

IDS

OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

August 7, 2026 Quarterly Commission Meeting
Meeting Material

Commission on Indigent Defense Services

August 7, 2026

Proposed Agenda

10:00 AM – 3:00 PM

Call to Order

Bryan Jones

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

The Commission will meet in closed session as allowed by G.S. 143-318.11(a) (6) [t]o consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Welcome and Introductions (11:00 a.m.)

Bryan Jones

Adoption of the Agenda

Minutes of May 1, 2026, Commission Meeting

Remarks from the Chair

Remarks from the Director
Legislative Update

Mary Pollard

2026 Budget – PAC Rate Discussion

Aaron Gallagher

Commission Business
Commission Appointment to NCPLS Board

Bryan Jones

Adjournment

Bryan Jones

Next Regular Meeting:
November 6, 2026 | TBD



OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

NCIDS.org

NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD

EXECUTIVE DIRECTOR
MARY.S.POLLARD@NCCOURTS.ORG

DOROTHY HAIRSTON MITCHELL

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).

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”: 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 “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
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DOROTHY HAIRSTON MITCHELL

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 \$78.90 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 of those 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	☐ 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

Draft Minutes

2026.05.01 Meeting Minutes

Commission on Indigent Defense Services

For Review at the Quarterly Meeting – August 7, 2026

Commissioner Attendees:

Bryan Jones (Chair), Miriam Thompson (*virtual*) (Vice-Chair), Cara Bridges (*virtual*), Caitlin Fenhagen, George Doyle (*virtual*), Marshall Ellis (*virtual*), John Nieman, Stacy Rubain

IDS Staff Attendees:

Chad Boykin (Assistant General Counsel, Financial Services), Amanda Bunch (Communications Specialist), James Blackwell (Business Process Analysis Manager), Whitney Fairbanks (Deputy Director/ General Counsel), Aaron Gallagher (Finance Officer), Angela Henderson (IDS Contracts Administrator), Carla Huff (Recruitment and Training Coordinator), Joshua Hummel (IDS Data Analyst), Joseph Oder (Senior Research Analyst), Sarah R. Olson (Forensic Resource Counsel), Mary S. Pollard (Executive Director), Christopher Sadler (Research Director), Max Silva (Legal Assistant), Rebecca Whitaker (Defender Policy and Planning Attorney), Sonia Colon (IDS Budget Manager), Tucker Charns (IDS Regional Defender)

Local and State Public Defender Program Attendees:

Janna Allison (District 43) (*virtual*), Dawn Baxton (District 16), Niccoya Dobson (District 5) (*virtual*), A. Traynham Dorn (District 13), Glenn Gerding (Appellate Defender), Laura Gibson (District 2) (*virtual*), Woodrena Baker Harrell (District 18) (*virtual*), Burcu Hensley (APD, District 10), Annick Lenoir-Peek (Parent Defender), J. Chad Perry (Chief Special Counsel), Robert E. Sharpe, Jr. (Capital Defender), Jennifer Rierson (District 24) (*virtual*), Eric Zogry (Juvenile Defender) (*virtual*), Yolanda Fair (Office of the Juvenile Defender), Tonza Ruffin (District 7), Phillip Elkins (District 21) (*virtual*)

Other Attendees:

Daniel Spiegel (UNC School of Government); Phil Dixon (UNC School of Government), Beth Hopkins Thomas (Executive Director, NCPLS) (*virtual*)

Call to Order and Introductions

The meeting was called to order at 10:06 a.m. by IDS Commission Chair Bryan Jones, who then proceeded with the welcome.

Adoption of the Agenda

The proposed agenda was adopted unanimously. (Motion by Commissioner John Nieman; second by Caitlin Fenhagen)

State Government Ethics Act

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

Minutes of February 20, 2026, Commission Meeting

The minutes from the February 20, 2026, IDS Commission meeting were presented for consideration and were unanimously approved. (Motion by Commissioner John Nieman; second by Caitlin Fanhagen)

Remarks from the Chair

After introductions, Chair Jones welcomed all commissioners, guests and other attendees before promptly giving the floor to IDS Executive Director Mary Pollard for her remarks.

Remarks from the Director

Executive Director Mary Pollard shared that she provided the Commission with a link to the Governor's proposed budget prior to the meeting. She said it was generous and included almost everything IDS asked for in the short session: additional staff to help meet deadline challenges from Iryna's Law as well as money for the PAC Fund and the new indigency determination pilot. She stated that the Legislature was back from the short session and, while there was still no biennial budget, she was optimistic we would see one that would carry the agency into 2027.

Director Pollard reported that she and Chief Regional Defender Tucker Charns and the Director for the Chief Justice's Committee on Professionalism, James "Jimbo" Perry, recently met with the Harnett County Bar Association where IDS heard attorney's concerns and discussed how they can best address those concerns.

She said that it is good to sit down and meet face-to-face with the people who do the work. Director Pollard said topics included resources, funding for PAC, and public defender office staff positions. Discussion also centered upon the need for more lawyers. She noted that we have really good lawyers but we need more of them. She added that much of the May 1 meeting would be about some of the training IDS provides attorneys to ensure high quality representation.

COMMISSION BUSINESS

Executive Session

At 10:19 a.m., the Commission convened in closed session on Commissioner John Nieman's motion and Commissioner Caitlin Fenhagen's second. The body reconvened in open session at 10:31 a.m. Commissioner John Nieman made a motion to reappoint J. Chad Perry to a new four-year term as Chief Special Counsel. Commissioner Stacey Rubain seconded the motion, and it passed unanimously.

Committee Assignments

Assistant Director and General Counsel Whitney Fairbanks shared the committee assignment for 2026. She stated that the assignments were generally unchanged from 2025, but included the two newest commissioners, The Hon. Tonia Cutchin and Jarrod Lowery. Fairbanks asked Commissioners to let Chair Jones and/or Director Pollard know if they had preferred assignments.

Fee Application Deadline Waivers

Assistant General Counsel Chad Boykin presented a request for a waiver of the one-year deadline to submit a fee application for approval. On Boykin's recommendation, Chair Jones made the motion to approve the waiver as presented. The motion was seconded by Commissioner Nieman and passed with a unanimous vote.

ECOURTS WORKING GROUP STATUS UPDATE

Business Analysis Process Manager Jamie Blackwell updated the Commission on eCourts. Blackwell explained that he is part of an internal (IDS) working group and one of the Chief Justice's six committees charged with improving eCourts. He presented an outline of the work including a timeline for the process and a status report.

The internal working group, which includes IDS staff, public defenders, and state defenders, came up with 15 priority requests for improvements to eCourts.

