices

137,421 followers

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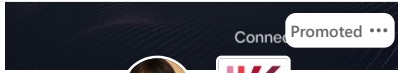


Central Intelligence Agency

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Wells Fargo Compliance

Message



Travis Page · 2nd

District Attorney

Connect

Petar Babanovski · 2nd

Systems Analyst at North Carolina Administrative Office of the Courts

Connect



Daniel Ryan · 2nd

Assistant United States Attorney at United States Attorney's Office

Connect



Mary Beth Wyatt · 3rd

Gaston County District Attorney Legal Assistant

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Franchise Owner and Building Company President AR Homes

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Chief Executive Officer at FurnitureLab

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John R. Condren · 2nd

Managing Partner at Barth Condren, LLP



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Jonathan Edmondson  · 3rd
Chief Executive Officer @ Koshee | CFA

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People you may know

From Bill's industry



Deonte' Thomas
Chief Public Defender of Wake County

Connect

Raymond C. Tarlton 
Attorney at Tarlton Law PLLC


Connect



John Carella
North Carolina Appellate Attorney

Connect



Ben Hiltzheimer 
Managing Partner at Hiltzheimer Law Office, PLLC

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Milan T. Pham
Member/Partner at NicholsonPham L.L.C.

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**PETITIONS FOR REHEARING UNDER RULE 31
OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE**

IDS Policy:

(A) The decision to file a petition for rehearing in the North Carolina Court of Appeals or in the North Carolina Supreme Court is a matter committed to appellate counsel's reasonable professional judgment, and neither approval from the Parent Defender nor permission from the client is required to file such petitions.

Per Rule 31 of the North Carolina Rules of Appellate Procedure, a petitioner may file a petition for rehearing when the petitioner believes that the court has overlooked or misapprehended a particular point of fact or law.

If appellate counsel concludes that the case meets the criteria, it would be reasonable professional judgment to seek rehearing. It would not be reasonable professional judgment to seek rehearing only because the Court denied relief.

(B) If counsel files a petition for rehearing on behalf of a client, counsel will be compensated for a maximum of ten hours. If counsel responds to a petition for rehearing filed by opposing counsel, counsel will be compensated for all reasonably necessary time.

(C) Rule 31(a) of the North Carolina Rules of Appellate Procedure requires a petition for rehearing to be filed within fifteen days after the mandate of the court has issued. Considering such a short timeframe during which counsel must act, counsel need not seek or obtain permission from a client to file a petition for rehearing. However, if the client has previously instructed counsel not to file a petition for rehearing under any circumstances, counsel should not file such a motion.

(D) If, in the exercise of reasonable professional judgment, counsel decides not to file a petition for rehearing, and in the exercise of reasonable professional judgment also decides not to file a petition for discretionary review (PDR) in the North Carolina Supreme Court, then counsel should inform the client of those decisions and provide the client with information about filing a petition for rehearing and PDR *pro se*. The information to be provided to the client includes a copy of N.C.G.S. § 7A-31(c), a copy of Rules 15 and 31 of the Rules of Appellate Procedure, the dates the petition for rehearing and PDR are due, and the relevant mailing and efilg addresses for filing and service. See IDS Policy: Petitions for Discretionary Review.

Policy effective _____.

Authority: G.S. 7A-31(c), 7A-498.3(c); Rule 31, N.C. R. App. P.; IDS Rule 3.3; Rule 1.2 of the Revised Rules of Professional Conduct.

Attorney: Tayloe Hill

Show Cause: "A previous fee app was submitted with the switch to eCourts the fee app was never received and filed by clerk."
23CR272378 = "Must have gotten lost, follow up w clerk and was told no fee was submitted.
emailed attorney 8/11/25 requesting copies from his file of the originally submitted apps - none provided.

