

November 6, 2026 Quarterly Commission Meeting

Meeting Material

Commission on Indigent Defense Services

November 6, 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

Welcome and Introductions — Bryan Jones

Adoption of the Agenda

Minutes of August 7, 2026, Commission Meeting

Remarks from the Chair — Bryan Jones

- Recognize Jason Ross, newly appointed Chief Public Defender, District 22

Commission Business

- Public Defender Performance Evaluation Metrics and Tool — Becky Whitaker & Christopher Sadler
- Adopt 2027 Meeting Calendar — Bryan Jones

Remarks from the Director — Whitney Fairbanks

Update from the Field

- Office of Parent Defender — Annick Lenoir-Peek
- Office of Appellate Defender — Glenn Gerding

Agency Business

- North Carolina Capital Defender's Award — Rob Sharpe
- NC LEAF Funding Update — Eric Zogry

Executive Session the Commission shall meet in closed session as allowed by G.S. 143-318.11(a)

(3) [t]o consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
(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.

Adjournment — Bryan Jones

Next Regular Meeting: Date and location TBD

OFFICE OF INDIGENT DEFENSE SERVICES
SAFEGUARDING JUSTICE
NCIDS.org

NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD
EXECUTIVE DIRECTOR
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BRYAN JONES
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 Laws[1]
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, 2007[2]. "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).
- "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

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[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."

[2]Effective 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."[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. 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. <u>Honoraria:</u>

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. 138A3(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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NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

MARY POLLARD
EXECUTIVE DIRECTOR
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BRYAN JONES
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 $89.10 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 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 _____ (Defender District)
☐ Juvenile Defender

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 Supervisor	**Less Advance**	$ $ 0.00
Signature/e-Signature Of Claimant	*Name Of Supervisor*	**Reimbursement**	$ $ 0.00

FOR USE BY IDS FINANCIAL SERVICES DIVISION

COMPANY	ACCOUNT	CENTER	AMOUNT	*Date*
	532714			
	532721			Verified And Approved For Payment:
	532724			

	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:
P - Privately-owned car
A - Air
B - Bus
R - Rail

(2) Type of Subsistence:

	In-State	Out-of-State
B - Breakfast	$ 10.10	$ 10.10
L - Lunch	$ 13.30	$ 13.30
D - Dinner	$ 23.10	$ 26.30
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.*

(Over)

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
			P			B				
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	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				
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	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.** $ 0.00		**In-State** $ 0.00	**Out-of-State** $ 0.00		**Other Exp.** $ 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

Minutes from August 7, 2026

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.

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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.

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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

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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.

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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

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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

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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

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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.

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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

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IDS OFFICE OF INDIGENT DEFENSE SERVICES
SAFEGUARDING JUSTICE

Jason E. Ross is sworn in as the Inaugural Chief Public Defender for the 22nd Judicial District

October 12, 2026Filed Under: Announcements

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I am truly honored to serve as the first Chief Public Defender for Judicial District 22. After more than 30 years practicing law in this community, I’m grateful for the opportunity to give back and to build an office committed to excellence, accountability, and compassionate representation.



On October 2, 2026, Jason E. Ross was sworn in as the inaugural chief public defender for the 22nd Judicial District. Senior Resident Superior Court Judge Jason E. Ramey administered the oath in a ceremony at the Rockingham County Courthouse in Wentworth. Ross's wife, Dionne Ross, and son Stephen Townsend stood with him.

The appointment of Chief Ross follows the establishment of a new Public Defender's Office for Rockingham and Caswell counties by the North Carolina General Assembly's 2026 Appropriations Act.

For more than 30 years, Ross has dedicated his legal career to the pursuit of justice and service to his community. A native of Washington, D.C., Ross moved to North Carolina for college in 1988. He earned his undergraduate degree from Johnson C. Smith University in 1992 and his Juris Doctor from North Carolina Central University School of Law in 1995.

Prior to the appointment as chief public defender, Ross was a criminal defense attorney with Ross & Perkins, PLLC in Rockingham County. From 1997-2001, he was an assistant district attorney. Earlier in his

career, he worked for East Central Community Legal Services in Smithfield, North Carolina and prior to that, the District of Columbia Legal Aid.

“I’m most looking forward to building a strong team and creating an office that will make a lasting difference for our clients and our community. I want to build something that Rockingham and Caswell Counties can be proud of for years to come,” he said.

Ross expressed thanks to his family for their unwavering support. “I also want to thank the judges and attorneys of Judicial District 22 for their confidence in me, and everyone who has supported and encouraged me throughout my career. I’m also grateful to the community that has allowed me to serve for so many years. And I don’t take this opportunity or responsibility lightly.”

Announcements

Note: This is a BETA version of our new website. Got feedback? Can't find something? Let us know.

Contact Us

Indigent Defense Services
123 West Main Street,
Suite 400
Durham, North Carolina
27701
Phone: (919) 354-7200
Fax: (919) 354-7201

Commission Business

Performance Evaluation of the Public Defender, District XX

Term Ending: [date]
Report date: [date]

Introduction and Background

Enacted July 7, 2026, S.L. 2026-41, section 16.26, directs the Commission on Indigent Defense Services ("IDS Commission" or "Commission") to conduct performance evaluations of Chief Public Defenders whose terms are expiring. G.S. 7A-498.5 is amended to read in part:

> 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.

The Commission was tasked with developing metrics to use in evaluating the performance of public defenders. Evaluations of individual public defenders are considered in closed session and adopted by a majority vote of a quorum of the Commission. All information pertaining to a public defender's performance evaluation 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. However, members of the General Assembly are permitted to inspect and examine performance evaluations.

Statutory Authority

- **Statutory authority for the office:** G.S. 7A-498.7 outlines North Carolina's defender districts and counties covered. District XX, consisting of XX County(ies), was established in [year] pursuant to [session law].
- **Evaluating body and its responsibilities:** The Commission on Indigent Defense Services was created in 2000 pursuant to S.L. 2000-144, the Indigent Defense Services Act. G.S. 7A-498.5 outlines the responsibilities of the IDS Commission. Pursuant to G.S. 7A-498.5(a), "[t]he Commission shall have as its principal purpose the development and improvement of programs by which the Office of Indigent Defense Services provides legal representation to indigent persons." The Commission consists of 13 appointed members who meet quarterly.

