

2026.02.20 Meeting Minutes

Commission on Indigent Defense Services

For Review at the Quarterly Meeting – May 1, 2026

Commissioner Attendees:

Bryan Jones (Chair), Miriam Thompson (*virtual*) (Vice-Chair), Cara Bridges, Robert K. Corbett III (*virtual*), Marshall Ellis, The Honorable Dorothy Hairston Mitchell, John Nieman, Stacy Rubain (*virtual*), The Honorable Scott Ussery

IDS Staff Attendees:

Chad Boykin (Assistant General Counsel, Financial Services), Amanda Bunch (Communications Specialist), Whitney Fairbanks (Deputy Director/ General Counsel), Aaron Gallagher (Finance Officer), Joshua Hummel (IDS Data Analyst), Joseph Oder (Senior Research Analyst), Sarah R. Olson (Forensic Resource Counsel) (*virtual*), 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), Tucker Charns (IDS Regional Defender), Daniel Meier (IDS Regional Defender)

Local and State Public Defender Program Attendees:

Janna Allison (District 43) (*virtual*), Dawn Baxton (District 16) (*virtual*), Niccoya Dobson (District 5), A. Traynham Dorn (District 13) (*virtual*), Glenn Gerding (Appellate Defender), Laura Gibson (District 2), Woodrena Baker Harrell (District 18), Burcu Hensley (APD, District 10), Annick Lenoir-Peek (Parent Defender), J. Chad Perry (Chief Special Counsel), Adam Phillips (District 14), Robert Sharpe (Capital Defender) (*virtual*), Jennifer Rierson (District 24), Eric Zogry (Juvenile Defender), Yolanda Fair (Office of the Juvenile Defender) (*virtual*), Laura Powell (District 41) (*virtual*), Kevin Tully (District 26) (*virtual*), Annick Lenoir-Peek (Parent Defender), Jacob Ward (District 15) (*virtual*)

Other Attendees:

Meredith Randolph (NC Legislature), Beth Hopkins Thomas (Executive Director, NCPLS) (*virtual*), Bhairavi Jayaraman (NC Legislature), Laura Ashleigh

Call to Order and Introductions

The meeting was called to order at 10:02 a.m. by IDS Commission Chair Bryan Jones, who then proceeded with the welcome.

Adoption of the Agenda

The agenda was adopted unanimously.

State Government Ethics Act

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

Minutes of November 21, 2025, Commission Meeting

The minutes from the November 21, 2025, IDS Commission meeting were presented for consideration and were unanimously approved.

Remarks from the Chair

Chair Jones opened the meeting with introductions, and he took time to recognize Cynthia “Cindy” Black and Adam J. Phillips. Black retired as chief public defender for Cumberland County at the end of December. Mr. Phillips is the new chief public defender for Cumberland County; he was sworn in on January 1, 2026.

Remarks from the Director

Legislative Update

Executive Director Mary Pollard shared there was still no biennial budget. A mini budget within the continuing budget resolution gave IDS \$10 million, which helped ensure IDS’s ability to pay PAC through the end of the fiscal year.

Director Pollard and Deputy Director Whitney Fairbanks presented to the JPS Oversight Committee in January. The Committee wanted to hear about the status of PD expansion, how the agency handles conflicts and conflict reporting as well as challenges in data collection. Pollard reported that while PAC spending has continued to rise overall, it is generally declining in the districts where new PD offices opened during 2024 Overall, attorneys are spending more time on cases as a result of unfamiliarity with eCourts and other factors.

Commissioner Scott Ussery stated that Director Pollard’s presentation to the JPS Oversight Committee was professional and very well received by legislators.

Director Pollard said that the Office of State Budget Management (OSBM) asked for IDS’s requests for the Governor’s proposed budget. IDS requested:

1. Additional PAC funding.
2. Additional staff for the Appellate Defender, Capital Defender, and the Mecklenburg County PD Office to respond to new deadlines imposed by Iryna’s Law imposes and to maintain parity with the Mecklenburg County DA’s office, which received 10 new positions as part of the legislation.
3. \$91,000 for an Online Indigency Affidavit Pilot Program to replace handwritten affidavits of indigency with tablets.

Other Agency Updates

Director Pollard also advised the Commission that Jamie Blackwell, IDS Business Analyst and Process Manager, collected and developed 15 priorities the agency would like to see to improve Enterprise Justice. She promised future updates from her and Mr. Blackwell on the status of the requests.