Blackwell explained that the Chief Justice's committees include a combination of superior court judges, district court judges, district attorneys, clerks, State Bar representatives/PAC, and IDS. Each of the Chief Justice's committees generated a list of their top 5 priorities for improvements, which were presented to the NC Administrative Office of the Courts (AOC).

Blackwell said that in a March meeting, the AOC brought in representatives from eCourts developer Tyler Technologies to hear the lists of requests. He said Tyler Technologies acknowledged eCourts is "not perfect, and they are working to improve eCourts, specifically, the Odyssey platform." Blackwell provided the Commission with the IDS working group's requests for improvement and summaries of all the other groups' requests.

Chair Jones asked about the remaining need for wet signatures for some court matters; Blackwell reassured the chair that conversations are ongoing about keeping wet signatures for court matters where it is more efficient. Commissioner George Doyle expressed concern about the ease with which citizens can navigate the system. Blackwell said that groups are also talking about ways to make the system easier for lay people to use.

UPDATE ON EDUCATION AND TRAINING

Education and Training Update

Director of Public Defense Education and Teaching Associate Professor Phil Dixon shared a detailed account of all the standard and newly expanded training/educational opportunities at the UNC School Of Government. Dixon shared the latest Public Defense Education annual report, which indicated that attorney participation has increased and that evaluations are high (a reported average 4.7- out of 5-star rating). Dixon said he is proud that the School offers quality CLE at competitive rates. Dixon added that through a mix of education, writing, advising, and teaching on a variety of topics, the School effectively helps participants stay abreast of current developments within the law.

SOG Report on Conflicts Involving Former Clients

UNC School of Government Assistant Professor Daniel Spiegel presented on “Conflicts Involving Former Clients” as requested by Director Pollard. The goal was to give Chief Public Defenders and APDs information and strategies to handle the three main types of conflicts and common issues that arise when working with repeat/former clients. Spiegel’s presentation covered foundational principles, likely scenarios, remedies, and the recent amendment to Rule 1.10. The final product was a Q&A report available for use by defenders, agency, and PD office staff.

- The slides from the presentation are accessible with the following link: <https://www.ncids.org/wp-content/uploads/2026/07/Exploring-Conflicts-of-Interest.pdf>
- The following post includes a link to the published bulletin: <https://www.ncids.org/2026/new-administration-of-justice-bulletin-explores-conflicts-of-interest/>

UPDATE FROM THE FIELD

Office of the Capital Defender

Capital Defender, Robert E. Sharpe, Jr., updated the Commission on the operations at the Office of the Capital Defender (OCD). Sharpe reminded the Commission that OCD has three responsibilities: administrative oversight, direct representation, and case consultation for trials where the state is likely to seek the death penalty.

Sharpe reported that the number of pending death penalty cases in NC dropped from 2,200 to 2,000 in the two years since he last updated the Commission. His office managed to accomplish this reduction despite the fact that it currently has the same number of full-time employees as it had in 2014 (28). Current data shows that case dispositions outnumber incoming cases. Pending homicide cases, he said, have seen a gradual increase of about 5 per month. Sharpe also noted

that the number of death verdicts has decreased with a current average of one death verdict per year.

Sharpe noted that in addition to no new full-time positions within OCD, PAC numbers continue to decline. In 2023, when potentially capital cases peaked, approximately 97% of the cases were assigned to PAC.

Sharpe's presentation included the following additional highlights:

- Some attorneys have as many as 20 potentially capital cases
- Most defendants are represented by attorneys with eight or more cases.
- 45 out of 100 counties have no capital qualified private assigned counsel.

Commissioner Doyle asked who is handling the current 2,000 caseload. Sharpe answered that in addition to the 15 Assistant Capital Defenders handling capital cases, public defender offices handle an additional 10% of the cases and the remainder is handled by PAC. Current OCD roster includes 320 attorneys and down with 199 PAC and 120 staff attorneys spread between ACDs, CPDs, and APDs.

Sharpe reiterated his office's reliance on the 199 active PAC.

Sharpe posited that it would take \$125 per hour to increase the number of PAC ready, able, and willing to accept capital cases

RECRUITMENT AND RETENTION

Intern Opportunities and Placement in High Need Areas

Chief Justice's Committee on Professionalism (CJCP) Director Jimbo Perry, Perry reminded the Commission that there are many solutions to attorney shortages. Perry said that, according to IOLTA, while 50% of law students say they chose to study law because they wanted to help people in their communities, student loans sometimes made it difficult to follow through on their goals.

Perry gave a report on CJCP's Legal Oasis Fellowship program. Perry expressed hope that students in the CCP fellowship felt supported. The fellowship has four funding sources:

- \$175K total pledged in funding (\$100K from CJCP rainy day funds)
- \$50K from Anonymous Foundation
- \$15K HopeStar Foundation
- \$10K from law schools

Perry reported that of the 90 applicants this year, 75 have been placed and 42 will receive stipends paid for with funds from the fellowship and the hosting firms. The remaining 15 received internships with judges or with out-of-state firms.

In closing, he added that the CJCP team is brainstorming ways to sustain the fellowship program, noting the need for an additional \$45K in gifts.

AGENCY BUSINESS

Forensic Resource and Expert Services Update

Sarah Olson, IDS Forensic Counsel, updated the Commission on the resources she provides related to forensic and scientific evidence. Among the resources Olson provides:

- Training: Online monthly webinars and in-person training for state, regional, and local audiences.
- Case Consultations with attorneys.
- Working with Experts: reviewing requests for funding; recruitment for the online experts database; development of a new online guidebook for working with experts; and maintenance of the online private investigator directory.
- Expert Services Project: contracts with experts in high demand fields allow for efficient intake level review which assists attorneys in identifying case issues .
- Website: www.forensicsources.org – for tools, news and blog with 850+ subscribers.

Olson also shared a proposal for expert rates. She explained that because of low hourly rates, finding experts to help in cases is as challenging as ever. With no rate adjustment in the last 15 years for most experts, those who do take indigent cases in North Carolina must also work for other entities and even out of state for adequate income.

Olson suggested that the Commission consider changes in practice meant reclassifying or recharacterizing some experts might lead to more experts being willing to accept court appointed cases. She offered several examples, including:

- Crime scene investigation and analysis. As crime scene evidence becomes increasingly digital/technical in nature, some crime scene experts might be better categorized as IT experts. This would shift crime scene analyst from \$100 to \$150 per hour, which is closer to the federal rate.
- Sexual assault nurse examiners (SANE). Sane experts are currently paid based upon highest degree earned (e.g., associate, bachelor). Shifting them into the crime scene “catch-all” category would set the rate for their expertise at \$100 across the board.