File #	Disposition Date	One Year Deadline	1 YR + 90 Days	Date Submitted	Length Past Deadline	Rate at Time	Total Fee	10%	20%	30%
20CR050217-570	6/13/2023	6/12/2024	9/10/2024	12/5/2024	0 years, 5 months, 23 days	\$ 65.00	\$ 390.00	\$ 351.00	\$ 312.00	\$ 273.00
22CR304000-570	5/17/2023	5/16/2024	8/14/2024	9/26/2024	0 years, 4 months, 10 days	\$ 65.00	\$ 650.00	\$ 585.00	\$ 520.00	\$ 455.00
21CR702089-570	10/17/2022	10/17/2023	1/15/2024	9/26/2024	0 years, 11 months, 9 days	\$ 65.00	\$ 260.00	\$ 234.00	\$ 208.00	\$ 182.00
23CR272378-730	9/27/2023	9/26/2024	12/25/2024	6/24/2025	0 years, 8 months, 29 days	\$ 65.00	\$ 260.00	\$ 234.00	\$ 208.00	\$ 182.00
							\$ 1,560.00	\$ 1,404.00	\$ 1,248.00	\$ 1,092.00

Attorney: Kairah Pippenger

Show Cause: Original app submitted pre eCourts and never paid, submitted 7/25/23. If true then app is not late, emailed attorney for the original app on 8/11/25, atty replied they do not have original, don't keep them

File #	Disposition Date	One Year Deadline	1 YR + 90 Days	Date Submitted	Length Past Deadline	Rate at Time	Total Fee	10%	20%	30%
22CR268603-590	2/2/2023	2/2/2024	5/2/2024	2/22/2025	1 years, 0 months, 20 days	\$ 65.00	\$ 845.00	\$ 760.50	\$ 676.00	\$ 591.50

Attorney: Aerial Chatman

Show Cause:

File #	Disposition Date	One Year Deadline	1 YR + 90 Days	Date Submitted	Length Past Deadline	Rate at Time	Total Fee	10%	20%	30%
23CR383154-250	6/21/2024	6/21/2025	9/19/2025	7/25/2025	0 years, 1 months, 4 days	\$ 65.00	\$ 325.00	\$ 292.50	\$ 260.00	\$ 227.50
23cCR235531-250	2/14/2024	2/13/2025	5/14/2025	8/1/2025	0 years, 5 months, 19 days	\$ 65.00	\$ 1,573.00	\$ 1,415.70	\$ 1,258.40	\$ 1,101.10
							\$ 1,898.00	\$ 1,708.20	\$ 1,518.40	\$ 1,328.60

Attorney: John B Reeves

Show Cause: Delay due to office transition from one case management system to another that caused delays in transfer of information. Counsel believes he filed a fee app aprox a year ago (would have been filed w IDS), no app w an earlier signature date provided.

Note: AG ran a payment report for the time period at issue, from 1/1/2024-8/1/2025 there were 100 fee apps, 98 were submitted timely and paid, these 2 were not (2/5/26 AG email "payment data").

File #	Disposition Date	One Year Deadline	1 YR + 90 Days	Date Submitted	Length Past Deadline	Rate at Time	Total Fee	10%	20%	30%
22CR265183-960	6/4/2024	6/4/2025	9/2/2025	12/3/2025	0 years, 5 months, 29 days	\$ 100.00	\$ 20,630.00	\$ 18,567.00	\$ 16,504.00	\$ 14,441.00

Attorney: David Baurenfind

Show Cause: Juvenile matter where several subsequent charges were added, multiple disposition dates per charge, eCourts transition complicated management of billing and personal upheaval (separation from spouse). Doing inted work since July 2010 first request for waiver. MAC Contractor.
appo

File #	Disposition Date	One Year Deadline	1 YR + 90 Days	Date Submitted	Length Past Deadline	Rate at Time	Total Fee	10%	20%	30%
19JB000567-910	9/5/2023	9/4/2024	12/3/2024	8/15/2025	0 years, 11 months, 11 days	\$ 85.00	\$ 2,422.50	\$ 2,180.25	\$ 1,938.00	\$ 1,695.75

Attorney: Dymond Spain

Show Cause: Downsized solo practice, got new employment and continued to do guardianship cases and did not have the means/time to complete fee apps.