Director Pollard introduced Daniel Meier, new IDS Regional Defender.

Director Pollard was named to represent IDS and agency-stakeholder interests on a committee created to examine new and different ways of providing legal services in legal deserts, what can be done.

PAC RATES DISCUSSION

Chair Jones opened a discussion about what it would take to increase the hourly PAC rates, noting that more than a decade had passed since the last rate increase and that the 2022 increase had not erased the real-dollar loss created by the 2011 cut and inflation. He raised the question of whether IDS's effective management of the PAC fund was obscuring the urgency of the problem from the General Assembly, and whether allowing the fund to run out would create the kind of crisis that would compel legislative action.

Director Pollard provided historical context, tracing the rate from the original \$75 per hour through the 2011 cut to \$55, the 2022 increase to \$65, and the long-term projection at the time of that increase that the PAC Fund would become insolvent as early as 2025. She noted that \$75 in 2011 would be worth \$105 in 2026, underscoring that the current \$65 rate represents a significant real-dollar deficit. Fiscal Officer Aaron Gallagher confirmed that despite new PD offices absorbing some cases, federal IV-E revenue, and repurposed lapsed salary, IDS would not get through the current fiscal year without exhausting the PAC fund but for the mini-budget Director Pollard mentioned earlier.

Commissioners debated the risks and merits of Chair Jones's proposal. Commissioner Ussery cautioned that deliberately running out of money could backfire, leaving IDS without credibility before the General Assembly at a critical moment. He and others agreed that educating both the bar and legislators was essential, and that the case should be made clearly that North Carolina will continue to struggle with legal deserts at \$65 per hour. Commissioner Mitchell suggested the Commission shift its focus from explanation to encouragement, proposing that new Regional Defender Daniel Meier, himself a former PAC attorney, could serve as an ambassador to attorneys who remain unaware of what IDS does to advocate for them. She also expressed a desire to empower PAC attorneys to advocate for themselves the way they advocate for their clients. Capital Defender Rob Sharpe urged the Commission to avoid continuing to defer action and proposed seeking legislation tying the PAC rate to legislative increases for state employees. Director Pollard suggested seeking legislation tying the rate to

inflation, so the Commission would not find itself revisiting the same conversation in another decade.

Commissioner Ussery reported that in District 15, only three PAC attorneys remain on the roster. His recent outreach to the district bar revealed that attorneys simply cannot afford to take appointed cases at the current rate. Director Pollard confirmed that at \$65 per hour, PAC attorneys are losing money, and noted that while agency staff call legislators, PAC attorneys must do the same. Deputy Director Whitney Fairbanks reported a modest net gain in PAC numbers over the last two years, but noted the statewide roster remains around 450 attorneys below its 2018 level and has not rebounded from pandemic-era losses. Commissioner Ussery suggested that presenting a state-employed public defender and a PAC attorney side by side to legislators to illustrate that one receives regular pay increases while the other has received nothing in twenty years could be a compelling advocacy tool.

The Commission did not act but agreed that advocacy to the General Assembly and to the bar must continue and intensify.

AGENCY BUSINESS

Workload Standards – IDS Defender Policy and Planning Attorney Becky Whitaker gave a presentation to review the status of IDS’s workload standards project. Highlights from Whitaker’s presentation, which is available on request, included an historical overview on workload studies and a refresher on the North Carolina-specific assessment that was conducted by NCIDS and NCSC and released in 2019 (2019 NC Workload Study).

Whitaker noted that two paragraphs from the findings from a 50-year-old study produced the de facto standards by which agencies still measure workloads today. Whitaker observed that much has changed with caseloads (e.g., backlog from the pandemic) and technology (e.g., boom in digital discovery), and strain on time and resources (e.g., eCourts) since the 2019 NC Workload Study. While many of its findings still are valid, including recommendations for improving court processes, increased use of social workers, and using a weighted caseload model to calculate the workload annually, a revised workload study was overdue.

Whitaker said the Research and Development Team had developed a cutting-edge approach to monitoring caseloads that shifts from hard case numbers, caps/ceiling to a pressure release valve with methods that move away from.

AGENCY BUSINESS

Recruitment and Development

IDS Recruitment and Training Coordinator Carla Huff reported that in 2025, IDS interacted with and connected with more than 100 law school graduates from across the country; 88 thus far in 2026; 150 for 2027; and 36 for 2028.