Director Pollard reminded Commissioners that while experts are paid from the PAC Fund, expert rates are set by agreement between the AOC, Conference of District Attorneys (CODA), and IDS rather than by the Commission. The Commission would need to vote to raise rates after which CODA and the NCAOC would have to agree. Commissioner Miriam Thompson asked for clarification about whether the Commission would be raising rates or shifting certain experts into categories where rates are already set.

The answer was both. Director Pollard said moving the experts from one category to another would require an IDS Rule change. And this would still impact the PAC Fund and rate structures, which would go to the CODA and the NCAOC. Lacking a quorum, the proposal was tabled for

future consideration. Director Pollard said that staff would work to quantify the proposal and bring a full cost evaluation back to the Commission for consideration.

Adjournment

All agenda items having been addressed, the Chair adjourned the meeting at 1:45 p.m.

Next Meeting: August 7, 2026

Location: NCJC, Raleigh

DRAFT

Director's Report on IDS Business



The North Carolina State Bar
Office of Counsel

217 East Edenton Street (27601)
Post Office Box 25908
Raleigh, North Carolina 27611
Telephone (919) 828-4620
Web: www.ncbar.gov

June 22, 2026

Mary Pollard
Executive Director Office of Indigent Defense Services
123 West Main Street
Suite 400
Durham, North Carolina 27701

Re: Grievance file 22G0417, regarding attorney Jonathan G. Connor

Dear Ms. Pollard,

Thank you for submitting the above-referenced grievance to the North Carolina State Bar for review. After a lengthy investigation and careful consideration of the available information, including materials provided by the Office of Indigent Defense Services (IDS), the Grievance Committee determined that this matter did not warrant public disciplinary action and therefore it was resolved privately, either by dismissal, deferral, or private action.

Nonetheless, the Grievance Committee was deeply troubled about the billing irregularities as alleged in the grievance. Thus, the Grievance Committee has directed the Office of Counsel to provide you with additional information about the basis for its decision pursuant to 27 N.C. Admin. Code § 1B .0113(f) (allowing disclosure of matters occurring before the committee only “when so directed by the committee”). Thus, the information being provided to you remains confidential pursuant to § 27 N.C. Admin. Code § 1B .0133 (confidentiality) and is being provided only to you as the complaining party/entity in this grievance.

The Committee found that the evidence forming the basis of the grievance was deeply alarming. However, upon close examination of that evidence the empirical data was insufficient to prove misconduct by clear, cogent, and convincing evidence which is the standard of proof for Rule violations before Disciplinary Hearing Commission. It also determined the State Bar’s ability to satisfy its burden of proof would be substantially undercut by the local judiciary’s and IDS’s approval of the majority of the fee applications at issue in the grievance.

Carmen Hoyme Bannon – Counsel
Jennifer A. Porter, G. Patrick Murphy, Alex G. Nicely – Senior Deputy Counsel
Savannah P. McLamb, J. Cameron Lee, Elizabeth F. Starnes, Robert W. Weston,
Kelley A. DeAngelus, B. Tessa Hale, Jessica M. Arnold, Ryan C. Meisnere, Kathryn H. Shields,
Alec J. Glenn, Danielle Marquis Elder, Michael S. Manset, Kerry A. Sullivan – Deputy Counsel
Katherine E. Jean – Of Counsel



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The Grievance Committee was heartened to learn that as of January 1, 2026, IDS specifically requires court-appointed attorneys to maintain detailed timesheets of the work they perform on each client's legal matter for six years. The Committee expects that should there be future grievances alleging fraudulent billing practices that policy will largely ameliorate the empirical data problems presented in this case.

Thank you for bringing these matters to the attention of the State Bar.

Sincerely,

Kelley DeAngelus
Deputy Counsel

STATE OF NORTH CAROLINA

COUNTY OF COLUMBUS

STATE OF NORTH CAROLINA

In Re:

James and Michael Caviness

FILED
DATE: April 30, 2026
TIME: 7:49:28 AM
COLUMBUS COUNTY
CLERK OF SUPERIOR COURT
BY: T. Hirson

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

26R000076-230

AMENDED MOTION FOR
PRODUCTION OF IDS RECORDS

COMES NOW the State of North Carolina, by and through the undersigned Resource Prosecutor and pursuant to *In re Superior Court Order*, 315 N.C. 378 (1986)¹, and respectfully request this Court to issue an Order directing the North Carolina Office of Indigent Defense Services (IDS) to deliver to the State all civil fee applications and any related supporting documentation submitted by James and Michael Caviness in Fiscal Year 2023, Fiscal Year 2024, and Fiscal Year 2025, and all grievance paperwork related to James and Michael Caviness previously submitted to the Bar by IDS.

In support of this Motion, the State provides the following information:

1. James Reece Caviness (James) and Michael Paul Caviness (Michael) are brothers. Both James and Michael are lawyers presently eligible to practice law in North Carolina.²
2. On or about February 27th, 2025, the North Carolina State Bureau of Investigation (SBI) initiated an investigation into allegations of fraudulent billing practices by James and Michael. The SBI investigation was predicated on a preliminary finding that showed James and Michael had collectively billed IDS more than one million dollars (\$1,000,000) over a span of only sixteen (16) months.
3. During the investigation, the SBI received multiple reports from IDS that indicated James and Michael failed to consistently indicate previously billed amounts on their civil fee applications. The investigation revealed that the omission of this information limits IDS's and the judiciary's ability to fully assess cumulative billing thus creating the opportunity for fraudulent billing practices.
4. Civil fee applications are governed by specific procedural rules: (a) each application ends after a hearing is held; (b) upon completion of a hearing, a new application for the same case number may begin; (c) cases may span multiple years, generating numerous fee applications for a single case.³

¹ The State also moves this Court in reliance on other similar opinions from the North Carolina Court of Appeals, including *In re Brooks*, 143 N.C. App. 601 (2001) and *State v. Santifort*, 257 N.C. App. 211 (2017).

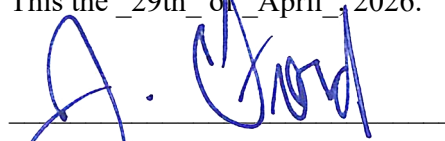
² James was admitted to the Bar on March 19th, 1994, and assigned a Bar number of 20483. Michael was admitted to the North Carolina State Bar (Bar) on March 22nd, 2003, and assigned a Bar number of 30589.

³ The civil cases handled by James and Michael were primarily abuse, neglect, and dependency cases or matters involving the termination of parental rights. Interim billing is standard in parent defense work.