File #	Disposition Date	One Year Deadline	1 YR + 90 Days	Date Submitted	Length Past Deadline	Rate at Time	Total Fee	10%	20%	30%
23CVD001564-250	1/10/2024	1/9/2025	4/9/2025	10/16/2025	0 years, 9 months, 7 days	\$ 65.00	\$ 279.50	\$ 251.55	\$ 223.60	\$ 195.65
21CVD005974-250	2/22/2024	2/21/2025	5/22/2025	10/16/2025	0 years, 7 months, 25 days	\$ 65.00	\$ 397.15	\$ 357.44	\$ 317.72	\$ 278.01
22CVD0001174-250	5/7/2024	5/7/2025	8/5/2025	10/16/2025	0 years, 5 months, 9 days	\$ 65.00	\$ 772.20	\$ 694.98	\$ 617.76	\$ 540.54
12CVD000479-250	2/28/2024	2/27/2025	5/28/2025	10/16/2025	0 years, 7 months, 19 days	\$ 65.00	\$ 169.00	\$ 152.10	\$ 135.20	\$ 118.30
12CVD009728-250	1/11/2024	1/10/2025	4/10/2025	10/16/2025	0 years, 9 months, 6 days	\$ 65.00	\$ 71.50	\$ 64.35	\$ 57.20	\$ 50.05
19CVD002081-250	1/24/2024	1/23/2025	4/23/2025	10/16/2025	0 years, 8 months, 23 days	\$ 65.00	\$ 104.65	\$ 94.19	\$ 83.72	\$ 73.26
22CVD000581-250	2/8/2024	2/7/2025	5/8/2025	10/16/2025	0 years, 8 months, 9 days	\$ 65.00	\$ 64.35	\$ 57.92	\$ 51.48	\$ 45.05
11CVD009206-250	7/20/2023	7/19/2024	10/17/2024	10/16/2025	1 years, 2 months, 27 days	\$ 65.00	\$ 112.45	\$ 101.21	\$ 89.96	\$ 78.72
21CVD003289-250	3/5/2024	3/5/2025	6/3/2025	10/16/2025	0 years, 7 months, 11 days	\$ 65.00	\$ 333.45	\$ 300.11	\$ 266.76	\$ 233.42
21CVD006520-250	3/14/2024	3/14/2025	6/12/2025	10/16/2025	0 years, 7 months, 2 days	\$ 65.00	\$ 163.15	\$ 146.84	\$ 130.52	\$ 114.21
23SP001307-250	3/4/2024	3/4/2025	6/2/2025	10/16/2025	0 years, 7 months, 12 days	\$ 65.00	\$ 229.45	\$ 206.51	\$ 183.56	\$ 160.62
23SP000620-250	9/9/2024	9/9/2025	12/8/2025	10/16/2025	0 years, 1 months, 7 days	\$ 65.00	\$ 183.30	\$ 164.97	\$ 146.64	\$ 128.31
24SP000424-250	6/18/2024	6/18/2025	9/16/2025	10/16/2025	0 years, 3 months, 28 days	\$ 65.00	\$ 445.90	\$ 401.31	\$ 356.72	\$ 312.13
24SP000143-250	3/26/2024	3/26/2025	6/24/2025	10/16/2025	0 years, 6 months, 20 days	\$ 65.00	\$ 422.50	\$ 380.25	\$ 338.00	\$ 295.75
24SP000029-250	2/28/2024	2/27/2025	5/28/2025	10/16/2025	0 years, 7 months, 19 days	\$ 65.00	\$ 113.75	\$ 102.38	\$ 91.00	\$ 79.63
							\$ 3,862.30	\$ 3,476.07	\$ 3,089.84	\$ 2,703.61

Other Business

Cumberland County Chief Public Defender Cindy Black Retires

January 6, 2026

Filed Under: [Announcements](#)



After 24 years of service to Cumberland County, including five years as Chief Public Defender, Cindy Black will retire on December 31. During her career, Cindy has been a tireless advocate for indigent clients and a steady, trusted presence in the courthouse. She served in the U.S. Army prior to going to earning her JD at Campbell University.