She said what we can offer to law students upon graduation remains the question. Huff noted that the top four answers to that question are mentorship, support, assistance with student loans, and housing.

In 2025, the IDS Development Committee set goals to develop ideas and actions that can realistically be implemented and align with agency mission and values. Current constraints, including staffing and funding, mean this can only be achieved through partnership, collaboration, and leadership.

Huff provided the commission with an update on work currently underway, which included:

- On the first Friday of each month, IDS hosts a one-hour new PAC orientation designed to provide information and answer questions offer a space for fellow PAC attorneys to have conversations and make connections that will benefit them later as they begin to take on indigent work.
- The UNC School of Government developed a six-hour boot camp, which was quickly expanded to 12 hours to benefit defenders on a variety of topics.
- The Resources Team will establish resource libraries to house three key defender manuals in regions and eventually every county across the state. And IDS produces a quarterly newsletter for PAC including access to new resources, information, tech tips and more.

Update from the Field – Office of Special Counsel

North Carolina Chief Special Counsel J. Chad Perry updated the Commission on the work of his office, in the four years since his appointment. Perry noted that over the last four years, OSC has:

- disposed of more than 49,000 cases over the last four years;
- Enjoyed unprecedented litigation success including victories in 61 out of 63 motions and hearings
- Relocated to the NC Judicial Center from the historic Dorothea Dix Campus
- Provided best practices and IVC compliance for the onboarding for three hospital systems
- Actively participated in policy discussions to propose statutory revisions to ensure the legislative process is informed by frontline legal experience, which he added, will be very important in 2026
- Overseen the creation of accessible legal resource pamphlets to improve public literacy regarding the commitment process
- Increased office visibility at the Disability Rights Conference, CLE presentations, speaking engagements for the NC Bar Association and NCCU's "Thrive Thursdays" to help develop the next generation of attorneys
- Launched a pilot program to help clients get IDs for greater access to services
- Prepared for a 150-bed expansion of WakeMed which is planned for 2027
- Strategized for the December 2026 rollout of Iryna's Law, which will greatly impact caseloads through mandated psychiatric evaluations for specific defendant populations

Perry characterized the office's work as committed to the principle of treatment over incarceration and the protection of clients' due process rights—despite the very delicate balancing act right now of public safety vs. clients' rights and wishes and wellbeing.

Commission Business

IDS Commission Appointment (Dorothy Hairston Mitchell Seat)

Commissioner John Nieman endorsed Guilford County Superior Court Judge Tonia Cutchin for the seat being vacated by Commissioner Hairston Mitchell. Neiman stated that Cutchin was a former APD in Guilford County, experienced on the district and superior court benches, and invested in quality indigent defense. Commissioners Hairston Mitchell and Rubain echoed his sentiments. Commissioner Ussery made a motion to appoint Judge Cutchin to fill the seat and Commissioner Hairston Mitchell seconded the motion. The motion passed unanimously.

Parent Defense Policy Change: Petitions for Rehearing

Parent Defender Annick Lenoir-Peek apprised the Commission of OPD's policy in practice that attorneys do not need the client's approval, which is required for other petitions, to file a petition for rehearing to correct factual errors in opinions. She advised that OPD intended to adopt the practice as formal policy because of the significant limitation on hours, the rarity of these hearings, and the rarity of orders for recoupment.

Fee Deadline Waivers

Assistant General Counsel Chad Boykin presented a total of six PAC attorneys with a total of 24 fee application deadline waivers for consideration by the Commission. Given the show cause and time frames, it was recommended that the Commission approve the recommendations as presented. Chair Jones made a motion to approve the recommendations, which was seconded by Commissioner Hairston Mitchell and was unanimously approved.

Executive Session

At 1:17 p.m., Chair Jones made a motion, which was seconded by Commissioner John Nieman, to go into executive session to hear an update on litigation and to vote on the recipient of the 2026 John Rubin "Ruby" Excellence in Training Award.

Open session was convened at 1:47 p.m., during which Deputy Director Fairbanks read into the record that the recipient for the "Ruby" award was selected by the Commission with a unanimous vote and that the name of that person would be withheld until which time it is publicly announced at the 2026 Spring Public Defender Conference on May 6 in Cherokee, NC.

All agenda items having been addressed, the Chair adjourned the meeting at 1:51 p.m.

Next Meeting: August 7, 2026

Location: High Point University Law School