5. To ensure accurate assessment, IDS requires attorneys to indicate the amount previously billed for that case on each subsequent fee application submission. The standard fee application form has a section for attorneys to note amounts paid in prior fee applications. This allows both IDS auditors and the presiding judges to evaluate the justification for the current billing in context with prior compensation.
6. In a report provided to the SBI, IDS summarized its initial findings in three (3) separate tables. Table 1 shows the number of fee applications where James and Michael failed to indicate prior billing and the total amount of prior billing not reported to IDS. Tables 2 and 3 list each county, file number, number of prior billing instances omitted, and amount of prior billing omitted.
7. The civil fee applications and related supporting documentation for the information summarized in Tables 1, 2, and 3 are currently being stored in a database maintained by IDS. This type of information is typically considered a matter of public record. However, it was not included in the report provided to the SBI due to the presence of personal identifying information within those documents pertaining to individuals and matters unrelated to this investigation.
8. The civil fee applications and related supporting documentation referenced above are necessary and essential to the ongoing SBI investigation into the fraudulent billing practices of James and Michael. Without these records, the SBI cannot conduct a full and complete investigation into this matter. Furthermore, the production of these records is in the interest of and necessary to achieve the proper administration of justice.
9. At present, no one has been charged with any criminal offenses related to this investigation. However, this matter has been referred to the Bar by IDS and is currently under review.

WHEREFORE, the State respectfully request this Court to issue an Order directing IDS to produce to the State all civil fee applications and any related supporting documentation submitted by James and Michael Caviness in Fiscal Year 2023, Fiscal Year 2024, and Fiscal Year 2025, and all grievance paperwork related to James and Michael Caviness previously submitted to the Bar by IDS, subject to any protections the Court deems necessary to protect the personal identifying information within those documents pertaining to individuals and matters unrelated to this investigation.

This the 29th of April, 2026.



Jordan M. Ford
Resource Prosecutor
NC Conference of District Attorneys

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF COLUMBUS

26R000076-230

STATE OF NORTH CAROLINA

In Re:

James and Michael Caviness

AMENDED ORDER TO
PRODUCE IDS RECRDS

THIS CAUSE having come before the undersigned Superior Court Judge upon a motion by the State of North Carolina, the Court finds the following:

1. The Court has subject matter and personal jurisdiction over the above captioned matter.
2. The Court has received and reviewed a Motion for Production of IDS Records from the Resource Prosecutor representing the State of North Carolina in this matter.
3. The Court adopts, without recitation, the facts set out by the State of North Carolina in its Motion for Production of IDS Records, to justify production of the requested documents and finds that the facts stated in the motion appear credible and sufficient.
4. Pursuant to *In re Superior Court Order*, 315 N.C. 378 (1986), *In re Brooks*, 143 N.C. App. 601 (2001) and *State v. Santifort*, 257 N.C. App. 211 (2017), the Court finds that the State has presented “evidence setting forth facts sufficient to show reasonable grounds to suspect that a crime has been committed, and that the records sought are likely to bear upon the investigation of that crime.”¹
5. Furthermore, the Court finds that the presentation from the State is sufficient to allow the Court to make “an independent decision as to whether the interests of justice require the issuance of an order rather than relying solely upon the opinion of the prosecuting attorney.”²
6. The Court concludes that the civil fee applications and related supporting documentation requested by the State are necessary and essential to the ongoing SBI investigation into the fraudulent billing practices of James and Michael and without these records, the SBI cannot conduct a full and complete investigation into this matter.
7. Furthermore, the Court concludes that the production of these records is in the interest of and necessary to achieve the proper administration of justice.

¹ *In re Superior Court Order*, 315 N.C. at 381.

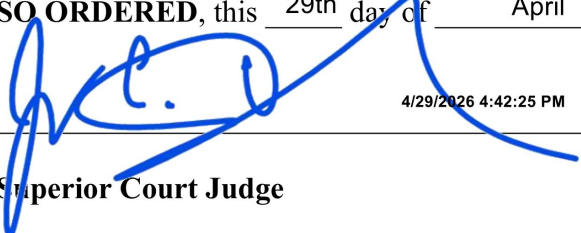
² *Id.*

WHEREFORE, IT IS ORDERED that IDS produce the following information to the State as soon as practicable:

1. All civil fee applications and any related supporting documentation submitted by James and Michael Caviness in Fiscal Year 2023, Fiscal Year 2024, and Fiscal Year 2025.
2. All grievance paperwork related to James and Michael Caviness previously submitted to the Bar by IDS.

FURTHERMORE, IT IS ORDERED that the State shall not disclose or disseminate any non-public information in its possession as a result of this Order except as may be required by Chapter 15A of the General Statutes of North Carolina or further order of the Court.

SO ORDERED, this 29th day of April, 2026.


4/29/2026 4:42:25 PM

Superior Court Judge

Fiscal Report

Section	Statute	Summary	Effective Date
SECTION 16.25.(e)	IOLTA	Directs up to \$15M annually in IOLTA to IDS for PAC Fund	Funds received on or after 2025-07-01
SECTION 16.26.(a)	G.S. 7A-498.5	Public Defender performance evaluation	WBL; PD terms ending on or after 2026-11-30
SECTION 16.28	Special Provision	Duty station report	By 2027-03-01
SECTION 16.27.	Special Provision	Repeals outdated report on RFPs	WBL
SECTION 16.29.(a)	G.S. 7A-458	- Rate changes must be approved by GA - Commission to increase fees by no more than \$30	WBL for fee and rate changes on or after
SECTION 16.30.(a)	G.S. 7A-304(a)(3c)	Increase criminal court costs indigent defense fee from \$5 to \$25 (criminal court cost applied in all criminal cases)	2026-12-01 for all costs assessed on or after
SECTION 16.31.	G.S. 7A-498.7(a)	Creates new PD District 22 (Caswell, Rockingham) (1CPD; 7 APD; 4 Support)	Note: I do not see an effective date and I don't see a catchall effective date for Section 16
SECTION 41.1.(a)		Legislative Increases of 3% to FTE, prorated for part time	2026-07-01 for employees as of 2026-06-30
SECTION 41.2.(a)		One-time bonuses \$1,750 for those making \$65,000 or less \$1,000 for those making >65,000	2026-07-01 for employees as of 2026-06-30
Committee Report		Indigency Determination Pilot	

judges shall be nominated by the Speaker of the House of Representatives and one shall be nominated by the President Pro Tempore of the Senate.

Upon the natural expiration of the term of a special superior court judge appointed pursuant to this subsection, or upon the expiration of a term due to a judge's death, retirement, resignation, or removal from office, a successor shall be appointed to a new term in the same manner and for the same length as other judges appointed pursuant to this subsection. The legislative officer who nominated the special superior court judge whose term has ended shall nominate the new special superior court judge.

A special superior court judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district.

