2026.08.07 Meeting Minutes

Commission on Indigent Defense Services

For Review at the Quarterly Meeting – November 6, 2026

Commissioner Attendees:
Bryan Jones (Chair), Miriam Thompson *(virtual)* (Vice-Chair), Cara Bridges *(virtual),* Robert Kelly Corbett III *(virtual)*, Judge Tonia Cutchin, Caitlin Fenhagen, George Doyle *(virtual),* Marshall Ellis *(virtual),* Jarrod Lowery*,* John Nieman, Stacy Rubain, Judge Scott Ussery

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 (Chief Fiscal Officer), Angela Henderson (IDS Contracts Administrator), Carla Huff (Recruitment and Training Coordinator), Joshua Hummel (IDS Data 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), Daniel Meier (IDS Regional Defender)

Special Guests:
NC Supreme Court Chief Justice Paul Newby, NC AOC Director Ryan Boyce, Edward Pollard

Local and State Public Defender Program Attendees:
Janna Allison (District 43) *(virtual)*, Dawn Baxton (District 16), Niccoya Dobson (District 5), A. Traynham Dorn (District 13), Joshua Willey (District 4), Robert C. "Bert" Kemp III (District 3), Ricky Champion (District 17), Laura Gibson (District 2), Woodrena Baker-Harrell (District 18), Thomas "Bud" Woodrum (District 6), Paul James (District 31), Annick Lenoir-Peek (Parent Defender), Deonte' Thomas (District 10) *(virtual)*, Robert E. Sharpe, Jr. (Capital Defender), Jennifer Rierson (District 24), Jacob Ward (District 15) *(virtual)*, Eric Zogry (Juvenile Defender), Tonza Ruffin (District 7)

Other Attendees:
Morgan Weiss, (NC Legislature), Bhairavi Jayaraman (NC Legislature) *(virtual)*, Abbie Britt (NC Legislature) *(virtual)*, Timothy Heinle (UNC School of Government), Daniel Spiegel (UNC School of Government); Phil Dixon (UNC School of Government), Shelagh Kenney, (CDPL) *(virtual)*, Beth Hopkins Thomas (Executive Director, NCPLS) *(virtual)* – **Note:** A large number of Private Assigned Counsel (PAC attorneys) and others joined virtually.

Call to Order and Introductions
The meeting was called to order at 10:06 a.m. by IDS Commission Chair Bryan Jones.

State Government Ethics Act

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

Closed Session

At 10:07 a.m., The IDS Commission went into closed session to consider/deliberate the appointment of the new IDS Executive Director. (Motion by Judge Scott Ussery; second by Commissioner John Nieman) **Note:** IDS Executive Director Mary Pollard had announced her retirement, and the August 7 meeting would officially mark the close of her tenure with Indigent Defense Services.

Open Session

At 11:01 a.m., the IDS Commission convened in open session for commission business. (Motion by Commissioner Scott Ussery; second by Commissioner John Nieman)

Minutes of May 1, 2026, Commission Meeting

The minutes from the May 1, 2026, IDS Commission meeting were presented for consideration and were unanimously approved. (Motion by Commissioner John Nieman; second by Judge Ussery)

Remarks from the Chair

After introductions, Chair Jones welcomed all commissioners, guests and other attendees. Next, he introduced N.C. Supreme Court Chief Justice Paul Newby to give a special presentation to Mary Pollard. Chief Justice Newby presented Pollard with the "Friend of the Court Award," which is the Judicial Branch's highest honor. NCAOC Director Ryan Boyce expressed gratitude to Pollard for her service, problem solving and tenacity. On behalf of the Chief Public Defenders in the state, District 18 Chief Public Defender and NCAPD President Woodrena Baker-Harrell presented Director Pollard with a gift of appreciation and thanked her for making such a tremendous impact upon indigent defense in North Carolina. Chair Jones expressed admiration for Pollard's leadership, and Capital Defender Robert Sharpe presented Pollard with the N.C. Capital Defender's Award. For more about these expressions of thanks and the special send-off for Pollard's retirement, please see: https://www.ncids.org/2026/pollard-closes-chapter-on-remarkable-career/

The Chair then gave the floor to Mary Pollard for her final remarks as IDS Executive Director.

