STATE OF NORTH CAROLINA _____ COUNTY	▶ *File Nos.* In the General Court of Justice Superior Court Division
Name of Indigent Defendant	**REQUEST FOR APPOINTMENT OF ASSISTANT COUNSEL IN A POTENTIALLY CAPITAL CASE** IDS Rules, Part A.1(b)

INSTRUCTIONS: *To request funding for assistant counsel in a potentially capital case at the trial level, appointed counsel should complete Parts I. through III. of this form and proposed Assistant Counsel should complete Part IV. Submit it to the Office of the Capital Defender by email to* ***CapitalForms@nccourts.org*****.**

I. Attorney Information

Assigned Counsel		Assistant Counsel	
Name:		Name:	
Office Phone:		Office Phone:	
Cell Phone:		Cell Phone:	
Fax Number:		Fax Number:	
Email:		Email:	
		NC Bar No.	
		Date of Licensing:	

II. Showing of Need

Summary Of Facts Supporting Need For Assistant Counsel (attach additional sheets if necessary)

III. Acknowledgement and Signature

I certify that

- ☐ my client has consented to have Assistant Counsel assist with this matter,
- ☐ I will supervise Assistant Counsel, and
- ☐ I understand I am responsible for the acts and omissions of Assistant Counsel.

Date:	Signature: _____

IV. Acknowledgement and Signature of Assistant Counsel

I certify that

- ☐ I have read and understand the IDS Policy Number, which is reproduced in full on side two of this form.
- ☐ I meet or exceed the eligibility criteria listed in Section C on side two of this form.

Date:	Signature: _____

V. To be completed by the Office of the Capital Defender

Defendant, by above-named counsel, having requested appointment of an Assistant Counsel, and the Director of the Office of Indigent Defense Services having found such request reasonable and necessary in the defense of the above-captioned case, allows funding for the Assistant Counsel.

Date:	Signature: _____ Capital Defender Robert E. Sharpe, Jr.

ASSISTANT COUNSEL POLICY

A. Policy Statement

To expand the pool of counsel qualified to represent defendants in capital cases, the Office of the Capital Defender may appoint an "Assistant Counsel" if requested by Trial Counsel and approved by the Director of Indigent Defense Services ("Director"). Approval is within the discretion of the Director and is subject to review in the same manner as the denial of experts. As used in this policy Director shall include the IDS Director or his/her designee.

B. Eligibility Criteria

An attorney who wishes to be appointed as Assistant Counsel must meet or exceed the follow eligibility criteria:

1. Currently licensed and eligible to practice law in North Carolina.
2. One or more years of criminal law practice.
3. No prior disbarments, whether stayed or activated at the time, in North Carolina or any other jurisdiction.
4. Intends to join the N.C. Capital Roster when qualified.

C. Responsibilities of Trial Counsel Regarding Assistant Counsel

1. Trial Counsel is the principal or has managerial authority over Assistant Counsel and agrees to directly supervise Assistant Counsel's work in defense of the captioned case.
2. Trial Counsel shall make reasonable efforts to ensure that Assistant Counsel work is compatible with the Rules of Professional Conduct.

D. Billing and Compensation

1. Compensation. The compensable rate shall be set at $60.00 per hour and the Assistant Attorney shall bill in a manner consistent with experts. **The total compensation allowed an Assistant Attorney for fees, travel, and all other reimbursable expenses shall not exceed $12,500.00.**
2. Billing. Assistant Counsel should submit fees and expenses to IDSFeeApplications@nccourts.org using form IDS-003. Submission must include a detailed timesheet listing date(s) of service and a generalized description of the specific activity for which compensation is sought billed in tenths of an hour.