...."

SECTION 16.24.(b) In order to implement G.S. 7A-45.1(a14), as enacted by subsection (a) of this section, the special superior court judgeships held by the following State position numbers shall be subject to the process set forth in that subsection:

(1) 60006166

(2) 65024100

IOLTA REVISIONS

SECTION 16.25.(a) Section 25 of S.L. 2025-70 is repealed.

SECTION 16.25.(b) Article 4 of Chapter 84 of the General Statutes is amended by adding a new section to read:

"§ 84-22.1. NC IOLTA Board of Trustees established; members; terms; vacancies.

(a) The North Carolina Interest on Lawyers' Trust Accounts (NC IOLTA) Board of Trustees is hereby established under the North Carolina State Bar to administer the funds received by the North Carolina State Bar from banks by reason of interest earned on general trust accounts established by lawyers pursuant to Rule 1.15-2(b) of the Rules of Professional Conduct or interest earned on trust or escrow accounts maintained by settlement agents pursuant to G.S. 45A-9, including any interest, dividends, or other proceeds earned on or with respect to these funds.

(b) The Board shall consist of nine members: three persons appointed by the Council of the North Carolina State Bar, two persons appointed by the Chief Justice of the Supreme Court of North Carolina, two persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and two persons appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. All appointments by the General Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the positions filled by those appointments shall be filled pursuant to G.S. 120-122. All persons appointed by the Council and the Chief Justice shall be attorneys in good standing and authorized to practice law in this State. All persons appointed shall serve terms of three years. No person shall serve more than eight consecutive years on the Board. Board members may continue to serve until their successors have been appointed. The initial terms of the members appointed by the Council of the North Carolina State Bar shall expire August 31, 2027. The initial terms of the members appointed by the Chief Justice shall expire August 31, 2028. All other initial terms of members appointed pursuant to this subsection shall expire August 31, 2029.

(c) Vacancies on the Board occurring for any reason shall be filled by the authority making the original appointment of the person causing the vacancy.

(d) Each member of the Board, before assuming the duties of his or her office, shall take an oath for the faithful performance of his or her duties. A Board member may be removed at the pleasure of the authority making the original appointment or by the Board for misconduct, incompetence, or neglect of duty.

(e) Members of the Board who are State officers or employees shall receive no per diem compensation for serving on the Board, but shall be reimbursed for their expenses in accordance

with G.S. 138-6. Members of the Board who are full-time salaried public officers or employees other than State officers or employees shall receive no per diem compensation for serving on the Board, but shall be reimbursed for their expenses in accordance with G.S. 138-6 in the same manner as State officers or employees. All other Board members shall receive per diem compensation and reimbursement in accordance with G.S. 93B-5.

(f) The Chief Justice shall designate one of the Chief Justice's appointees as Chair of the Board, and the Chair of the Board may designate another member as the vice-chair, who may preside in the absence of the Chair. The Board shall meet at the call of the Chair or a majority of the members of the Board at such time, date, and location as may be decided upon by a majority of the Board. A quorum of the Board shall consist of a majority of its total membership."

SECTION 16.25.(c) Definition. – "Grant Program Rule" means 27 NCAC 01D .1301 for purposes of this section and its implementation.

SECTION 16.25.(d) Grant Program Rule. – Until the effective date of the revised permanent rule that the North Carolina State Bar (State Bar) is required to adopt pursuant to subsection (f) of this section, the State Bar shall implement the Grant Program Rule as provided in subsection (e) of this section.

SECTION 16.25.(e) Implementation. – Notwithstanding any provision of 27 NCAC 01D .1301 to the contrary, all of the following shall apply:

- (1) North Carolina Interest on Lawyers' Trust Accounts (IOLTA) grants shall not be awarded to any entity that provides representation, assistance, or advocacy in matters governed by federal immigration law, including applications for visas, lawful permanent residency, asylum, deportation defense, naturalization, and any other immigration benefit or relief.
- (2) IOLTA grants shall not be awarded to any entity that provides representation, assistance, or advocacy in matters related to the performance of or in furtherance of surgical gender transition procedures, or the provision of puberty-blocking drugs or cross-sex hormones to a minor, as those terms are defined in G.S. 90-21.150.
- (3) IOLTA grants shall not be awarded to any entity that engages in any oral, written, or electronically transmitted communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion to the public to contact public officials in support of or in opposition to pending or proposed legislation, regulations, executive decisions, or any decision by the electorate on a measure submitted to it for a vote. This prohibition includes the provision of financial contributions by recipients to, or participation by recipients in, any demonstration, march, rally, fundraising drive, lobbying campaign, letter writing or telephone campaign for the purpose of influencing the course of such legislation, regulations, decisions by administrative bodies, or any decision by the electorate on a measure submitted to it for a vote. This prohibition does not include communications which are limited solely to reporting on the content or status of, or explaining, pending or proposed legislation or regulations. This prohibition shall not apply to entities that advocate solely for their own funding, internal rules, or laws directly affecting their own existence or structure.
- (4) The IOLTA Board of Trustees may reserve a portion of IOLTA funds received to cover administrative expenses. IOLTA grants may be made from available funds not used to cover administrative expenses under this subdivision as follows:
 - a. No more than fifteen million dollars (\$15,000,000) per fiscal year of funds received on or after July 1, 2025, to the Office of Indigent

Defense Services for the Private Assigned Counsel (PAC) Fund. Funds received or otherwise available in a fiscal year in excess of the fifteen million dollar (\$15,000,000) limitation set forth in this sub-subdivision shall be carried over to the next fiscal year and used in accordance with this sub-subdivision.

- b. All unexpended and unencumbered funds received prior to July 1, 2025, for programs designed to improve the administration of justice as may be proposed by the IOLTA Board of Trustees and approved annually by the North Carolina Supreme Court. No more than two million dollars (\$2,000,000) may be used per fiscal year for grants authorized under this sub-subdivision.

SECTION 16.25.(f) Adoption. – The State Bar shall adopt rules to amend the Grant Program Rule consistent with this section by no later than November 1, 2026. The State Bar may adopt temporary rules to comply with the deadline set in this subsection. Any temporary rules adopted in accordance with this subsection shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 16.25.(g) Effective Date. – All funds received by the North Carolina State Bar from banks by reason of interest earned on general trust accounts established by lawyers pursuant to Rule 1.15-2(b) of the Rules of Professional Conduct, or interest earned on trust or escrow accounts maintained by settlement agents pursuant to G.S. 45A-9, including any interest dividends, or other proceeds earned on or with respect to these funds, shall not be encumbered or expended for the purpose of awarding grants or for any purpose other than administrative costs except pursuant to the guidelines and categories of the Grant Program Rule enacted by subsections (c) through (f) of this section. Subsections (c) through (f) of this section expire when permanent rules adopted as required by subsection (f) of this section become effective.