The local bar in Cumberland County honored her service at a special ceremony on Dec. 18, and after a nice, well-deserved rest, Cindy plans to continue to do court-appointed in a “less stressful” capacity, mostly for lower-level crimes, post-retirement.

Cindy stepped up numerous times when the office needed leadership, with a focus always on doing what was best for clients and colleagues. She worked hard to strengthen the Public Defender’s Office—improving the office workspaces, building relationships with community partners, and helping shift perceptions of how the office is “seen” in the community. Her approach was grounded in compassion, professionalism, and a deep belief in second chances.

Cindy is grateful for the support of her coworkers, mentors, judges, and the collaborative Cumberland County bar, and she credits her faith and family—especially her two sons—as her foundation. As she looks ahead, Cindy is excited for a slower pace, more time for reading and church service, and finding new ways to help others after a well-earned break. One of her retirement goals is to acquire more skills and know-how to help local older widows and single parents with home repairs.

Cindy wants her legacy to be how she left behind a stronger PD office in Cumberland County. A true advocate, she has no doubt made a lasting impact on the people she served as well as those she worked with every day.

February 9, 2026

Filed Under: [Announcements](#)



Cindy Black pictured with Wade M. Smith (Contributed Photo)

Newly Retired Chief Public Defender Cynthia “Cindy” Black (Cumberland County) was honored at the 2025 North Carolina Bar Association annual awards dinner. The Criminal Justice Section of the NCBA awarded the recipients of the 2025 Peter S. Gilchrist III & Wade M. Smith Awards on Thursday, January 29, 2026, at Embassy Suites in Cary.

Ms. Black received the Wade M. Smith Award. The Wade M. Smith Award is presented annually to a defense attorney who exemplifies the highest ideals and professionalism, has an exemplary record and reputation within the legal community, abides by the highest ethical standards, and has been an active, positive force inside and outside the courtroom in working to improve the criminal justice system.

She had this to say about her award:

I am very thankful that the Bar Association recognized the work of a public defender. But I think that the work I have done is reflective of that of most of my public defender brethren. Truly, it was a profound honor to be recognized. And right on the heels of that are tremendous humility and extreme gratitude.

Connie Jordan, retired ADA from New Hanover County, received the Peter S. Gilchrist III Award. (The Peter S. Gilchrist III Award is given annually to honor a prosecutor.)

January 8, 2026

Filed Under: [Announcements](#)



On January 1, 2026, Adam Phillips was sworn in as the new Chief Public Defender for District 14 during a private ceremony at his home with family. Senior Resident Superior Court Judge James F. Ammons performed the ceremony.

Chief Phillips is a native of Fayetteville. He joined the helm of the Cumberland County PD Office from previous employment with the law firm of Adams, Burge and Boughman, PLLC. There, he primarily practiced Family Law under Harold Lee Boughman, Jr.

Chief Phillips is a graduate of the University of North Carolina where he earned a B.A. in political science in 2009, and then a J.D. from the UNC School of Law in 2012.

He served for eight years as a member of the Cumberland County Public Defender's Office beginning in February of 2014. He was next appointed to serve as a District Court Judge by then Gov. Roy Cooper where he finished the remainder of the Hon. Judge April Smith's term. After that, he served as a member of the Cumberland County District Attorney's Office before eventually going to work at Adams, Burge, and Boughman.

"I am excited to return home to continue serving with the Cumberland County Public Defender's Office," said Chief Phillips. "I believe deeply in the promise of equal justice and the essential role we have in upholding constitutional protections for all members of society – regardless of their income or social status. I look forward to supporting our dedicated assistant public defenders, strengthening our office, and advancing a justice system that lives up to its highest ideals."