Remarks from the Director

Before getting down to business, Director Mary Pollard said the commissioners have been invaluable to her over the last few years. She expressed gratitude for *their* service on the IDS Commission and for all the responsibilities that come with their service.

Director Pollard reminded the Commission that the 2026 State Appropriations Act became law on July 7 and that it contained some significant provisions that affect Indigent Defense. She reported that the budget from the General Assembly:

- Appropriated to IDS $22.5 million per year to the Private Assigned Counsel (PAC) Fund
- Established a new public defender office for Judicial District 22 (Caswell and Rockingham counties)
- Requires the IDS Commission to provide confidential performance evaluations of Chief Public Defenders to their Senior Resident Superior Court Judges prior to their reappointment
- Approved the Indigency Affidavit / Indigency Determination Pilot whereby clients would enter personal identifying information onto an electronic form/tablet made available to them in the courtroom to enhance the accuracy of the SSN and other information
    - This will prevent the problem of wrongful tax refund intercepts in recoupment
- Requires the next IDS Executive Director to report to the General Assembly on the status/"footprint" on the leased space at 123 W. Main Street, Durham

Director Pollard also reminded commissioners and those in attendance about the passage and potential veto of HB377, which also had some specific provisions that affect indigent defense and which the new executive director would need to follow through on.

Commission Business

Private Assigned Counsel Rate Discussion

IDS Fiscal Officer Aaron Gallagher began his presentation on the agency recommendation for PAC rates by reminding Commissioners that they last adopted a rate change on January 1, 2022. He noted that, as Chair Jones had observed, the 2022 increase did not restore rates to where they were before they were cut in approximately 2011.

Gallagher outlined the goals of the plan:

1. increase rates for all IDS case types;
2. create differential rate classes for misdemeanors, low-level felonies, and high-level felonies, to help address challenges in finding attorneys willing to take certain case types and to recognize the additional effort those cases require;
3. establish a new differential rate for parent defense; and
4. discontinue mileage reimbursement.

Gallagher explained that although the budget provided approximately $32 million, $7.3 million of that amount was nonrecurring. Because IDS does not want to build ongoing expenditures on money that will not be in its budget in future years, the Agency proposal was premised entirely on the $25 million in recurring funds. The $7.3 million in non-recurring funds will help IDS address several items this year.

Pollard noted that the nonrecurring funds would help IDS get through the transition period in Rockingham and Caswell Counties, where IDS is still paying PAC. Gallagher agreed, noting that it takes 18

to 24 months for PAC cases to wind down and for demand to shift fully to the new PD offices. He stated that the non-recurring funding helps bridge that gap until those nine offices are fully functional in addressing demand in their areas.

Gallagher advised that he and IDS Budget Manager Sonia Colon had projected PAC demand of approximately $90 million for the current fiscal year. With $90 million already accounted for, approximately $25.5 million remains available for rate increases.

Gallagher stated that the goal of the proposal was to create more structure and differentiation in the rates and to break out IDS demand by case type for the Commission. He noted that the budget bill prohibits increasing any rate by more than $30 per hour.

Misdemeanors would increase from $65 to $85 per hour (a $20 increase). To create some difference between misdemeanors and felonies, low-level felonies would increase to $90 per hour (a $25 increase), and high-level felonies would increase from $85 to $105 per hour (a $20 increase). Percentages were listed to help quantify the changes.

Gallagher pointed out that the spending figures shown reflect total spending for the fiscal year that ended June 30, which may include expenses such as copying and some mileage. The current accounting system is not set up to separate those costs, but Oasis, IDS's new online invoicing system, captures them separately, so more detailed data will be available going forward. He noted that the $2.9 million shown for high-level felonies includes some expenses, so the figures may be slightly overstated, which provides a cushion. That cushion means that, if spending allows, rates could be increased further toward the $30 cap in the future, perhaps in the spring or on July 1 of next year.