Section 1: Office Snapshot

Item	Detail
District number	[XX]
Counties covered	[county(ies)]
Legal Desert?	[Y/N]

DRAFT

Item	Detail
Chief Public Defender	[name]
Date originally appointed	[date]
Date appointed to current term	[date]
Number of terms served	[#]
Number of physical offices	[#]
Office location(s)	[Address(es)]
Years office in effect	[year] – present [# of years]
Case types handled	[insert case types]
Number of Assistant Public Defenders (APDs)	[#]
Number of support staff	[#] (e.g., investigators, paralegals, administrative, social workers)
Does the Chief PD carry a caseload?	[Yes full/Yes partial/No]
Chief PD's community involvement/external engagements	[Committees, task forces, etc.]

Staffing Breakdown

Position	Authorized	Filled	Vacant
Chief Public Defender	1	1	0
Assistant Public Defenders	[#]	[#]	[#]
Investigators	[#]	[#]	[#]
Paralegals	[#]	[#]	[#]
Administrative / other support	[#]	[#]	[#]
Total	[#]	[#]	[#]

Vacancies and Recruitment Efforts

- **Current vacancies:** [Positions, length of time vacant]
- **Turnover over the evaluation period:** [Number of departures, reasons if known]

DRAFT

- **Recruitment strategies:** [Job fairs, law school outreach, loan repayment, salary supplements, etc.]
- **Challenges to recruitment and retention:** [Pay, location, caseload, etc.]

Section 2: Data

2.1 Case Assignments, Dispositions, and Farmouts

Measure	Value
Adult criminal cases assigned in [fiscal year]	[#]
Adult criminal cases disposed in [fiscal year]	[#]
Percentage of adult criminal caseload covered by office	[%]
Adult criminal cases assigned to private appointed counsel in [fiscal year]	[#] ([%])
Cases disposed in [fiscal year] (other than adult criminal) (self-reported)	[#]
Cases assigned to private appointed counsel in [fiscal year] (other than adult criminal) (self-reported)	[#]

Section 3: Stakeholder Surveys

Three stakeholder groups were identified as having insightful feedback regarding the performance of public defenders: staff (Assistant Public Defenders and Support Staff); judges; and PAC attorneys taking cases in the public defender's district.

3.1 Staff Survey

This survey was sent to all members of the public defender's staff, including Assistant Public Defenders and support staff (administrative assistants, legal assistants, investigators, social workers).

[Insert survey results]

Key strengths identified: [Narrative]
Key concerns identified: [Narrative]
Representative comments: [Paraphrased or anonymized themes]

DRAFT

3.2 Bench Survey

This survey was sent to all district court and superior court judges in the public defender's district.

[Insert survey results]

Key strengths identified: [Narrative]
Key concerns identified: [Narrative]
Representative comments: [Paraphrased or anonymized themes]

3.3 Private Assigned Counsel (PAC) Survey

This survey was sent to attorneys in private practice who take court appointed cases in the public defender's district, either under a Managed Assigned Counsel (MAC) contract or through placement on a PAC roster.

[Insert survey results]

Key strengths identified: [Narrative]
Key concerns identified: [Narrative]
Representative comments: [Paraphrased or anonymized themes]

3.4 Cross-Survey Themes

[Short narrative comparing results across the three groups: areas of agreement, areas of divergence, and notable patterns.]

Section 4: Self-Evaluation

4.1 Letter from the Chief Public Defender

[Insert letter from Chief PD here or as appendix]

4.2 Self-Evaluation Survey Results

[Insert survey results]

Areas the Chief PD identified as strengths: [Narrative]
Areas the Chief PD identified for improvement: [Narrative]
Comparison of self-assessment to stakeholder survey results: [Narrative noting alignment or gaps]

Appendices *(Optional)*

- Appendix A: Enabling statute(s)
- Appendix B: Data tables
- Appendix C: Survey instruments (staff, bench, PAC, self-evaluation)

DRAFT

District 41: Chief Public Defender Evaluation: Self

Part I: Office Management and Supervision

Please address how consistently you practice the following:

1. Communicate clear expectations about staff responsibilities and the quality of work expected

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

2. Address workload or capacity issues that interfere with staff productivity

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

3. Ensure your office fosters growth through supervision, continuing education, and practical feedback

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

4. Address performance problems fairly and impartially

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently
- ◯ No opportunity to observe

5. Follow through on problems raised by staff that affect the office’s ability to serve clients

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

Part II: Court Preparation and Advocacy

Please address how consistently your office practices the following:

6. Demonstrate preparation appropriate for the proceeding, including familiarity with relevant facts and law

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

7. Present reasoned, case-specific arguments in support of their clients’ positions

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

8. Raise and pursue issues concerning their clients' rights, including positions contrary to the court's expressed view, when appropriate

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

9. Arrive with case materials arranged and ready to proceed as scheduled

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

10. Fulfill procedural obligations, including attendance, timely filings, and follow-through on commitments

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

Part III: PAC Roster Management

Please address how consistently you practice the following:

11. Communicate sufficient information regarding case appointments and respond to questions or concerns from PAC

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

12. Assign cases equitably and address workload imbalances or capacity problems that interfere with PAC's ability to provide effective representation

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

13. Ensure PAC attorneys have access to relevant resources (CLE opportunities, mentorship, IDS resources), to the extent they exist in your Public Defender District

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

14. Address performance problems and client complaints fairly

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

15. Reach out to local bar and surrounding judicial districts in an effort to recruit qualified attorneys for PAC roster(s)

- ◯ Never
- ◯ Rarely
- ◯ Sometimes
- ◯ Often
- ◯ Consistently

Part IV: Free Response

16. Please use this space to explain any of the above answers or to add any relevant information or context.

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

Memo
To: IDS Commission
From: Whitney Bishop Fairbanks
Re: 2027 Commission Meeting Schedule
Date: November 6, 2026

Proposed Commission Meeting Schedule:

- Quarter 1: January 29
- Quarter 2: May 14
- Quarter 3: August 13
- Quarter 4: November 19

Staff were mindful of the conflicts below while considering dates:

January 18	Martin Luther King Jr. Day
January 22	Quarterly Meeting of the State Bar Council
February 5	Felony Defender Training
February 19	NCAJ DWI CLE
	Civil Commitment Conference
March 5	Whiskey in the Courtroom
March 23	Quarterly Meeting of the State Bar Council
March 26	Good Friday
April 2	Women's Basketball National Semifinals
April 23	Passover
April 30	NCAJ Death Penalty CLE
May 17 (Monday)	Eid al-Adha
May 21	Spring Public Defender Conference

May 31 (Monday)	Memorial Day
June 11	Shavuot
	Summer Criminal Update Webinar
June 21 - 24	NC District Court Judges' Conference
June 23 - 25	NC Superior Court Judges' Conference
June 25	Civil Defense Webinar
July 5 (Monday)	Independence Day
July 23	Quarterly Meeting of the State Bar Council
September 6 (Monday)	Labor Day
October 22	Quarterly Meeting of the State Bar Council
October 29	Yom Kippur
November 25 - 26	Thanksgiving
December 24 - 27	Christmas

Director’s Report

Results of the 2026 Internal Controls audit

for Indigent Defense Services

Prepared by
NCAOC Internal Audit
September 1, 2026



Table of Contents

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Engagement Overview	1
Overall Results	2
Internal Control Evaluations	3

About the North Carolina Judicial Branch
The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all the people as guaranteed by the Constitutions and laws of the United States and North Carolina by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs.

About the North Carolina Administrative Office of the Courts
The mission of the North Carolina Administrative Office of the Courts is to assist and equip the General Court of Justice to fulfill its constitutional mandate of timely dispensing equal justice under the law.

About the Internal Audit Program
The Internal Audit Program serves the Judicial Branch by authority of G.S. § 7A-343(3a) which provides the foundation for its existence along with its responsibilities. The mission of the Internal Audit Program is to provide independent, objective assurance and advisory services that add value and improve the operations of the Judicial Branch. Our activities are conducted in accordance with the *Global Internal Audit Standards*.

Engagement Overview

Objectives

The engagement was termed an internal controls audit, and the objectives were to add value and improve operations of Indigent Defense Services (IDS) by independently evaluating the effectiveness and efficiency of budgetary internal controls designed to mitigate and detect significant risks.

General Statute

This audit was conducted in order to fulfill G.S. § 7A-498.2(d), which requires an annual audit of the budget by NCAOC.

Audit Procedures

To accomplish this objective, we gained an understanding of the relevant budgetary internal controls and performed audit procedures to test the internal controls' design and function. These audit procedures included interviewing employees, analyzing data, and reviewing financial records and other documents.

Scope

Our audit scope covered the period July 1, 2025 through June 30, 2026, however, was expanded for certain audit procedures as a result of no budget being approved for the fiscal year. Since a budget was approved for the July 1, 2026 through June 30, 2027 fiscal year we tested some controls in this period.

Audit Standards

This engagement was conducted in accordance with the *Global Internal Audit Standards*.

Overall Results

Audit Opinion Defined

Due to our understanding of the organization's risks and internal controls, the nature and extent of audit evidence gathered, the sufficient resources available to us, and our experience assessing similar organizations within the Judicial Branch, we feel we have the ability to express an audit opinion on the effectiveness and efficiency of internal controls. We also feel the need for an audit opinion exists, as it increases the value and clarity on the level of assurance given to our audit client.

This audit opinion is a limited assurance opinion, which means the possibility exists for significant issues to be present and go undetected by the audit process. For uniformity, we use the following tier grading system for our assessment of internal controls:

Internal Controls Grading System	
Effective	Controls evaluated are adequate, appropriate, and effective to provide reasonable assurance that risks are being managed and objectives should be met.
Some Improvement Needed	A few specific control weaknesses were noted; generally however, controls evaluated are adequate, appropriate, and effective to provide reasonable assurance that risks are being managed and objectives should be met.
Major Improvement Needed	Numerous specific control weaknesses were noted. Controls evaluated are unlikely to provide reasonable assurance that risks are being managed and objectives should be met.

Overall Audit Opinion – Effective

Overall Audit Score – 100%

Internal Control Evaluations

Eight critical controls were evaluated including:

- Budget development
- Budget approval
- Certification entries
- Budget monitoring
- Cash availability projections
- Revision entries
- Monthly budget closings

All eight internal controls were evaluated as *Effective*. Action plans were not necessary for any internal controls.

North Carolina Administrative Office of the Courts - Bull...

GRANICUS Communications

Subject:	IDS Appointed Advocate - October 2026
Sent:	10/22/2026 10:00 AM EDT
Sent By:	amanda.j.bunch@nccourts.org
Sent To:	Subscribers of Indigent Defense Services (IDS) - PAC Attorneys

2,535 Recipients

- ✓ Email
- ✗ SMS
- ✗ Facebook
- ✗ Twitter
- ✗ RSS

97% Delivered

0% Pending
3% Bounced
50% Open Rate
9% Click Rate

Email Delivery Stats

Minutes	Cumulative Attempted
3	98%
5	98%
10	99%
30	99%
60	99%
120	99%

Delivery Metrics - Details

2,535	Total Sent
2,466 (97%)	Delivered
0 (0%)	Pending
69 (3%)	Bounced
0 (0%)	Unsubscribed

Bulletin Analytics

1,834	Total Opens
1233 (50%)	Unique Opens
257	Total Clicks
234 (9%)	Unique Clicks
31	# of Links

Delivery and performance

These figures represent all data since the bulletin was first sent to present time.