Chief Phillips lives in Fayetteville with his wife, Faith, his son, who is coincidentally named Gideon, and their dog, Winston. In his spare time, Chief Phillips most enjoys spending time with his family. They enjoy traveling, trying new restaurants, and cheering on Gideon's favorite baseball team, the New York Yankees.



DISTRICT 7 PUBLIC DEFENDER'S OFFICE



ANNUAL REPORT 2025

2025 ANNUAL REPORT PREPARERS

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2025



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Message from the Chief Public Defender

Dear Stakeholders,

As we close on our second full year as the District 7 Public Defender's Office, I am deeply proud of how far we've come together. From four counties once described as a "legal desert," we have built a vibrant, client-centered team committed to zealous advocacy and compassionate service.

The past year has been one of growth, innovation, and preparation for the future. We strengthened our staff with new attorneys and support personnel, improved our case management systems, and continued to refine our data-driven approach to measuring performance and accountability. We also enhanced our physical spaces — most notably, by redesigning the attorney-client meeting room at the Halifax County Jail to promote dignity, privacy, and trust.

Looking ahead, 2026 will mark the launch of two major initiatives that embody our mission and values. The D7 Justice Support Network will pair community mentors with individuals awaiting trial, helping to restore hope and stability through positive connection. Our internal Learn & Lead sessions — which have become a cornerstone of our team's professional development — will also evolve into certified Continuing Legal Education opportunities, extending our culture of learning to both staff and private assigned counsel.

These initiatives, like the work we do every day, reflect a single truth: public defense is not merely a profession; it is a promise — to stand with those who have no one else, to fight for fairness, and to uphold the dignity of every person we serve.

Warm regards,
Tonza D. Ruffin
Chief Public Defender
D7 Public Defender's Office



Our Mission

To deliver
client-centered,
zealous advocacy with
compassion.

Our Vision

Our vision is to shift the focus of the criminal justice system from the crime committed to understanding the full person behind it. By addressing external factors such as lack of housing, employment, transportation, and other socio-economic challenges, we are helping to provide a comprehensive view of our clients and their involvement in the criminal justice system. By tackling these root causes, our office believes we can reduce the number of individuals entering the criminal justice system and significantly decrease the time they spend incarcerated. Our approach is grounded in the belief that holistic defense leads to more just and equitable outcomes not only for our clients, but also for the community.





PURPOSE OF THE ANNUAL REPORT

This 2025 Annual Report is designed to inform the District 7 judges, partners, and community stakeholders of the work being done to strengthen public defense, enhance collaboration, and prepare for the launch of new initiatives in 2026. Provided is an overview of the growth, performance, and progress of the D7 Public Defender's Office during our second full year of serving our community. It highlights key staffing updates, performance data, and upcoming initiatives that reflect our commitment to client-centered, high-quality representation across the Bertie, Halifax, Hertford, and Northampton Counties.



“

*JUSTICE WILL NOT BE SERVED UNTIL
THOSE WHO ARE UNAFFECTED ARE AS
OUTRAGED AS THOSE WHO ARE.*

”