When asked whether flat fee rates in certain counties had been addressed, Gallagher stated that staff will apply the same percentage increases to flat rates. For example, a $200 flat rate would be multiplied by 1.31 to produce a new rate.

Gallagher then presented the proposed capital and appellate rates. Total spending on non-capital appeals is approximately $3 million, broken out by parent representation, special proceedings, misdemeanors, low-level felonies, high-level felonies, and life without parole.

- Parent representation appeals: from $75 to $100 per hour (a $25 increase).
- Misdemeanor and non-criminal appeals (unless otherwise specified): from $75 to $95 per hour (a $20 increase).
- Low-level felony appeals: from $75 to $100 per hour (a $25 increase).
- High-level felony appeals: In consultation with Appellate Defender Glenn Gerding, high-level felonies, currently paid at $85 per hour, will be grouped with Class E through I sex offenses, currently paid at $75 per hour, and all will be paid $105 per hour. Class E through I sex offense appeals would reach the $30 per hour cap.
- Life-without-parole appeals: grouped with Class B1 through D sex offenses. Life-without-parole appeals would increase from $100 to $115 per hour, and Class B1 through D sex offense appeals would increase from $85 to $115 per hour, reaching the $30 cap. Gallagher

stated that these cases require the same skill set and present the same challenges and demands, so the attorneys will be paid the same rate.

- Capital trial, capital appeals, and capital post-conviction cases: from $100 to $120 per hour.

Gallagher reported that the proposed increases total approximately $25.7 million per year in additional spending, compared with the estimated $25.5 million available. He stated that the difference of approximately $200,000 is small relative to the projections, and staff were comfortable with the proposal slightly exceeding the estimate. He identified ways to manage the difference: projected expenses are based on last year's spending, which includes items such as copying and mileage that are not part of the hourly rate, and IDS has nonrecurring funding available, such as lapsed salary and salary savings elsewhere in its budget. He reiterated the proposal to eliminate mileage reimbursement.

Gallagher noted that the plan may lead to additional rate increases in the future. Possible next steps include a further increase to the capital trial rate and addressing the issues Sarah Olson raised at a recent Commission meeting regarding investigators and mitigators, whose rates are low by market standards. He also noted that IDS currently pays $15 per hour for paralegal services, which he described as not very much. Increasing that rate could create savings for the agency by encouraging attorneys, such as those on capital cases paid at $120 per hour, to shift appropriate work to qualified paralegals.

Commission Discussion

Pollard thanked Gallagher and noted that he had worked through many versions of the spreadsheet based on input from staff and the state defenders. Pollard stated that commissioners will be able to revisit and adjust the rates in the fall or spring, and that staff did not want to go too big now and leave the new director with a large shortfall in the spring. Pollard recommended seeing how the first two quarters of the fiscal year go.

Pollard also noted that it was difficult to quantify the effect of Iryna's Law, which imposes deadlines for capital post-conviction cases. Many of those cases have been pending for 20 years or more and must be resolved within the next couple of years, which will cause a significant increase in spending. Those cases require two attorneys by statute, paid at the capital rate. Pollard expressed hope that the spending would be absorbed by nonrecurring funding, but stated that the Commission should keep a close eye on demand.

Pollard also noted having discussed with Rob Sharpe the possibility of piloting a much higher paralegal rate in capital cases and defining how paralegals should be used.

Pollard stated that two elements of this proposal differ from past proposals. The first is the elimination of mileage reimbursement. She explained that attorneys are supposed to be reimbursed for mileage only under certain circumstances, such as traveling out of county for work purposes (for example, to visit a client held in safekeeping) or when IDS requests that they travel due to a shortage in a region. Gallagher noted that if mileage reimbursement is eliminated, attorneys traveling from one county to another will still be paid their hourly rate for travel time, so an attorney who drives for an hour is paid for that full hour. Through the Oasis system, IDS has been able to identify and stop practices that likely occurred in the past, such as judges awarding mileage for travel within a county or district, which has never been allowed. Pollard stated that the most efficient approach is to eliminate mileage reimbursement. Eliminating it also gives IDS the certainty needed to provide a $20 to $25 per hour rate increase.

