

JANUARY 15, 2026



PRESENTATION TO THE NCGA  
**JOINT LEGISLATIVE OVERSIGHT COMMITTEE  
ON JUSTICE AND PUBLIC SAFETY**

## MATERIALS

**PAC Expenditure Comparison FY 2023; 2024 and 2025**

**PD-5**

<b>Counties</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
DUPLIN	718,240	779,673	531,664
JONES	100,832	98,474	53,354
SAMPSON	545,286	727,021	671,873
	<b>1,364,358</b>	<b>1,605,168</b>	<b>1,256,890</b>

**PD-7**

<b>Counties</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
BERTIE	287,724	444,484	414,030
HALIFAX	1,283,594	1,206,308	1,384,018
HERTFORD	307,307	369,510	259,077
NORTHAMPTON	264,475	334,843	231,837
	<b>2,143,099</b>	<b>2,355,146</b>	<b>2,288,962</b>

**PD-13**

<b>County</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
JOHNSTON	1,431,815	1,217,684	968,878
	<b>1,431,815</b>	<b>1,217,684</b>	<b>968,878</b>

**PD-15**

<b>Counties</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
BLADEN	678,523	788,175	747,467
BRUNSWICK	1,399,022	1,510,977	954,321
COLUMBUS	1,722,887	1,460,215	1,135,871
	<b>3,800,433</b>	<b>3,759,367</b>	<b>2,837,659</b>

**PD-17**

<b>County</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
ALAMANCE	1,148,548	992,272	578,822
	<b>1,148,548</b>	<b>992,272</b>	<b>578,822</b>

**PD-30**

<b>County</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
UNION	1,869,241	1,937,996	1,585,576
	<b>1,869,241</b>	<b>1,937,996</b>	<b>1,585,576</b>

**PD-32**

<b>Counties</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
ALEXANDER	273,350	286,871	244,399
IREDELL	1,548,410	1,519,484	1,389,254
	<b>1,821,759</b>	<b>1,806,355</b>	<b>1,633,653</b>

**PD-43**

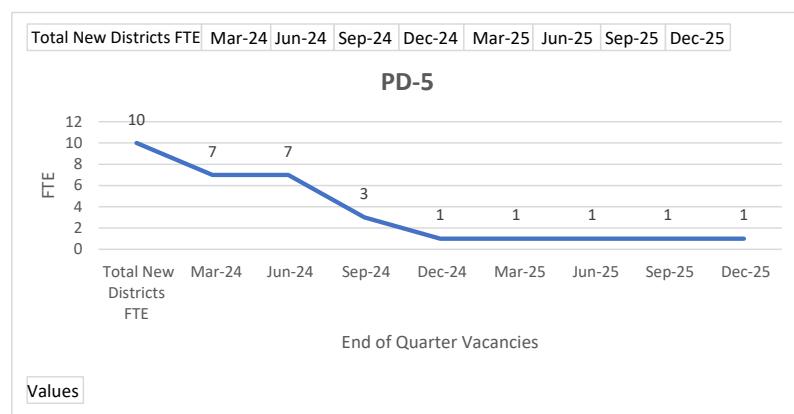
<b>Counties</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
CHEROKEE	444,508	421,589	305,299
CLAY	154,492	153,947	111,304
GRAHAM	161,653	206,480	188,293
HAYWOOD	1,140,712	1,055,112	704,083
JACKSON	543,464	570,199	432,448
MACON	535,907	429,092	351,661
SWAIN	360,079	443,941	276,379
	<b>3,340,815</b>	<b>3,280,362</b>	<b>2,369,466</b>

<b>Grand Total</b>	<b>16,920,068</b>	<b>16,954,349</b>	<b>13,519,907</b>
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**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-5
Total New Districts FTE	10
Mar-24	7
Jun-24	7
Sep-24	3
Dec-24	1
Mar-25	1
Jun-25	1
Sep-25	1
Dec-25	1