	Progress	% Delivered	Recipients	# Delivered	Opened Unique	Bounced/Failed	Unsubscribes
Email Bulletin	Delivered	97.3%	2,535	2,466	1233 / 50.0%	69	0
Digest	n/a	n/a	0	0	0 / 0.0%	0	0
SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

Link URL	Unique Clicks	Total Clicks
https://www.ncids.org/counsel-rates/	93	107
https://www.ncids.org/2026/hourly-rate-increases-for-private-assigned-counsel-become-effective-october-1/	45	47
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fforensicresources.org%2F2026%2Ffree-nc-public-defender-pac-dwi-seminar%2F&data=05%7C02%7Camanda.j.bunch%40nccourts.org%7C74074544110d42880bd508df29536853%7C40b599628165480ba3de46df6e278235%7C1%7C0%7C639275110350744716%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=NAVpSMayiqGne3Vv05MiPYM1YYwqcBJczVnE7BcwVZI%3D&reserved=0	24	26
https://members.ncaj.com/?pg=events&evAction=showDetail&eid=346718&evSubAction=viewMonth&calmonth=202612	15	17
https://www.ncids.org/get-help/consults/	12	12
https://www.ncids.org/2026/meet-whitney-fairbanks-the-new-executive-director-of-the-office-of-indigent-defense-services/	10	11
https://www.ncids.org/2026/pollard-closes-chapter-on-remarkable-career/	7	8
https://public.govdelivery.com/accounts/NCAOC/subscriber/unsubscribe_from_topic?verification=%5B%5BVERIFICATION%5D%5D&destination=%5B%5BEMAIL_ADDRESS%5D%5D&topic_id=NCAOC_162	5	5
https://www.ncids.org/get-paid/payment-dates/	5	5
https://portal.ncbar.gov/index.aspx	4	4
https://www.ncids.org/get-help/trainings/	3	3
https://www.surveymonkey.com/r/VZ8HQWR	2	3
https://www.ncids.org/oasis/	3	3
https://www.ncids.org/ids-trial-resources/	2	2

Link URL	Unique Clicks	Total Clicks
https://forensicresources.org/browse-all-experts/	1	1
https://www.ncids.org/pac-fund-updates/	1	1
https://podcast.sog.unc.edu/about-our-shows/nc-criminal-debrief/	1	1
https://www.ncids.org/private-investigator-directory/	1	1
https://www.ncids.org/	0	0
http://juno.nccourts.org/judicial-groups/communications-office	0	0
https://forensicresources.org/	0	0

Update from the Field

OPD OFFICE OF THE PARENT DEFENDER

Update to IDS Commission
November 6, 2026

1

OPD Staff

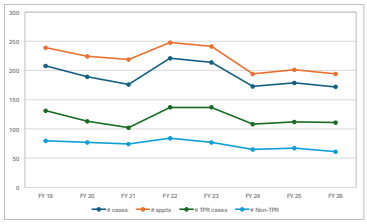
Annick Lenoir-Peek	Parent Defender	(DOH: 6/23/2008)
J. Lee Gilliam	Sr. Assistant Parent Defender	(DOH: 12/1/2009)
Jacky L. Brammer	Assistant Parent Defender	(DOH: 03/1/2019)
Benjamin J. Kull	Assistant Parent Defender	(DOH: 07/14/2025)
Kate Warren	Administrative Assistant, NCCP	(DOH: 01/7/2020)
Sharice Zachary	IPR Program Manager	(DOH: 08/15/2022)

2

Fiscal Year Data

2019 - 2026
AND/TPR APPEALS

FY 2026



In FY 2026,

- OPD made **194** appellate appointments for (172 cases)
- with **38** assigned to the 3 OPD appellate attorneys.
- 43 appeals were screened out for non-viability and were not assigned counsel.

3

Other Responsibilities: What We Provide for…

Appellate Attorneys:
- Training
  - Boot Camp-OPD
  - Annual Appellate Advocacy-OPD
- Mentoring
- Brief bank
- Moots
- Consultations

Trial Attorneys:
- Training
  - Annual Parent Attorney Conference-SOG
  - Biannual Intensive Parent Defender-SOG
  - Biannual Contempt CLE-SOG
  - Local Districts-OPD
- Case consultations
- Research and sample motions

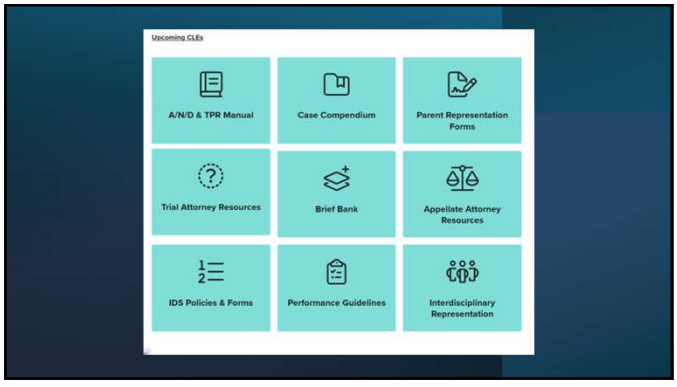
4

OPD is a model for other states

- Focused appellate practice with targeted training
- Support and training for UNC School of Law Parent Representation Clinic
- Interdisciplinary Representation, where contract social workers are paired with parent attorneys to provide holistic representation
- Website that has sample motions, Tuesday's Tips, Monthly Memos and other resources for trial attorneys

