



OFFICE OF INDIGENT
DEFENSE SERVICES
SAFEGUARDING JUSTICE

NCIDS.org

NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

WHITNEY B. FAIRBANKS

EXECUTIVE DIRECTOR
WHITNEY.B.FAIRBANKS@NCCOURTS.ORG

BRYAN F. JONES

CHAIR

MEMORANDUM

To: Private Assigned Counsel (PAC) who do Court-Appointed Work; All IDS Stakeholders
From: Bryan F. Jones, IDS Commission Chair; Whitney B. Fairbanks, IDS Executive Director
Re: Rate Increases for Private Assigned Counsel
Date: September 4, 2026

On August 7, 2026, the Indigent Defense Services (IDS) Commission voted to implement an across-the-board rate increase for all case types for private assigned counsel (PAC), made possible with funding the General Assembly provided specifically to increase PAC rates. IDS is grateful to the General Assembly for recognizing the need for this additional funding and investing in this important work.

The approved rate increases span all case types covered under the IDS Act, creating variable rates depending on case type and forum. Please see the attached "Hourly Assigned Rate Chart" for a detailed list of new rates. You can also find the new rate chart online at <https://www.ncids.org/counsel-rates/> under "Current Hourly Assigned Rates."

The new rates will be effective for all cases on October 1, 2026. However, the implementation will vary depending on who sets the fee award.

- ⇒ Final-disposition Rule: In cases where a judicial official sets the fee award, the new rate is effective at final disposition on or after October 1, 2026. This means that for those cases the new rate applies to all work performed on the case, including work prior to October 1, 2026.
- ⇒ Date-of-work Rule: In cases appointed pursuant to the Managed Assigned Counsel Program, or where the Capital, Juvenile, or Appellate Defender sets the award, the new rate is effective for work done on or after October 1, 2026. This means that for those cases, the new rate will only apply to hours worked on or after that date.

In no case will the new rate be applied retroactively to previously set awards. If you have questions about whether a particular case is billed under the date-of-work rule or the final-disposition rule described above, please see the attached rate chart.

Effective October 1, with limited exceptions, attorneys can continue to bill for time spent traveling but will no longer be able to bill for mileage. With the discontinuation of mileage

reimbursements, attorneys may be able to write off mileage accrued after October 1 on their state and federal tax returns. IDS encourages you to speak with your accountant or a tax specialist about this. Attorneys can still bill IDS for mileage for capital and juvenile first-degree murder cases appointed by IDS or by the Offices of the Capital, Appellate, or Juvenile Defenders.

Consistent with current IDS policy, attorneys cannot bill for time spent on their regular commute between their office and the courthouse. Additional guidance on billing for travel time in other circumstances, including virtual-office client meetings and visits to jails or detention centers, will be issued separately as IDS updates its policies and FAQs.

You will receive additional updates as IDS policies and forms are updated to reflect the vote of the Commission.