BENJAMINE FRANKLIN

Our Team



Tonza Ruffin
CHIEF PD



Dorn Summey
SENIOR APD



Rena Spellman
ASSISTANT PD



Monique Ferbee
ASSISTANT PD



Walter Rand
ASSISTANT PD



Kanter Morris
ASSISTANT PD



Kellin Gent
ASSISTANT PD



Gabrielle Sanderson
ASSISTANT PD



Caitlin Roach
ASSISTANT PD



Raymond Davis
INVESTIGATOR



Alyssa Hopson
CLIENT ADVOCATE



Tomeka Speller
ADMINISTRATIVE
ASSISTANT



Suvetra Bland
LEGAL
ASSISTANT



Meggan Coggins
LEGAL
ASSISTANT



Jasmine Scott
LEGAL
ASSISTANT





DATA DRIVEN PERFORMANCE & ACCOUNTABILITY

To promote transparency, efficiency, and informed decision-making, Chief Public Defender Tonza D. Ruffin helped develop a comprehensive performance-tracking system tailored to the unique needs of the office. This tool consolidates critical case information and transforms it into meaningful insights, allowing the team to monitor performance in real time. The platform provides detailed reports on each attorney's caseload, including aging cases, monthly disposition summaries, and case closure statistics. It also tracks key performance metrics such as the average time to close cases and overall office disposition trends. By leveraging data to identify patterns, measure progress, and allocate resources more effectively, D7 continues to strengthen accountability and ensure that client-centered advocacy remains at the heart of its operations.



BUILDING A MISSION-DRIVEN TEAM

In a region historically challenged with attracting and retaining legal talent, the District 7 Public Defender's Office prioritized innovative and inclusive strategies to strengthen recruitment and retention rates. Tonza D. Ruffin, the Chief Public Defender, helped cultivate relationships with law schools,

connecting directly with recruiters, and increasing the office's visibility among emerging attorneys. A Recruitment Committee was established to guide outreach and hiring initiatives, ensuring that the process reflects the office's values of collaboration, diversity, and excellence.

workload monitoring *and* SUSTAINABILITY

After studying the RAND National Public Defense Workload Study, Chief Public Defender Tonza D. Ruffin developed a tailored workload monitoring method. The goal of the workload monitoring method is to maintain manageable and equitable caseloads while providing high-quality, client-centered representation.

In the District 7 Public Defender's Office, each attorney utilizes a customized spreadsheet that tracks critical data such as the date a case was assigned to an assistant public defender (APD), the type of case assigned, and the date a case was resolved. Each APD begins with 3,000 hours. Each case type is assigned a specific number of hours based on the complexity of the case. Once a case is closed by an APD, the hours allotted for that case are automatically restored to the APD's available total.

This data-driven approach not only safeguards attorney well-being and performance but also promotes accountability and sustainability within the office's mission.



“ —

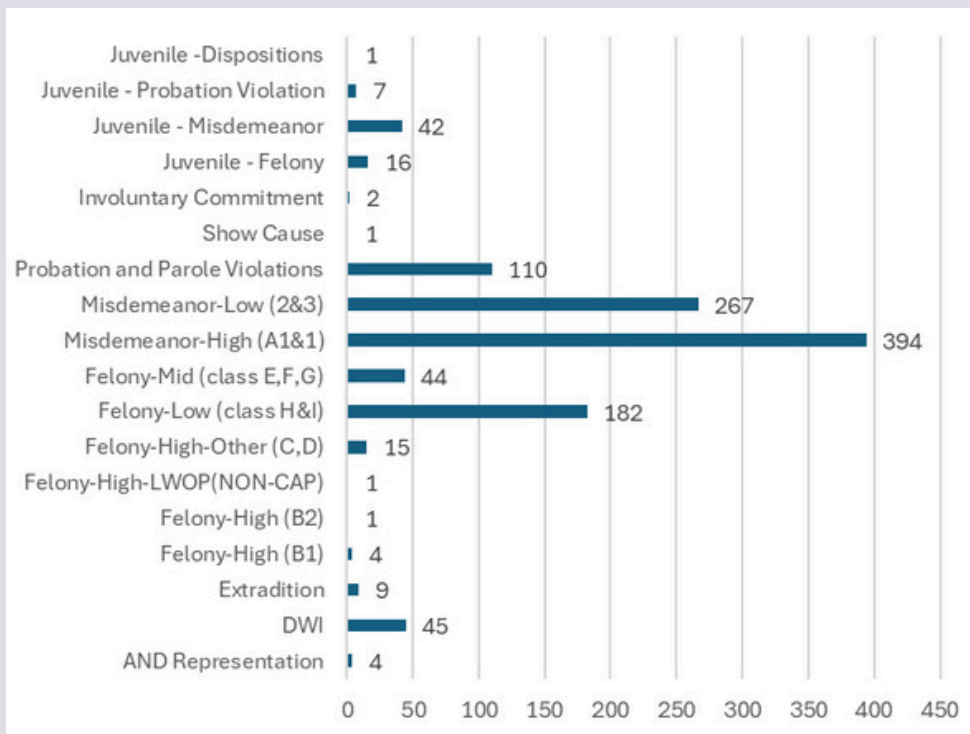
Fight for the things that you care about but do it in a way that will lead others to join you.