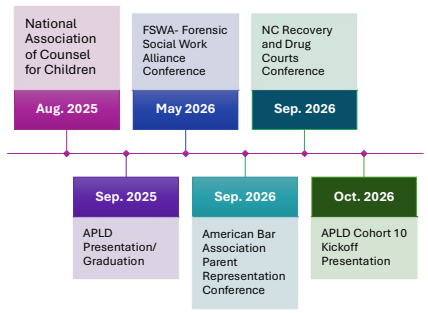


5



6

Presenters at Additional Trainings & Conferences



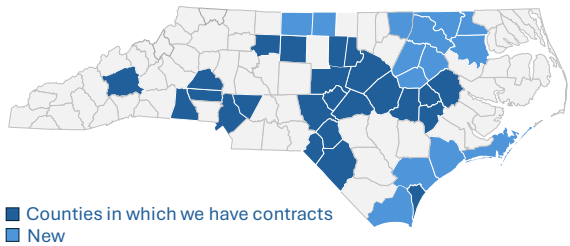
7

UNC Law Clinic: Parent Representation



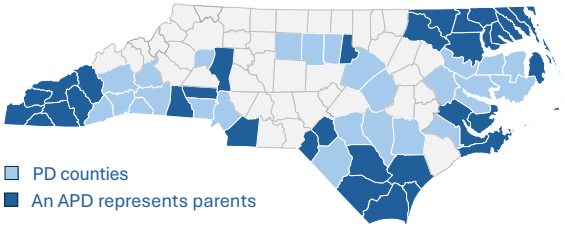
8

Parent Representation Across the State



9

Parent Representation Across the State

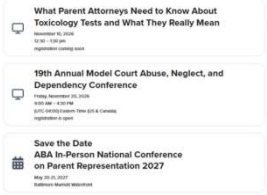


PD counties
An APD represents parents

10

New Outreach Efforts



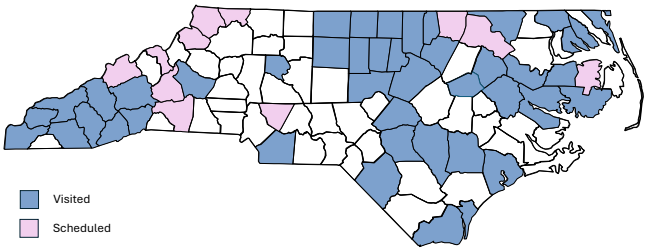


https://www.youtube.com/@NCParentDefender

https://ncparentdefender.org

11

Tour de Tar Heel Tribunals



Visited
Scheduled

12



13



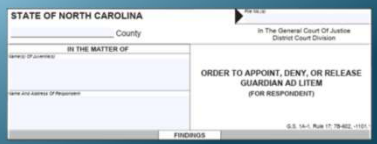
$90 v. $65 hourly rate

14

Ensuring Strong Stewardship of State Funds


STATE OF NORTH CAROLINA
County
In The General Court Of Justice
District Court Division
IN THE MATTER OF
ORDER TO APPOINT OR DENY APPOINTED COUNSEL
(FOR NON-PARENT RESPONDENT)
FINDINGS

AOC-J-211


STATE OF NORTH CAROLINA
County
In The General Court Of Justice
District Court Division
IN THE MATTER OF
ORDER TO APPOINT, DENY, OR RELEASE GUARDIAN AD LITEM
(FOR RESPONDENT)
FINDINGS

AOC-J-206

15

Social Security Title IV-E Funds

- Federal funds provided to states to support eligible children and youth in foster care and certain related child welfare services.
- The goal of Title IV-E funding is to promote child safety, permanency, and well-being while supporting families and the child welfare system.
- OPD was one of the first offices in the Southeast to enter into a MOU with State IV-E to receive partial reimbursement for the costs of legal representation.

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Use of IV-E Funds

Interdisciplinary Parent Representation Program (IPRP)

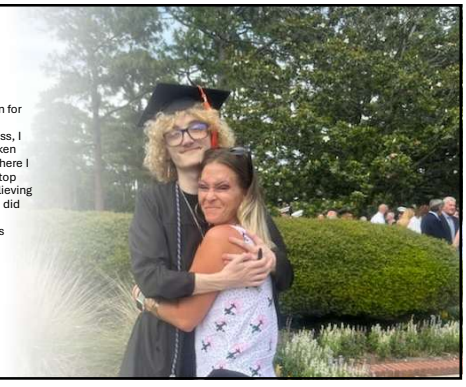
NC developed a model of parent representation in which the attorney and a social worker are an interdisciplinary team whose objectives include:

- promoting creative arrangements for visiting/family time between children and their parents, and
- ensuring families receive meaningful services that lead to lasting reunifications
- active in Buncombe, Mecklenburg, Wake, New Hanover, Cleveland, and Lincoln counties
- 17 social workers

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IPR Success

"I firmly believe if it had not been for the help of your expertise and understanding of the DSS process, I would have been completely taken advantage of and wouldn't be where I am today. … Please don't ever stop doing this! And thank you for believing in me when the rest of the world did not! You saved my life and got my babies their mother back. It's been such an amazing past two years, the best of my life!"



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Negotiated New MOU

- Increasing the percentage applied by collecting additional information about the families:
  - Appeals
  - IPRP Cases
- Training
  - Expenses for attending training
  - Time expended preparing training materials



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Our Needs

- **Trial Resources Attorneys**
  - Two experienced attorneys to provide expertise and guidance to trial attorneys, similar to Regional and Juvenile Defenders
- **Appellate Counsel**
  - One additional attorney on staff to provide direct representation
    - There is a need for specialized dedication to these types of cases
    - There is a lack of attorneys applying to the roster
    - OPD carries 1/3 of OAD's volume yet has 1/6 of the staff



20

COA Cases

	Crim (inc juv)		Rule 3.1		Other Civ & Admin	
2023	525	45%	191	16%	455	39%
2024	551	49%	141	13%	429	38%
2025	524	43%	182	15%	505	42%
through 10/13/2026	422	43%	119	12%	444	45%

21



22



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OPD OFFICE OF THE PARENT DEFENDER

23

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NCPARENTDEFENDER.ORG

Welcome Aboard!

Amanda will soon add you to our parent counsel listserv and send you information about it.

I've also attached a 1-pager about our office and the resources we have for new attorneys. Here are the websites that I recommend you bookmark for easy reference:

- AND/TPR Manual
- Child Welfare Case Compendium (link to published cases, easily searchable)
- Parent Defender Website (Tuesday's Tips, Monthly Minders, Brief Bank, Go-Bys, etc!)
- The First Seven Days as a Parent Defender (a hard copy is available for $6 but it is free online)

And here's the link to a 3.5-hour CLE on the Fundamentals of Abuse, Neglect and Dependency Court. This on-line training was sponsored by the Court Improvement Program and was a collaboration between the Office of the Parent Defender, the School of Government, and attorneys from State DSS and State GAL. You can access it on your phone or your laptop and can view individual modules depending on your need.

North Carolina Child Welfare Online Training | North Carolina Judicial Branch (nccourts.gov)

The registration process does take 5-10 minutes but once you have registered, you can access any of the modules at any time, whether on your desktop or your phone.

Here is a link to our upcoming CLEs: https://ncparentdefender.org/for-attorneys/upcoming-cles/

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CHILD WELFARE LAW SPECIALIST
National Association of Counsel for Children
CERTIFIED BY NACC
BOARD CERTIFIED SPECIALIST
NORTH CAROLINA STATE BAR
Child Welfare Law

OPD OFFICE OF THE PARENT DEFENDER



How can we help?