Pollard further noted that the second difference is that parent defense has historically been paid at the misdemeanor rate, while this proposal, developed in conjunction with Parent Defender Annick Lenoir-Peek, establishes a separate rate. That change is based on feedback from districts indicating that, although attorney shortages exist everywhere, they are particularly severe in parent representation, which is difficult and demanding work.

When asked about non-designated murder cases, Pollard explained that any murder indicted as potentially capital is paid at the capital rate, and asked Sharpe what percentage of cases that represents. Sharpe stated that he did not recall the precise percentages, but that most counties designate at indictment, while a few counties still indict cases as undesignated, so it is not known at the outset whether the death penalty will be sought. Some of those counties do seek the death penalty in cases that begin as undesignated.

Pollard reminded everyone that years ago the Commission had discussed whether a case should be paid at a higher rate once it is declared capital. Sharpe stated that he has always opposed that approach because it creates incentives for different behavior. He stated that he did not believe many attorneys would act on that incentive, but some might. Sharpe stated that he would not want a system in which an attorney who negotiates a case down from capital is penalized for doing so.

Pollard then opened the floor for questions.

Chair Jones thanked Gallagher for the presentation and asked what difficulties staff had experienced in processing mileage reimbursement vouchers, inviting Rob to address the question as well. Gallagher explained that under IDS policy, an attorney who voluntarily joins the appointment list in a particular county forgoes mileage reimbursement. For example, an attorney who practices in a county with limited work and joins the list in a neighboring county to get more work is not entitled to mileage. By contrast, if IDS recruits an attorney because of a shortage, that attorney is entitled to mileage. The policy is difficult to enforce. Gallagher stated that streamlining the process was the best approach because it opened up more funding for the hourly rates.

Commissioner Rubain stated that the explanation was helpful but expressed concern for attorneys on the capital roster, who may, for example, be based in Durham and take a case in Asheville. Rubain acknowledged that attorneys in private practice can deduct mileage on their taxes but noted that these attorneys are already under financial strain, and stated that mileage reimbursement serves as additional compensation for taking the hardest cases, noting that Sharpe already has difficulty finding attorneys to take these cases, and that eliminating this non-taxable reimbursement is a real concern.

Assistant General Counsel Chad Boykin noted that one of Gallagher's points concerned the administrative burden of rejecting and returning fee applications, which does not apply in capital cases because IDS sets the rate in those cases. Rubain suggested that capital cases could therefore keep mileage reimbursement while judge-assigned cases do not.

Sharpe noted that 64 of the 142 capital appointments over the last two months were out of county, almost always because there was no other option. Sharpe offered an example: at the current $100 hourly rate, an attorney who drives one hour and 50 miles spends about $7 on gas and is reimbursed for $27, for a net of $120. At a $120 rate without mileage, the attorney would net $113. He asked the Commission to consider retaining mileage even with the rate increases, while recognizing that the

Commission has budget constraints and may need to be creative. Pollard noted that the difference applies only to the first hour, and that every additional hour would be paid at the higher rate; this was confirmed. Pollard noted that the choice is between keeping the rate at $100 with mileage or raising it to $120 without mileage, and that attorneys would ultimately receive more money under the higher rate. She acknowledged that IDS could probably afford to keep mileage.

Chief Public Defender Niccoya Dobson offered the perspective of a former PAC attorney who had been recruited onto the capital list and traveled outside her district. She stated that, as a PAC attorney, it was unclear whether she could claim both mileage and the hourly rate for travel, and that judges in non-capital cases sometimes required attorneys to choose one or the other because they did not want to deal with the calculations. Gallagher agreed that IDS wanted to bring clarity to the policy.

