

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