You're not alone!

OPD's mission is to assist attorneys representing indigent parents in abuse, neglect, dependency (A/N/D) and termination of parental rights (TPR) proceedings.







Regional and statewide trainings are offered through OPD, UNC School of Government, and CIP.



Listservs

Get the latest information on appellate decisions, training opportunities and tips from other parent attorneys.



Forms Bank

Looking to file a motion but not sure where to start? Check out our sample forms.



Resources

Tips and tricks as well as links to helpful websites and other resources.



Brief Bank

Review briefs that led to the case law you want your judge to follow.



Advocacy

Advocating for changes in the law and forming partnerships with other groups.



Consultations

We are available to answer questions and provide case consultations.



Appeals

Our office assigns all indigent appeals in child welfare cases.

123 W. Main St, Ste 700, Durham, NC

ncparentdefender.org

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STATE OF NORTH CAROLINA

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November 4, 2026

To: Indigent Defense Services Commission
From: Appellate Defender

Subj: Office of the Appellate Defender expansion request for FY28

The Appellate Defender respectfully asks the IDS Commission to seek authorization from the General Assembly to expand the Office of the Appellate Defender (OAD) to add 10 Assistant Appellate Defenders and 2 paralegals in Fiscal Year 2028. The positions are needed to meet the new deadlines in capital appeals imposed by Iryna's Law, ensure equal resource allocation between the Attorney General's Office and OAD, reduce reliance on the private assigned counsel (PAC) roster system, and to provide timely, quality, cost-effective representation to indigent clients on appeal.

The Office of the Appellate Defender opened in 1980 with 5 Assistant Appellate Defenders and 1 paralegal, and grew to 20 Assistant Appellate Defenders and 4 paralegals by 2014. Between 2014 and 2025, IDS asked the General Assembly twice to authorize one additional Assistant Appellate Defender position but neither request was fulfilled. Since 2014, no new attorney or paralegal positions have been created at OAD.

In the IDS Commission's proposed budget for FY27, submitted in early 2026, the Commission requested five new Assistant Appellate Defender positions and two administrative assistant positions. Those were in addition to five new positions requested by IDS for the Capital Defender's Office. IDS reported to the General Assembly that the positions for both offices were needed to comply with provisions in Iryna's Law that required faster processing of capital cases. *See* IDS Annual Report for FY24-25, Priority #2.

The Governor adopted IDS's recommendations for the additional positions for OAD and the Capital Defender's Office in the budget proposal he submitted to the General Assembly. *See* Governor's Recommended Budget, Justice and Public Safety, page 6 (stating "provides funds for . . . the Office of

the Appellate Defender to adequately respond to SL 2025-93 (Iryna's Law), . . .increased capacity will allow for more expedient case disposition and address an increase in demand for services.") The Governor also requested positions for the Department of Justice to represent the State in capital cases in response to Iryna's Law. *Id.* page 9.

When the General Assembly passed the FY27 budget it did not include any new positions for OAD or the Capital Defender's Office. However, the budget did authorize and fund 10 Assistant Attorney General positions that are to be used to handle capital appeals for the next three years. *See* Final Committee Report, page 381 (stating "Capital Appeal Attorneys. Provides up to 10 time-limited capital criminal appeal attorneys for 3 years to meet the new timeline and increased caseload created by S.L. 2025-93 (Iryna's Law).")

As part of Iryna's Law, the General Assembly imposed a new requirement for capital direct appeals that "review shall occur within 24 months of entry of judgment unless the Chief Justice of the Supreme Court makes a written finding of extraordinary circumstances that provide good cause for a delay." Prior to Iryna's Law, capital appeals proceeded under deadlines set by the Appellate Rules, and counsel would seek extensions as needed for the court reporter to prepare the transcripts, for counsel to prepare and serve the proposed record on appeal, and to write and file a brief in the case. The Supreme Court generally would approve extension requests.

The Supreme Court began applying the Iryna's Law processing requirement in late 2025 by requesting a status update from appellate counsel in all pending capital direct appeals. Soon after counsel submitted updates, the Supreme Court notified counsel that oral arguments would be held in the cases during the fall 2026, spring 2027, and fall 2027 terms of court. When the Court provided those notifications, no records on appeal had been filed, and in some cases, transcripts had not been fully prepared. The Court also notified counsel that future motions to extend deadlines "will not be allowed as a matter of course."

There are fourteen capital direct appeals pending at the North Carolina Supreme Court. Four have been stayed due to Racial Justice Act (RJA) Litigation, but the other ten are active appeals. Each capital direct appeal requires assignment of two attorneys who have specialized expertise to

represent clients in capital cases. Capitally-tried cases involve lengthy transcripts of trial and pre-trial hearings, in addition to voluminous exhibits. Appeals in which a person has been sentenced to death take more time to provide adequate representation than non-capital appeals. If the North Carolina Supreme Court denies relief, the attorneys are required to file a petition for certiorari to the United States Supreme Court, another time-consuming step in the capital appeals process requiring specialized skills.

By adding dedicated capital appeals positions at the Department of Justice but not providing similar support to OAD, the General Assembly has tipped the scales against timely and quality representation of people facing a death sentence imposed by the state. Additional positions are needed at OAD to handle the increased demands of capital litigation while continuing to provide effective representation in all cases.

In addition to helping mitigate the impact of Iryna's Law on capital appeals, adding positions at OAD would reduce reliance on the private assigned counsel (PAC) roster system, improve the quality of appellate representation, and significantly reduce or eliminate a chronic backlog of cases awaiting counsel assignment.

Attorneys from the PAC roster managed by OAD represent the majority of clients in non-capital appeals, with OAD's 20 Assistant Appellate Defenders representing only 35 to 40% of all appointed clients on appeal each year. Adding 10 attorney positions would allow OAD to serve as the primary source for appellate counsel.

The PAC roster is a complex and costly system to operate. It is resource-intensive, high maintenance, and turnover-prone. Recruiting, training, and monitoring appellate roster attorneys consumes a significant amount of time for the Appellate Defender, Assistant Appellate Defenders, and OAD support staff, which reduces the amount of time available for direct client representation. Reliance on the roster system is costly for taxpayers and clients. Expanding OAD will reduce delays in the assignment of counsel, reduce a chronic backlog, and improve the quality of client representation on appeal.