Justice Ruth Bader Ginsburg

2025 PERFORMANCE



CASE DISPOSITIONS

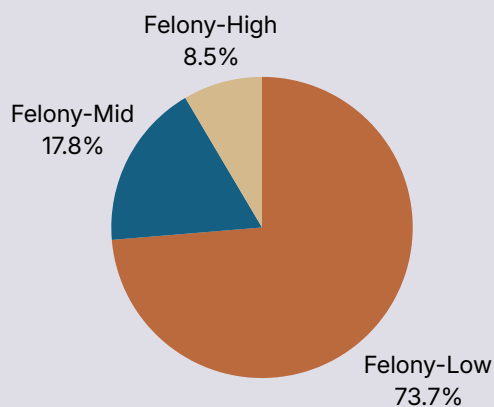


*Data pulled through 11/21/25

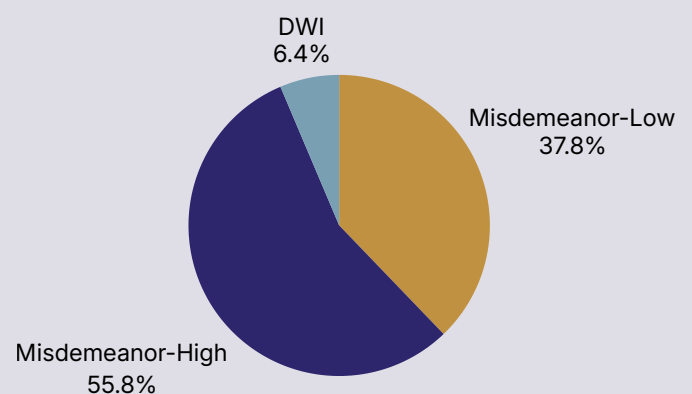
This year, the District 7 Public Defender's Office transitioned to a digital court experience through the Odyssey rollout process.

The office will be shifting to a digital office in January of 2026.

FELONIES



MISDEMEANORS





CREATING TRANSPARENT ACCOUNTABILITY

1

Bi-Annual Performance Review

A review that is distributed to the Judges across our district so that they can provide candid and constructive feedback to the APDs. This helps our team to maintain high standards of representation and ensures we grow in skill and professionalism.

2

Chief Performance Review

"As Chief Public Defender, I believe effective leadership requires accountability and transparency. This review gives each team member the opportunity to evaluate my performance in communication, accessibility, decision-making, and support for professional growth." -Tonza D. Ruffin

3

Client-Based Survey

A survey is mailed with every court date letter and posted in the courthouse so clients can review each Assistant Public Defender's courtroom performance, professionalism, preparedness, and advocacy.

Monarch Mobile Crisis Unit Expands Access to Behavioral Health Services at the Halifax County Courthouse

In 2025, the District 7 Public Defender's Office strengthened its commitment to holistic defense and client-centered advocacy by partnering with Monarch to bring the Monarch Mobile Crisis Unit to the Halifax County Courthouse. At the intersection of justice and community support, this initiative ensures that individuals struggling with mental health and substance use challenges can access critical behavioral health services where they are most needed.

Through this collaboration, clients and community members now have immediate access to on-site and telehealth assessments, crisis stabilization, and treatment referrals, eliminating many of the barriers that often prevent people from getting timely help. By situating these services at the courthouse, Chief Public Defender Tonza D. Ruffin sought to make mental health care more accessible to justice-involved individuals, recognizing

that meaningful advocacy must address the underlying issues that often lead to criminal system involvement.