**REQUIRE THE COMMISSION ON INDIGENT DEFENSE SERVICES TO PROVIDE
CONFIDENTIAL PUBLIC DEFENDER PERFORMANCE EVALUATIONS TO
SENIOR RESIDENT SUPERIOR COURT JUDGES**

SECTION 16.26.(a) G.S. 7A-498.5 is amended by adding a new subsection to read:

"(g1) No later than three months prior to the end of a public defender's term pursuant to an appointment under G.S. 7A-498.7, the Commission shall submit to the senior resident superior court judge who is the appointing authority of that public defender a performance evaluation for that public defender. During one or more closed sessions of the Commission held in accordance with G.S. 143-318.11, the performance evaluation shall be developed and adopted by a majority vote of a quorum of the Commission. Except for members of the General Assembly who may inspect and examine a performance evaluation under the authority of G.S. 120-19, all information pertaining to a performance evaluation completed in accordance with this subsection is confidential, not a public record under G.S. 132-1, and is not subject to discovery or subpoena in a civil or criminal action."

SECTION 16.26.(b) The Commission shall develop metrics to use in evaluating the performance of public defenders in accordance with G.S. 7A-498.5(g1), as enacted by subsection (a) of this section.

SECTION 16.26.(c) This section is effective when it becomes law and applies to public defender terms ending on or after November 30, 2026.

**REPEAL OUTDATED REPORT ON PRIVATE ASSIGNED COUNSEL REQUESTS
FOR PROPOSALS**

SECTION 16.27. Section 18A.4 of S.L. 2013-360, as amended by Section 18B.1(k) of S.L. 2014-100, is repealed.

DUTY STATION STUDY AND REPORT

SECTION 16.28. The Office of Indigent Services shall study any potential cost-savings that may be attained by reducing the footprint of leased office spaces. By March 1, 2027, the Office of Indigent Services shall submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research Division on its findings, including all of the following information:

- (1) The location of duty stations for employees of the Office of the Capital Defender.
- (2) The utilization of all leased office spaces by all employees of the Office of Indigent Services with a duty station in the City of Durham.

REVISIONS TO PRIVATE ASSIGNED COUNSEL FEES

SECTION 16.29.(a) G.S. 7A-458 reads as rewritten:

"§ 7A-458. Counsel fees.

The fee to which an attorney who represents an indigent person is entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense ~~Services~~. ~~Services or an act of the General Assembly.~~ Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. Fees shall not be set or ordered at rates higher than those established by the rules adopted under this section without the approval of the Office of Indigent Defense Services. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case. The Office of Indigent Defense Services shall not implement any change in fees without the prior approval of the General Assembly through the enactment of a general law."

SECTION 16.29.(b) G.S. 7A-498.5 reads as rewritten:

"§ 7A-498.5. Responsibilities of Commission.

...

(f) Subject to G.S. 7A-498.2(e) the Commission shall establish policies and procedures with respect to the distribution of funds appropriated under this Article, including rates of compensation for appointed counsel, schedules of allowable expenses, appointment and compensation of expert witnesses, and procedures for applying for and receiving compensation. The rate of compensation set for expert witnesses may be no greater than the rate set by the Administrative Office of the Courts under G.S. 7A-314(d). The Office of Indigent Defense Services shall not implement any change in rates of compensation without the prior approval of the General Assembly through the enactment of a general law.

...."

SECTION 16.29.(c) The Office of Indigent Defense Services shall increase each fee set by rule under G.S. 7A-458 as of July 1, 2026, by no more than thirty dollars (\$30.00).

SECTION 16.29.(d) This section is effective when it becomes law and applies to changes in rates or fees implemented on or after that date.

INCREASE INDIGENT DEFENSE FEE

SECTION 16.30.(a) G.S. 7A-304(a)(3c) reads as rewritten:

"(3c) For legal representation to indigent defendants and others entitled to counsel under North Carolina law, the sum of ~~five~~ ~~twenty-five~~ dollars (~~\$5.00~~) (~~\$25.00~~) to be remitted to the Office of Indigent Defense Services for the Private Assigned Counsel Fund."

SECTION 16.30.(b) This section becomes effective December 1, 2026, and applies to costs assessed on or after that date.

ESTABLISH PUBLIC DEFENDER DISTRICT 22 TO SERVE CASWELL AND ROCKINGHAM COUNTIES

SECTION 16.31. G.S. 7A-498.7(a) reads as rewritten:

"§ 7A-498.7. Public Defender Offices.

(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is established:

Defender District	Counties
...	
21	Hoke, Scotland
22	Caswell, Rockingham
24	Guilford
...	

After notice to, and consultation with, the affected district bar, senior resident superior court judge, and chief district court judge, the Commission on Indigent Defense Services may recommend to the General Assembly that a district or regional public defender office be established. A legislative act is required in order to establish a new office or to abolish an existing office."

PART XVII. ADULT CORRECTION

CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT

SECTION 17.1.(a) Part 1 of Article 16 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-1446. Authority to contract for the purchase of prison beds.

The Department of Adult Correction may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, or any successor entity of the named organization, for the purchase of prison beds for minimum security female inmates. The Center for Community Transitions, Inc., or any successor entity, shall report by February 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Adult Correction."

SECTION 17.1.(b) The first report required under G.S. 143B-1446, as enacted by subsection (a) of this section, shall be submitted no later than February 1, 2027.

STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM FUNDING USE

SECTION 17.2. Of the funds appropriated in this act for the Statewide Misdemeanant Confinement Program, up to the sum of five hundred thousand dollars (\$500,000) may be used in the 2026-2027 fiscal year to reimburse sheriffs utilizing inmate labor pursuant to the provisions of Section 19C.10 of S.L. 2021-180.

INCREASE THE STATEWIDE MISDEMEANANT CONFINEMENT FUND DAILY REIMBURSEMENT AMOUNT AND REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL EXPENSES

SECTION 17.3.(a) Notwithstanding any provision of law to the contrary, reimbursements to counties for the costs of housing misdemeanants under the Statewide Misdemeanant Confinement Program, as authorized by G.S. 148-10.4(d), shall be paid at a daily rate of at least fifty dollars (\$50.00) for each misdemeanant housed under the Program.