**NOTE: hiring for this vacant position ( APD) was approved 11/24/2025**

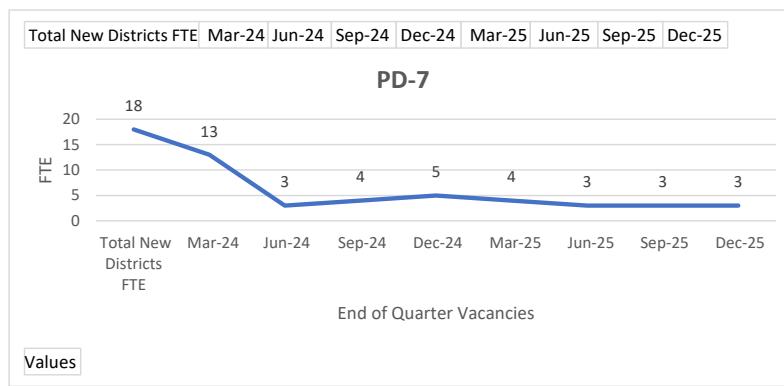
**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts FTE								
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	
<b>PD-5</b>										
Assistant Public Defender	6	6	6	3	1	1	1	1	1	
Public Defender	1	0	0	0	0	0	0	0	0	
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0	
Public Defender Investigator	1	1	1	0	0	0	0	0	0	
Public Defender Legal Assistant	1	0	0	0	0	0	0	0	0	
<b>Grand Total</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-7
Total New Districts FTE	18
Mar-24	13
Jun-24	3
Sep-24	4
Dec-24	5
Mar-25	4
Jun-25	3
Sep-25	3
Dec-25	3



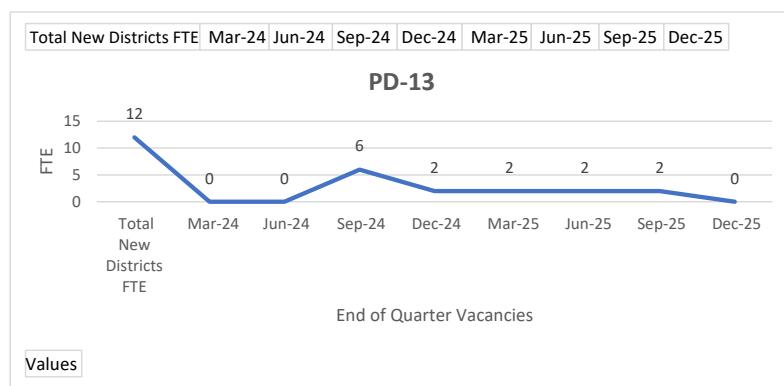
**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts FTE								
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	
<b>PD-7</b>										
Assistant Public Defender	11	8	3	4	5	4	3	3	3	
Public Defender	1	0	0	0	0	0	0	0	0	
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0	
Public Defender Investigator	1	1	0	0	0	0	0	0	0	
Public Defender Legal Assistant	3	3	0	0	0	0	0	0	0	
Public Defender Social Worker	1	1	0	0	0	0	0	0	0	
<b>Grand Total</b>	<b>18</b>	<b>13</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-13
Total New Districts FTE	12
Mar-24	0
Jun-24	0
Sep-24	6
Dec-24	2
Mar-25	2
Jun-25	2
Sep-25	2
Dec-25	0



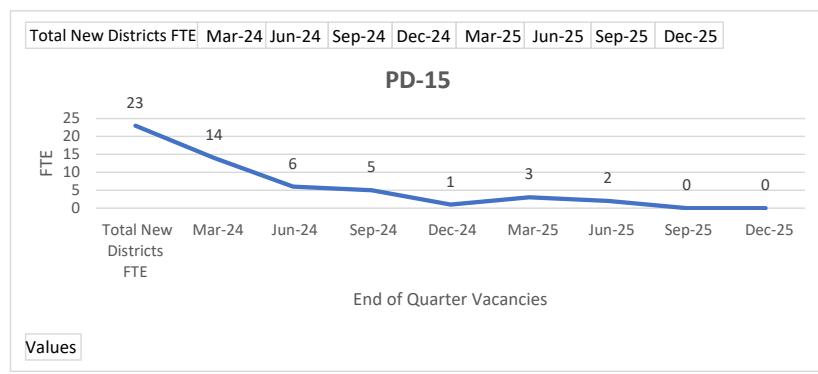
**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts							
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>PD-13</b>									
Assistant Public Defender	7	0	0	5	2	2	2	2	0
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	0	0	0	0	0	0	0	0
Public Defender Legal Assistant	2	0	0	1	0	0	0	0	0
<b>Grand Total</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-15
Total New Districts FTE	23
Mar-24	14
Jun-24	6
Sep-24	5
Dec-24	1
Mar-25	3
Jun-25	2
Sep-25	0
Dec-25	0