Pollard stated that the cleanest approach would be to eliminate mileage in non-capital cases and use that money to fund the rate increase. In capital cases, IDS conducts enhanced auditing and can ensure that attorneys are not paid mileage when they are not entitled to it, so keeping mileage in capital cases would probably not be costly if the Commission chose to do so, although it may need to be revisited later. She cautioned that rates cannot be lowered later without permission from the General Assembly, but if funds become tight in six months, the Commission could reconsider and eliminate mileage at that time, though doing so would be more painful after attorneys have received a raise.

Judge Ussery asked whether, from a fairness standpoint, PAC attorneys should receive the same travel compensation as assistant public defenders. Pollard responded that when IDS recruits a PAC attorney to travel out of county, IDS currently pays both the hourly rate for travel time and mileage, but many attorneys claim mileage in cases where they are not entitled to it. Pollard stated that the situation is messy and difficult to enforce, that attorneys are paid their hourly rate while traveling, and that experts, by comparison, are paid half their hourly rate for travel.

Gallagher recognized a question from Commissioner Bridges. Bridges asked how much IDS spends on mileage. Gallagher explained that, for context, until Oasis, IDS fiscal staff focused on paying attorneys accurately and quickly. Under the state's previous financial system, fiscal staff entered only the total amount from each fee application, rather than its individual components. Oasis captures that data separately and has been in use statewide for approximately seven months, and Gallagher hoped to share some of that data with the Commission by next summer, though eliminating mileage would make that data moot.

Bridges asked whether, if the Commission revisits rates at its next meeting, it would still be limited by the $30 cap. Pollard confirmed that the cap remains in place until the General Assembly changes it.

Pollard reminded the Commission that the proposal eliminates mileage only for attorneys; IDS is not proposing to eliminate mileage for investigators and experts, who travel frequently, and who are not receiving a rate increase at this time, though one may be considered in the future.

Pollard, responding to Ussery's earlier question about parity with assistant public defenders, stated that the issue could go either way. A PAC attorney is a small business owner, while an assistant public defender is a state employee who is expected to use a state car; if a state car is not available and the APD drives a personal vehicle, the APD receives half the rate, and when traveling out of county on official business, receives approximately $0.62 per mile, less than the IRS rate. PAC attorneys can deduct

mileage as a business expense at the full IRS rate. Pollard stated that eliminating mileage removes an administrative burden, helps IDS pay attorneys more, and is cleaner, but that the Commission could reasonably decide either way.

Ussery asked whether all public defender offices are provided a car. Gallagher stated that some offices do not have cars and some choose not to; in some multi-county districts, a car could not be used efficiently. Ussery asked whether IDS could match the AOC mileage rate for assistant public defenders. Gallagher and Pollard agreed that IDS probably could. Ussery noted that assistant district attorneys are reimbursed at the AOC rate while assistant public defenders receive slightly less. It was agreed that the issue could be considered at a future meeting, using data from the travel reimbursements processed by Shannon.

Chair Jones, noting that he fills out fee applications more than almost anyone, stated that it is very important both that attorneys be paid more, which this proposal accomplishes, and that the process be streamlined. Jones shared his opinion that streamlining is as important as higher pay, and that accomplishing both would be significant.

Rubain raised several questions about the proposed rate for high-level felonies. Rubain relayed that, anecdotally, there is only one attorney on the high-level felony list in the county where she practiced for most of her career, and that attorneys were routinely urged to join the list.

Rubain also pointed out that parent representation and capital cases account for large portions of spending, as do low-level felonies and misdemeanors. No one makes a living on misdemeanor appointments because of the volume of cases. However, in many counties it is difficult to find attorneys for Class A through D felonies, the Capital Defender has difficulty finding attorneys for murder cases, and it is difficult to find attorneys for parent representation, which is demanding work at a low hourly rate. Rubain stated that these areas present the greatest need for increased rates, and asked whether, given the $30 per hour cap, the funds should be directed first to those case types, with the remaining funds allocated to other case types.