There are four main reasons the current appellate PAC roster system is inefficient and resource intensive:

(1) Turnover on the roster results in less experienced attorneys providing appellate representation.

Appellate criminal defense is a specialized area that requires years of sustained practice to develop. Most roster attorneys do not stay on the roster long enough and do not take enough cases to develop expertise.

Turnover on the roster has been constant since its inception in 2001. In 2026 so far, 21 attorneys have left the roster and 18 have been added. Attrition requires continuous recruiting, vetting, training, monitoring, and time-consuming administrative tasks related to reassigning cases. The number of attorneys on the roster fluctuates from month to month and year to year as attorneys leave the roster while others are added.

(2) In order to account for annual turnover from the roster the Appellate Defender and Assistant Appellate Defenders must constantly recruit replacements throughout the year.

The Appellate Defender personally spends a significant amount of time identifying potential applicants, developing relationships that could result in an application, and running down leads for possible applicants. Applicants for the roster come from recruiting efforts but often from random referral sources. Sometimes applicants contact the Appellate Defender for more information prior to applying. Other times OAD receives applications unsolicited and without prior knowledge of the applicant.

Recruitment is a never-ending task. It's necessary to recruit and add at least 10 to 15 attorneys to the roster annually to keep up with turnover. Although that number might seem small in isolation, the reality is there are not many attorneys in North Carolina with the skills and abilities who are interested in and capable of doing specialized appellate criminal defense and who can afford to include this work in their private practice portfolio. Many districts have been referred to as "attorney deserts." The entire state of North Carolina is an attorney desert for criminal appellate attorneys.

(3) The Appellate Defender and Assistant Appellate Defenders devote significant time to training, mentoring, and monitoring roster attorneys.

Most attorneys who join the roster have no prior experience representing clients on appeal and must be trained. Of the attorneys who join the roster that do have appellate experience, many have no experience in criminal defense, and must be trained.

OAD provides a course called Appellate Foundations to new roster attorneys to teach the basics of appellate practice and procedure in criminal cases. The course is required before an attorney can be assigned a case. The course has been certified by the State Bar for 5.5 hours of CLE credit, is free to attend, and is held in person and sometimes via Webex. The course involves eight substantive sessions presented by the Appellate Defender and five Assistant Appellate Defenders. In the past five years, OAD has held Appellate Foundations training fourteen times for over 75 attorneys.

Once an attorney has attended Appellate Foundations, they can be assigned a case. They are also assigned a mentor – an Assistant Appellate Defender who serves as a point of contact for questions and consultations. OAD policy requires the new roster attorney to submit a draft proposed record in their first two cases to the mentor for review prior to serving it on the State. Similarly, the new roster attorney is required to submit a draft of their appellate brief to the mentor prior to filing at the Court of Appeals in their first two cases. The mentor is expected to provide constructive feedback regarding the proposed records and briefs so the new roster attorney can apply what they learned in Appellate Foundations in their first two cases with supervision from an attorney at OAD.

After a new roster attorney has completed their first two cases, OAD does not have the resources to continue to provide direct mentorship or review appellate pleadings prior to filing. Instead, when a roster attorney files their appellate brief they are required to submit it to a dedicated email account at OAD. An Assistant Appellate Defender is assigned each month to review all briefs submitted that month by roster attorneys.

On average each month, the assigned Assistant Appellate Defender reads 30 roster attorney briefs, which can vary in length but usually are at least 30 pages. They also prepare a memo documenting the review and noting any concerns with the brief. If they think the roster attorney needs to supplement or amend the brief, they contact the roster attorney with advice.

(4) The case assignment process for roster attorneys is time consuming and unpredictable because case acceptance is voluntary and acceptance rates vary widely. Low acceptance rates keep roster attorneys from developing specialized knowledge and skills.

The Appellate Defender screens all cases received by the office for information that can be helpful in assigning counsel. The Appellate Defender assigns cases to Assistant Appellate Defenders regularly throughout the month, taking care to balance each attorney's caseload based on offense type and trial length. Assigning cases to Assistant Appellate Defenders is quick and efficient.

In contrast, assigning cases to roster attorneys is an unpredictable process because the appellate roster is a voluntary roster. When the Appellate Defender offers to assign a case to a roster attorney, the attorney can decline the assignment for any reason. The Appellate Defender spends significant time each week trying to match cases with roster attorneys and trying to convince roster attorneys to accept case assignments.

The reason most roster attorneys give when they decline to take a case is that they are too busy with other cases, whether trial or appellate, or criminal or civil, depending on their practice. This is especially the case with attorneys who are in civil law firms, and those with busy criminal trial practices. Some attorneys refuse to take certain types of cases. For example, many roster attorneys decline to take any case involving a sexual offense. Some decline due to personal reasons while others decline to take sexual offense cases because they work at civil law firms and their firm does not want them representing clients convicted of a sexual offense.

Although a few roster attorneys accept a new case assignment each month regardless of the case type, the vast majority do not. In fact, the majority of attorneys on the roster accept five or fewer cases per year. That

stands in contrast to an Assistant Appellate Defender who can be counted on to carry a caseload of 20 or more cases at a time and can be assigned a new case roughly every month, regardless of the case type. That's not the case with every roster attorney.

Thus, the number of attorneys on the roster at any given time is not predictive of the capacity of the roster to handle a given number of cases. Having 86 attorneys on the roster does not mean the Appellate Defender can assign 86 cases to the roster each month. Instead, what's more important than the number of attorneys on the roster is how many cases each roster attorney is willing to take each year.

Expanding OAD as requested will help eliminate backlogs and delays in assignments of counsel and allow OAD to continue providing quality representation to indigent clients on appeal.

OAD receives cases from around the state every day, averaging around 60 cases per month. Processing cases only takes a few days, but assigning counsel takes several months due to the attorney shortage. Backlogs and delay in the assignment of appellate counsel have been the steady state at OAD due to a lack of attorneys at OAD and on the roster, but the problems have gotten worse in recent years.