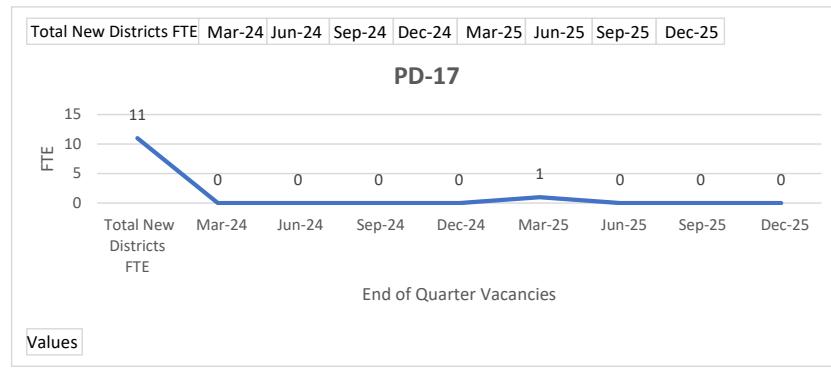
**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts							
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>PD-15</b>									
Assistant Public Defender	16	13	6	5	1	2	2	0	-
Public Defender	1	0	0	0	0	0	0	0	-
Public Defender Administrative Assistant III	1	0	0	0	0	0	0	0	-
Public Defender Investigator	2	1	0	0	0	0	0	0	-
Public Defender Legal Assistant	1	0	0	0	0	1	0	0	-
Public Defender Legal Assistant Senior	1	0	0	0	0	0	0	0	-
Public Defender Social Worker	1	0	0	0	0	0	0	0	-
<b>Grand Total</b>	<b>23</b>	<b>14</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>-</b>

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-17
Total New Districts FTE	11
Mar-24	0
Jun-24	0
Sep-24	0
Dec-24	0
Mar-25	1
Jun-25	0
Sep-25	0
Dec-25	0



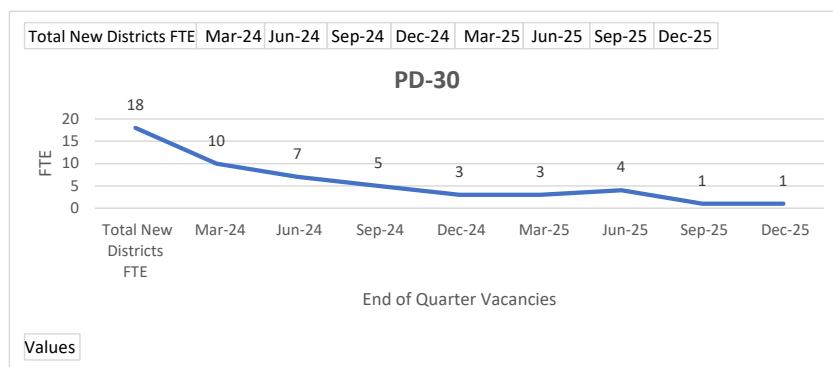
**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts							
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>PD-17</b>									
Assistant Public Defender	6	0	0	0	0	1	0	0	0
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	0	0	0	0	0	0	0	0
Public Defender Legal Assistant	2	0	0	0	0	0	0	0	0
<b>Grand Total</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-30
Total New Districts FTE	18
Mar-24	10
Jun-24	7
Sep-24	5
Dec-24	3
Mar-25	3
Jun-25	4
Sep-25	1
Dec-25	1



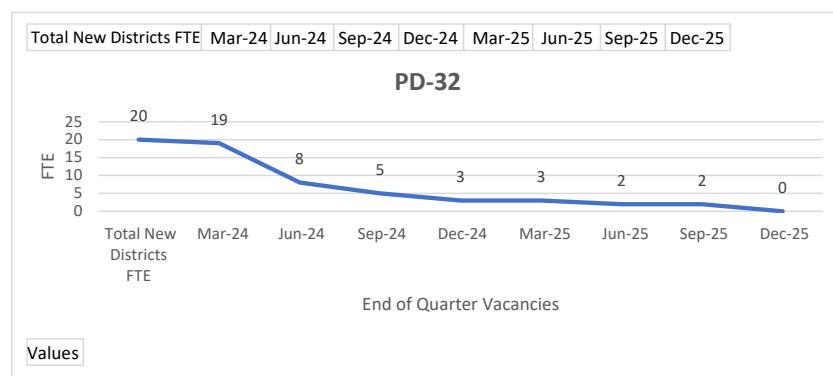
**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts							
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>PD-30</b>									
Assistant Public Defender	11	8	6	4	3	3	3	1	1
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	1	0	0	0	0	0	0	0	0
Public Defender Legal Assistant	3	1	0	1	0	0	1	0	0
Public Defender Social Worker	1	1	1	0	0	0	0	0	0
<b>Grand Total</b>	<b>18</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>1</b>