Gallagher stated that the Commission certainly could do so. He noted that, as Pollard had said, he had run approximately 75 versions of the proposal, and that increasing one rate generally requires reducing another. Staff would like to remain within the $25.5 million available, give or take a few hundred thousand dollars, which could likely be managed, but the decision rests with the Commission. He stated that the proposal was intended to illustrate one option, and noted that high-level felonies account for $3 million of the $90 million in PAC spending, so a modest increase for high-level felonies would not substantially affect the total, while reducing one of the larger categories would free up more money. He stated that the agency has the ability and expertise to manage spending somewhat above $25.5 million, but because rates cannot be lowered without General Assembly approval, the Commission must proceed with caution, since reversing a rate change is a significant undertaking.

Gallagher stated that staff was not asking the Commission simply to approve the proposal as presented, but believed it to be a workable proposal that stays within budget, streamlines the process, increases rates, and addresses IDS's greatest needs.

Pollard noted that in the 2022 rate increase, low-level felonies were kept at the misdemeanor rate, because it was the first time in many years that the misdemeanor rate had been raised. That decision

had the unintended consequence of discouraging attorneys from taking low-level felonies, so the current proposal creates some separation between the low-level felony and misdemeanor rates.

Rubain asked whether there would be value in adjusting the appointment lists by redefining what qualifies as a high-level felony. She noted that while most people assume felonies are disposed of in superior court, many counties handle them differently, so it is difficult to determine how best to allocate the funds.

Pollard stated that it was uncertain whether IDS could afford to raise the high-level felony rate enough to entice attorneys who do not want to practice in superior court to do so, and that such a change would require a broader discussion, while acknowledging that the commissioner's point was valid. Gallagher stated that increasing the high-level felony rate from $105 to $110 per hour would add approximately $225,000 to the total cost.

Commissioner Thompson asked whether the funds under discussion could be used only to increase PAC rates, or whether any portion could be used to help PAC attorneys with digital discovery tools, research, technology, and similar resources, while recognizing that rates are the most important piece.

Pollard responded that the funds are for rates only. The session law and the IDS Act governing the PAC fund allow it to be spent only on attorney and expert rates and expenses. She noted that during the 2025 long session, IDS sought permission and funding to pilot technology initiatives for private assigned counsel but did not gain traction. She stated that there may be an opportunity to make progress in the upcoming long session and that the new director might pursue it, but that it would require legislative action to spend funds on such initiatives.

Ussery, who handles hundreds of Class H and I felony pleas each year, expressed concern that if the high-level felony rate were set slightly higher than the superior court rate, some attorneys might reject offers in district court in order to move cases to superior court for an additional $5 or $10 per hour, consistent with the concern Sharpe had raised earlier.

Ussery expressed his opinion that expanding the high-level felony list should not depend on the court in which a case is resolved. He noted that in his district, Class G felonies are moved to the H and I court as attempts, and assault cases in the Class D through F range are moved there after being reduced. Attorneys who prepare for a high-level felony should be paid accordingly regardless of the court in which the case is resolved, and the Commission should not create an incentive to prolong a case or penalize an attorney for obtaining a better outcome.

Jones asked when the new rates would take effect. Gallagher stated that the earliest effective date would be October 1. Pollard stated that staff would like to implement the change as quickly as possible, consistent with the intent of the legislators who provided the funding.

Pollard suggested a lunch break, during which she and Gallagher would calculate the cost of increasing the high-level felony rate and report back. Gallagher noted that his quick estimate for increasing the high-level felony rate from $105 to $110 was approximately $225,000, and that the bottom-line impact would be reviewed. The Commission recessed for a 30-minute lunch break.

Following the lunch break, Gallagher reported that increasing the high-level felony rate to $110 per hour would cost approximately $225,000, and that a corresponding increase to $110 per hour would be

needed for high-level felony appeals and Class E through I sex offense appeals. With those changes, the total impact would be approximately $26 million, compared with approximately $25.7 million previously. Gallagher noted that the juvenile rate would also need to be adjusted. Gallagher stated that this would be a slight additional change and that the total would remain approximately $26 million.