This partnership reflects District 7's broader vision of integrating legal defense with compassion, care, and community-based resources. The presence of the Monarch Mobile Crisis Unit at the Halifax County Courthouse marks a significant step forward in ensuring that every individual receives not only legal representation but also the opportunity for recovery and stability.

“

Together, we're breaking barriers, meeting people where they are, and creating a justice system that values healing as much as accountability.

Tonza D. Ruffin



D7 JUSTICE SUPPORT NETWORK

Launching in 2026, the D7 Justice Support Network is a new initiative of the District 7 Public Defender's Office designed to provide mentorship and encouragement to men being held at the Halifax County Jail while awaiting trial.

Developed in partnership with members of Omega Psi Phi Fraternity, Inc., the program will pair fraternity volunteers with clients for one-on-one and small-group sessions focused on building confidence, promoting accountability, and fostering a sense of hope during a difficult time. Mentors are not there to discuss legal matters—they are there to listen, uplift, and remind participants that they are more than the circumstances that brought them into custody.

The D7 Justice Support Network embodies our office's commitment to client-centered, compassionate advocacy. By connecting our clients with positive community role models, we aim to restore dignity, strengthen resilience, and demonstrate that justice is not only about the outcome of a case—it's about rebuilding lives.



“
*Each of us is
more than the
worst thing
we've ever done.*

BRYAN STEVENSON

”



EXPANDING CLE OPPORTUNITIES

The District 7 Public Defender's Office is committed to fostering professional growth and excellence among all attorneys serving our district, both Assistant Public Defenders (APDs) and members of the Private Assigned Counsel (PAC) roster. Recognizing the challenges of accessing affordable and relevant continuing legal education (CLE) opportunities in rural communities, our office is developing new initiatives to bring high-quality, easily accessible training directly to the defense bar in District 7.

Our goal is to ensure that every defense attorney serving our clients has equal access to training and professional development resources. By creating consistent, local CLE opportunities, we strive to reduce the travel and financial barriers that often limit participation, strengthen the quality of representation across the district, and continue building a collaborative community of advocates united in the pursuit of justice and compassion.

1. Launch of a Holistic District 7 Public Defender Model
2. Data-Driven Accountability & Transparency Dashboard
3. Provide law school summer internship opportunities
4. Participate and lead legal continuing education forums in issues of juvenile defense
5. Team Culture & Professional Development Investment
6. Community Resource Network & Partnerships
7. Chief Public Defender receiving the 2025 James E. Williams Award for dedication to fighting for racial equality in the NC criminal justice system at the Annual Public Defender's Conference

HIGH-
LIGHTS

SUMMARY

Since opening its doors in January 2024, the District 7 Public Defender's Office has continued to build a foundation rooted in excellence, compassion, and client-centered advocacy. Serving Bertie, Halifax, Hertford, and Northampton Counties, our team remains dedicated to ensuring that every person facing criminal prosecution receives zealous representation regardless of income or circumstance.

Over the past year, our office has focused on strengthening internal operations, expanding data-driven performance tracking, and deepening community partnerships that support holistic defense. Tools such as the District 7 PD Data and Tables now allow us to monitor attorney workloads, case aging, and average times to disposition with precision—ensuring accountability and equitable case distribution across our team.

Beyond courtroom advocacy, we have worked diligently to remove barriers to justice by partnering with organizations such as Monarch Mobile Mental Health Clinic and Trillium Health Resources, bringing mental health and substance use services directly to justice-involved individuals at the Halifax County Courthouse.

The work of our office reflects the shared belief that justice is not only a legal principle—it is a human commitment. Together, our attorneys, staff, and community partners are building a model of defense that values people, protects rights, and restores dignity across northeastern North Carolina.





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Facebook

DISTRICT 7 NC PUBLIC DEFENDERS

DISTRICT 7 PUBLIC DEFENDER ANNUAL REPORT 2025