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-32
Total New Districts FTE	20
Mar-24	19
Jun-24	8
Sep-24	5
Dec-24	3
Mar-25	3
Jun-25	2
Sep-25	2
Dec-25	0



**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts							
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>PD-32</b>									
Assistant Public Defender	12	12	6	4	3	3	2	2	0
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	1	0	0	0	0	0	0	0
Public Defender Investigator	2	2	1	0	0	0	0	0	0
Public Defender Legal Assistant	3	3	0	0	0	0	0	0	0
Public Defender Social Worker	1	1	1	1	0	0	0	0	0
<b>Grand Total</b>	<b>20</b>	<b>19</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>0</b>

**Quarterly monthly vacant positions 2024-2025**

Source: B0149 and Money Report FY 2023-24

Values	PD-43
Total New Districts FTE	22
Mar-24	19
Jun-24	5
Sep-24	8
Dec-24	6
Mar-25	6
Jun-25	7
Sep-25	6
Dec-25	4



**PD-5 vacancy trend by position**

Districts	FTE	Total New Districts							
		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>PD-43</b>									
Assistant Public Defender	14	14	5	7	5	6	7	6	4
Public Defender	1	0	0	0	0	0	0	0	0
Public Defender Administrative Assistant II	1	0	0	0	0	0	0	0	0
Public Defender Investigator	2	2	0	0	0	0	0	0	0
Public Defender Legal Assistant	3	2	0	1	1	0	0	0	0
Public Defender Social Worker	1	1	0	0	0	0	0	0	0
<b>Grand Total</b>	<b>22</b>	<b>19</b>	<b>5</b>	<b>8</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>6</b>	<b>4</b>

## Amendments to the Rules Governing Professional Conduct

### 27 NCAC 02, Section .0100, Rules of Professional Conduct

The proposed amendments permit the North Carolina Department of Justice and public defender offices to resolve imputed conflicts of interest by timely screening the disqualified lawyer and providing written notice as described in the Rules.

#### Rule 1.10, Imputation of Conflicts of Interest: General Rule

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer, including a prohibition under Rule 6.6, and the prohibition does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 unless:

(1) the personally disqualified lawyer is timely screened from any participation in the matter; and

(2) written notice is promptly given to any affected former client to enable it to ascertain compliance with the provisions of this Rule.

(d) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.

(e) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

(f) The disqualification prescribed by paragraphs (a) and (b) when applied to members of the North Carolina Department of Justice may be resolved by following the screening and notice requirements as set out in paragraphs (c)(1) and (c)(2).

(g) Disqualification pursuant to Rule 1.9 as prescribed by paragraphs (a) and (b) when applied to members of a public defender's office may be resolved by following the screening and notice requirements as set out in paragraphs (c)(1) and (c)(2).

#### Comment

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**[12] Lawyers working in a public defender's office provide clients with constitutionally guaranteed representation. Similarly, lawyers working in the North Carolina Department of Justice provide government entities, agencies, and individuals with statutorily guaranteed representation. See, e.g., N.C. Gen. Stat. § 114-2. Historically, lawyers working in either of these offices have been considered part of a single "firm" for conflict analysis. See, e.g., 98 FEO 5. However, application of the imputed conflict rules set out in Rule 1.10 can create a limitation on the provision of constitutionally or statutorily guaranteed representation, thereby hindering the public's or the government's ability to avail itself to the legal representation provided by law. Considering the Rules of Professional Conduct are "rules of reason" (see Rule .02 Scope [1]; see also RPC 55), paragraphs (f) and (g) permit the North Carolina Department of Justice and public defender offices, respectively, to resolve certain imputed conflict issues by taking reasonable precautions to screen disqualified lawyers from participation in the representation giving rise to the conflict under this Rule and provide notice to the affected individual(s) as set out in paragraph (c). Paragraphs (f) and (g) only apply to the referenced agencies or offices and do not permit private law firms to avoid imputed disqualification under Rule 1.10 by employing screening measures other than as set out in paragraph (c).**

**[13] The chief public defender of any Public Defender Office is tasked with making reasonable efforts to ensure all assistant public defenders employed by the office conform their conduct to the Rules of Professional Conduct. See generally Rule 5.1. Accordingly, the chief public defender of a Public Defender Office should review and make the determination as to whether a public defender office can proceed with representation pursuant to this Rule.**