Gallagher stated that this amount is manageable because staff built in conservative estimates, including $90 million for PAC demand, a figure he and Colone are confident in. The main unknown is the continued shift of demand to the new public defender offices, which have already reduced PAC demand by approximately $3 million; that figure is expected to grow, possibly to $8 or $9 million in the future. As caseloads shift to the new PD offices and PAC demand decreases, IDS could absorb an additional half-million dollars without much difficulty, particularly because the estimates are based on total expenses, not just hourly rates.

Pollard asked whether Gallagher was comfortable spending $26 million. Gallagher stated that he was comfortable adopting rates that could result in $26 million in expenses.

Commission Vote

Judge Ussery asked whether a motion was needed to approve the new rates and, because the written proposal had changed to include the points raised by Judge Cutchins and Commissioner Rubain, whether the motion would need to address each change individually. Fairbanks advised that, because the changes were targeted, the motion could be framed as a motion to adopt the rates detailed in the spreadsheet titled "Rate Increase Proposal," with the specified exceptions, which would be four exceptions: the juvenile rate, high-level felony rate, Class E–I sex offenses, and mileage for IDS-set case types.

Ussery moved to adopt the rate plan as modified with new rates effective October 1. Chair Jones called for a vote. All commissioners present voted to adopt the rate increases. The Commission also voted to delegate to IDS staff the responsibility to make conforming changes for uniform fees and session courts.

Commissioner Neiman asked for clarification as to whether the new rates apply to cases appointed after October 1, to fee applications filed after that date, or based on disposition date. Pollard explained that, as in the past, for cases billed on an interim basis, such as capital cases, the new rates apply to all work performed on or after October 1. For other cases, the disposition date controls, so some attorneys are effectively receiving the increase for work performed now on cases that will be disposed of on or after October 1.

Regarding contracts and flat fees under the new rates, Gallagher stated that the new rates will apply based on the date fee applications are received by his staff, regardless of when the case was appointed, so that there is a clean break. On October 1, staff will replace the old rate sheet with the new one and apply it, including to fee applications submitted on paper. The rates will also be programmed into the system by IDS's research team.

Pollard noted that, under the new director, attorneys will eventually be able to complete fee applications online, with the information flowing to both Oasis and eCourts. Fairbanks provided that she and Boykin had worked with the AOC Office of General Counsel and had received, the previous day, what is believed to be the final form that will automatically populate from Defender Data, and that Blackwell had begun working on it. This would allow the MAC program to serve as a testing site for expanding auto-populated fee applications.

Commission Business

Commission Appointment to the NCPLS Board – Two candidates were presented for consideration: Aleta Ballard, a PAC attorney in Johnston Co. and David Andrews, assistant appellate defender. Director Pollard acknowledged that both would be good additions to the NCPLS Board but recommended Attorney Aleta Ballard to bring trial experience to the board. Respecting her recommendation, Commissioner Nieman made a motion to appoint Ballard to the NCPLS Board, which was seconded by Judge Ussery. The motion passed unanimously.

Before the Commission appointed the new IDS Executive Director, Mary Pollard gave thanked the Commission for the opportunity to serve North Carolina as the IDS Executive Director. Pollard said that it had been the honor and privilege of her life to do the work. She expressed her hope that she had been able to move the needle for many people during her time at the head of the agency. Pollard noted that the strength of the IDS staff made it possible. She credited the Chief Public Defenders as heroes and thanked them for doing God's work.

Commission Vote/Appointment of the New IDS Executive Director – Judge Ussery moved to Appoint IDS Deputy Director and General Counsel Whitney Fairbanks to a four-year term, effective August 10, as the new IDS Executive Director. The motion was seconded by Commissioner Nieman and passed unanimously.

Fairbanks accepted the appointment and thanked the Commission for their of confidence in her. She relayed her excitement to continuing working with the commission, the talented staff at IDS, and their partners in chief public defenders. state defenders, and the Judicial Branch.

Adjournment

All agenda items having been addressed, the Chair adjourned the meeting at 1:29 p.m. (Motion to adjourn was made by Chair Jones; seconded by Commissioner Ussery. All were in favor.)

Next Meeting: November 6, 2026

Location: High Point University