Conference Report on the Base, Capital and Expansion Budget

12001-Judicial - AOC - Indigent Defense Services

<u>Total Budget Enacted 2025 Session</u>	<u>FY 2026-27</u>
Requirements	\$ 175,775,738
Less: Receipts	\$ 13,994,851
Net Appropriation	\$ 161,780,887
FTE	733.000

Legislative Changes

Reserve for Salaries and Benefits

29 Compensation Increase Reserve	Requirements	\$ 2,834,302 R
Provides funding for an across-the-board salary increase of 3% in FY 2026-27 for most employees. Funds are also provided for a \$1,750 one-time bonus for most employees earning \$65,000 or less and a \$1,000 one-time bonus for most employees earning more than \$65,000.		949,204 NR
	Less: Receipts	\$ -
	Net Appropriation	\$ 3,783,506
	FTE	-
30 State Retirement Contributions	Requirements	\$ 446,486 R
Increases the State's contribution to the Teachers' and State Employees' Retirement System (TSERS) to fund the actuarially determined contribution and retiree medical premiums and provide a one-time cost-of-living supplement to retirees of 2.5% in FY 2026-27.		462,432 NR
	Less: Receipts	\$ -
	Net Appropriation	\$ 908,918
	FTE	-
31 Consolidated Judicial Retirement Contributions	Requirements	\$ 218,443 R
Increases the State's contribution to the Consolidated Judicial Retirement System (CJRS) to fund the actuarially determined contribution and retiree medical premiums and provide a one-time cost-of-living supplement to retirees of 2.5% in FY 2026-27.		94,043 NR
	Less: Receipts	\$ -
	Net Appropriation	\$ 312,486
	FTE	-
32 State Health Plan	Requirements	\$ 308,125 R
Provides additional funding to continue health benefit coverage for enrolled active employees.		
	Less: Receipts	\$ -
	Net Appropriation	\$ 308,125
	FTE	-

Departmentwide

33 Stabilization and Inflation Reserve Transfer	Requirements	\$ -
Budgets receipts from the Stabilization and Inflation Reserve to support expansionary nonrecurring General Fund appropriations in this budget code.	Less: Receipts	\$ 8,969,429 NR
	Net Appropriation	\$ (8,969,429)
	FTE	-

Administration	Requirements	\$ 5,021,409
Budget Fund: 100159	Less: Receipts	\$ 554,135
	Net Appropriation	\$ 4,467,274
	FTE	29.000

34 Indigency Determination Pilot	Requirements	\$ 91,000 NR
Budget Fund: 100159	Less: Receipts	\$ -
Provides funding for a pilot program to assess the indigency status of individuals who may be seeking a court-appointed defense attorney.	Net Appropriation	\$ 91,000
	FTE	-

Conference Report on the Base, Capital and Expansion Budget

FY 2026-27

35 Office Lease Reduction
Budget Fund: 100159

Reduces funding previously appropriated for Indigent Defense Services (IDS) to secure a new office lease.

Requirements	\$	(100,000) R
Less: Receipts	\$	-
Net Appropriation	\$	(100,000)
FTE		-

Administration Revised Budget

Requirements	\$	5,012,409
Less: Receipts	\$	554,135
Net Appropriation	\$	4,458,274
FTE		29.000

Private Assigned Counsel
Budget Fund: 100151

Requirements	\$	68,806,596
Less: Receipts	\$	12,721,308
Net Appropriation	\$	56,085,288
FTE		-

36 Private Assigned Counsel (PAC) Funding Support
Budget Fund: 100151

Provides funding to support payments to PAC attorneys and continued PAC program operations as well as rate increases.

Requirements	\$	40,000,000 R 7,300,000 NR
Less: Receipts	\$	15,000,000 R
Net Appropriation	\$	32,300,000
FTE		-

37 Indigent Defense Fee Increase
Budget Fund: 100151

Budget anticipated receipts from increasing the Indigent Defense fee from \$5 to \$25, effective December 1, 2026. This fee applies to all criminal court cases and receipts are directed to the PAC Fund. The fee was last increased in February 2022. The fully annualized additional receipts from this increase are estimated at \$11.3 million.

Requirements	\$	6,700,000 R
Less: Receipts	\$	6,700,000 R
Net Appropriation	\$	-
FTE		-

Private Assigned Counsel Revised Budget

Requirements	\$	122,806,596
Less: Receipts	\$	34,421,308
Net Appropriation	\$	88,385,288
FTE		-

Public Defender Services
Budget Fund: 100152

Requirements	\$	101,947,733
Less: Receipts	\$	719,408
Net Appropriation	\$	101,228,325
FTE		704.000

38 Public Defender (PD) District 22
Budget Fund: 100152

Provides funding to establish PD District 22 (Rockingham and Caswell Counties), effective July 1, 2026. The new positions include 1 Chief Public Defender, 7 Assistant Public Defenders, and 4 support staff.

Requirements	\$	1,709,072 R 72,750 NR
Less: Receipts	\$	-
Net Appropriation	\$	1,781,822
FTE		12.000

Public Defender Services Revised Budget

Requirements	\$	103,729,555
Less: Receipts	\$	719,408
Net Appropriation	\$	103,010,147
FTE		716.000

<u>Total Legislative Changes</u>			
	Requirements	\$	61,085,857
	Less: Receipts	\$	30,669,429
	Net Appropriation	\$	30,416,428
	FTE		12.000
	Recurring	\$	30,416,428
	Nonrecurring	\$	-
	Net Appropriation	\$	30,416,428
	FTE		12.000
<u>Revised Budget</u>			
Revised Requirements		\$	236,861,595
Revised Receipts		\$	44,664,280
Revised Net Appropriation		\$	192,197,315
Revised FTE			745.000

Commission Business

DAVID W. ANDREWS

104 Keith Road • Carrboro, NC 27510
Telephone: (919) 260 - 9360 • E-mail: david.w.andrews.esq@gmail.com

Professional Summary

Committed public defender with nearly 20 years of experience handling juvenile delinquency and criminal appeals in the Supreme Court of North Carolina and the North Carolina Court of Appeals. One of eleven statewide specialists in juvenile delinquency law. Recognized for extraordinary contributions to training programs for public defenders and private assigned counsel. Co-author of the *North Carolina Juvenile Defender Manual* (2017 edition). Experience litigating constitutional claims in *Miller* sentencing appeals and cases transferred from juvenile to superior court.