Over the past several years, the Appellate Defender has had a backlog of over 110 clients without counsel at the end of each week. The delay between entry of judgment by the trial court and assignment of appellate counsel by the Appellate Defender averages 85 to 120 days per client. Because of understaffing, clients are going without counsel for three to four months after conviction.

The reason for the difficulty in assigning counsel in a timely manner and in reducing the backlog is simple: there are not enough Assistant Appellate Defenders at OAD or PAC on the appellate roster to assign to the number of clients who need counsel. Attorneys at OAD and on the roster are not able to represent as many clients on appeal as they could 15 or 20 years ago due to multiple factors which have driven down the number of clients an appellate attorney can competently and ethically represent.

These factors include an explosion of digital evidence in recent years, such as bodycam, surveillance, and interrogation videos; an increase in the length of trials, particularly those involving charges of murder or sex offenses; the shift of responsibility for obtaining file materials from the clerks to the individual attorney in counties with Odyssey and e-filing; and the overall improvement of the criminal defense trial bar in asking for a complete recordation of jury selection, and in litigating cases thoroughly. All of those factors result in more transcript pages and exhibits to review in each case, reducing the number of cases an attorney can handle at any given time.

Another factor affecting the ability of Assistant Appellate Defenders to take heavier caseloads is the number of capital appeals. The Appellate Defender currently assigns two attorneys to each capital appeal and, in keeping with the mandate of IDS Rule 2 for OAD to represent most of the clients in capital cases on appeal, the Appellate Defender assigns mostly Assistant Appellate Defenders, rather than roster attorneys, in capital cases. With the imposition of Iryna's Law, it becomes even more difficult to increase the caseload of Assistant Appellate Defenders.

The quality of representation on appeal varies arbitrarily based on who is assigned as appellate counsel: an Assistant Appellate Defender or a roster attorney.

Attorneys on the appellate roster work diligently and are committed to their clients. However, most are not representing clients in criminal appeals as their only work and are not working alongside other criminal appellate attorneys day to day in their offices.

Assistant Appellate Defenders are specialists in handling indigent criminal appeals and have immediate access to their colleagues at OAD. Roster attorneys' abilities and skills vary widely. Regardless of which Assistant Appellate Defender is assigned, a client will receive the same level of quality representation. That cannot be said for assignment to the roster, as skill levels, as well as work quality levels, vary widely. Adding Assistant Appellate Defenders to OAD will reduce arbitrary variability in the quality of representation.

Invest in OAD and expand its ability to provide quality appellate representation to more clients by adding attorney positions.

Far from being a state-wide defender office that is the primary source for specialized, quality appellate counsel in North Carolina, OAD primarily serves as a management office for private counsel and a clearinghouse for cases. OAD does provide specialized, quality representation, but only in 35 to 40% of appeals annually. The system is compromised by delays in counsel assignment, and significant variability in the quality of representation. The problems described in this memo exist not due to a lack of effort, problem-solving creativity, or commitment to OAD's mission. The problems exist due to a lack of resources, namely enough staff attorneys at OAD.

Since OAD opened its doors in 1980, the office has not met its full potential or promise to be the primary source for appellate counsel for indigent people in North Carolina due to the lack of staff attorneys. The PAC appellate roster filled the need for appellate counsel while OAD transitioned from a locally appointed appellate counsel model to a centralized, Appellate Defender-managed statewide system in the early 2000s. But the roster has served its purpose and should no longer be the main source for appellate counsel. A role still exists for the roster, just not in its current state.

Instead of trying to solve the problems caused by the roster system through complex solutions, many of which have been tried, or at least seriously considered and rejected, the IDS Commission should seek a simple solution: expand OAD to provide the statewide appellate defense services that a state the size of North Carolina should have. OAD grew from five to ten Assistants between 1980 and 2001, and from ten to twenty Assistants between 2001 and 2014. Similar incremental, piecemeal additions of attorneys over the next decade or two is not the solution needed to replace the complex roster system. Meaningful expansion is the simple solution.

IDS spent the past two decades expanding quality public defense in North Carolina by opening new public defender offices. IDS improved its ability to manage and administer public defense by expanding central office staff. Now it's time for IDS to support a robust, fully staffed appellate public defense office as a critical and equal component of North Carolina's indigent defense system.

Twenty-five years of over-reliance on the roster should end and OAD should be expanded by adding ten attorneys and two paralegals to fulfill the original purpose of the office – to be the primary source for specialized, quality appellate counsel in North Carolina. Adding positions will also allow OAD to meet the General Assembly's requirement to process capital appeals without delay while maintaining quality, cost-effective representation.

Glenn Gerding

Glenn Gerding
Appellate Defender

Agency Business

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Public interest attorneys uphold constitutional rights and help North Carolinians navigate life's toughest challenges.

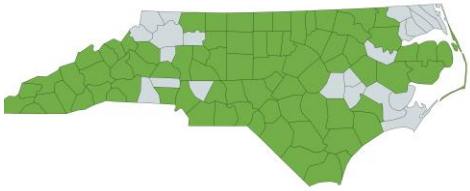
Yet student debt makes it harder to pursue careers serving the public good, especially in rural areas.

- More than 90% of attorneys graduate with student loans averaging $120,000.
- The starting salary for a public defender in NC is $56,000.
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Through **student loan repayment assistance**, NC LEAF ensures that law school debt does not dictate one's ability to serve their community.

This year's 150 NC LEAF attorneys include:

- 84 assistant district attorneys
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- 18 court and other government attorneys
- 13 nonprofit attorneys
- 1 public interest advisor/ pro bono supervisor
- 1 Private Assigned Counsel who spent 2,470 hours on court appointed cases last year



THIS YEAR'S NC LEAF ATTORNEYS WORK IN 78 COUNTIES (AND 29 WORK STATEWIDE)

How We Help

This assistance helps talented, dedicated attorneys build sustainable careers in public service, ensuring that rural and underserved communities have access to critical legal help.

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"NC LEAF creates a sense of security and stability in our office that allows attorneys to focus on their work and create longstanding relationships with their clients. I can't tell you the amount of times I've heard from not just Public Defenders, but all sorts of public service attorneys that LEAF permits them to keep doing the jobs they love."
- Assistant Public Defender, Guilford County

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