Core Competencies

- Indigent criminal, delinquency, and involuntary commitment appeals in the North Carolina Appellate Division
- Indigent defense education
- Deep understanding of the constitutional rights of juveniles and criminal defendants
- Extensive knowledge of the delinquency section of the Juvenile Code

Professional Experience

Assistant Appellate Defender, Office of the Appellate Defender, Durham, NC
September 2006 – present

- Represented over 150 individuals in the Supreme Court of North Carolina and the North Carolina Court of Appeals
- Worked with trial and appellate attorneys to develop strategies for *Miller* sentencing hearings, free speech defenses in delinquency cases, and mandatory transfer cases
- Developed detailed resources for appellate attorneys assigned to probation revocation appeals and guilty plea appeals
- Regularly trained trial attorneys since 2011 on constitutional principles, issue preservation, and appellate procedure for involuntary commitment cases

Legal Intern, Orange County Public Defender's Office, Carrboro, NC
July – August 2005

- Defended clients prosecuted in child support hearings
- Negotiated plea agreements
- Drafted legal memoranda for staff attorneys

Judicial Intern, The Honorable William Webb, Federal Magistrate, Raleigh, NC
May – August 2004 / May – June 2005

- Drafted orders for civil and criminal cases
- Wrote legal memoranda on issues pending before Judge Webb

Judicial Intern, The Honorable Richard Elmore, North Carolina Court of Appeals, Raleigh, NC
January – April 2005

- Drafted bench memoranda and judicial opinions
- Researched legal issues pending before the Court of Appeals

Education

Juris Doctor, summa cum laude, GPA: 3.646
North Carolina Central University, May 2006

Bachelor of Business Administration, cum laude, GPA: 3.52
International Business Major, Spanish Minor
University of Georgia, June 1998

Notable Cases

State v. Conner, 381 N.C. 643 (2022): Established that de facto LWOP sentences for redeemable juveniles convicted of first-degree murder are unconstitutional

State v. James, 373 N.C. 77 (2018): Found that North Carolina's *Miller*-fix law was constitutional, but established that LWOP sentences for juveniles convicted of first-degree murder should be "exceedingly rare"

Honors & Recognition

- 2024 recipient of the Professor John Rubin Award for Extraordinary Contributions to Indigent Training Programs
- 2023 recipient of the Carolyn and Cy King Peace and Justice Award
- 2021: Certified as specialist in juvenile delinquency law
- Managing Editor, *North Carolina Central Law Journal* (2005 – 2006)
- Best Oral Argument & Best Overall, NCCU Clifton E. Johnson Moot Court Competition (2005)

Publications & Speaking Engagements

Miller v. Alabama: State of Play in 2025 (July 18, 2025): Office of the Juvenile Defender Virtual Series

The Right to Confrontation after *Smith v. Arizona* (May 8, 2025): Spring Public Defender Conference

Challenging North Carolina's Mandatory Transfer Law (April 25, 2025): Office of the Juvenile Defender Virtual Series

Raising the Age for the Death Penalty, (November 8, 2023): Bridging the Gap Mitigation Conference, Carolina Beach, NC

Defending School Threat Cases (October 14, 2023): Co-presenter at the 2023 Youth Defender Leadership Summit, Charlotte, NC

New Arguments for Juvenile Court (October 7, 2022): Office of the Juvenile Defender CLE Series, Fayetteville, NC

Co-author of the *North Carolina Juvenile Defender Manual* (2017 edition), Indigent Defense Manual Series

Community Involvement

- Volunteer judge, Orange County Teen Court (2023-2025)
- Volunteer teacher, Buenos Aires, Argentina (1998 – 1999)

ALETA R. BALLARD

Criminal Defense Trial Attorney | Founder & Managing Attorney, Ballard Law Firm, PLLC

North Carolina Licensed Attorney

PROFESSIONAL SUMMARY

Accomplished criminal defense trial attorney and entrepreneur with more than 20 years of experience advocating for individuals facing misdemeanor and felony criminal charges throughout North Carolina. Founder and Managing Attorney of Ballard Law Firm, PLLC, a boutique criminal defense practice built on delivering strategic, client-centered representation.

Recognized for handling complex felony matters, jury trials, juvenile cases, DWI defense, and post-conviction matters while leading a modern, luxury law firm committed to excellence and innovation.

Serving as an IDS MAC attorney since 2010, providing court-appointed representation in serious and complex criminal cases.

A dynamic courtroom advocate and business leader with a reputation for relentless preparation, persuasive advocacy, and compassionate client representation.

PROFESSIONAL EXPERIENCE

Founder & Managing Attorney

Ballard Law Firm, PLLC

2009 – Present

- Founded and developed a successful criminal defense law practice serving clients throughout North Carolina.
- Represent clients in District and Superior Court in misdemeanor and felony criminal matters.
- Lead jury trials involving serious felony offenses and complex evidentiary issues.
- Handle matters including:
 - Felony criminal defense
 - Juvenile defense

- DWI and traffic offenses
- Domestic Violence Protective Orders (50B)
- Expungements
- Bond reductions and pretrial release matters
- Appeals from District Court to Superior Court
- Post-conviction and sentencing advocacy
- Conduct extensive motion practice, including motions to suppress, motions to dismiss, discovery litigation, and constitutional challenges.
- Develop trial strategies for high-stakes criminal cases involving digital evidence, forensic testimony, and expert witnesses.
- Manage all aspects of firm operations, including staff leadership, client experience initiatives, marketing, and business development.
- Implement technology-driven systems and client communication processes to enhance efficiency and client satisfaction.
- Mentor staff and create policies and procedures to support a high-performing legal team.

LEGAL EXPERIENCE

- Twenty-plus years of criminal defense and trial advocacy experience.
- Extensive courtroom experience in North Carolina District and Superior Courts.
- Experience negotiating favorable case resolutions while aggressively preparing matters for trial when necessary.
- Skilled in witness examination, jury selection, legal research and writing, and appellate advocacy.
- Proven ability to manage complex caseloads while maintaining exceptional client service standards.

EDUCATION

Juris Doctor (J.D.)

Wake Forest University School of Law, 2006

Bachelor of Science

Towson University, 2002

BAR ADMISSIONS

- North Carolina State Bar
- United States Supreme Court

PROFESSIONAL SKILLS

- Criminal Defense Litigation
- Trial Advocacy
- Jury Trials
- Motion Practice
- Constitutional Law Issues
- Witness Preparation and Examination
- Juvenile Defense
- DWI Defense
- Legal Writing and Research
- Client Relations and Case Management
- Law Firm Leadership and Operations
- Strategic Negotiation
- Public Speaking and Legal Education

PROFESSIONAL LEADERSHIP

- Founder and Managing Attorney of Ballard Law Firm, PLLC
- Entrepreneur and law firm owner for more than 16 years.
- Speaker and educator on criminal defense practice and client advocacy.
- Advocate for innovation and excellence in boutique legal practice.

PERSONAL BRAND STATEMENT

Aleta R. Ballard is a modern criminal defense trial attorney known for fearless advocacy, meticulous preparation, and a commitment to defending her clients when everything is on the line. She has built a reputation for doing things differently—combining sophisticated legal representation with an unwavering dedication to protecting her clients' rights and futures.