

# ANNUAL REPORT OF THE COMMISSION ON INDIGENT DEFENSE SERVICES

JULY 1, 2017 – JUNE 30, 2018

Submitted to the North Carolina General Assembly  
Pursuant to G.S. 7A-498.9  
On

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*Safeguarding individual liberty and the Constitution by equipping the North Carolina public defense community with the resources it needs to achieve fair and just outcomes for clients*

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“I love indigent defense. I struggle running my practice and I am pretty good at the business aspects. It's a new practice and I spend the majority of my time on indigent defense. I just did the taxes and I made 5k. If it weren't for my husband we wouldn't make it and I would have to give up what I love.” – North Carolina Private Assigned Counsel (*from* FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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Members,

I am pleased to submit this fiscal year 2017-18 Annual Report on Indigent Defense. Throughout the year, we worked with Public Defenders, local judicial communities, AOC, and others as we work to fulfill our mission to safeguard individual liberty and the Constitution by equipping the North Carolina public defense community with the resources it needs to achieve fair and just outcomes for clients.

Noteworthy highlights from our work include:

- > Throughout the spring, Assistant and Chief Public Defenders participated in a time study as part of a Public Defender Workload Assessment. Their participation reached almost 100%.
- > Across the state, nearly 2,500 Private Assigned Counsel continue to advocate for the rights of the accused despite the deepening erosion in pay. During the fall of 2018, we developed an overhead survey in an attempt to gain a clearer understanding of the economic pressures faced by PAC.
- > In 2017 we began using existing funding to make modest increases to the PAC hourly rates, first for high-level felonies in November of that year and then for some low-level felonies in December, 2018.
- > A new Public Defender office opened in District 29A and the current District 3B office expanded to cover new counties in calendar year 2018.
- > During FY 2017-18, the School of Government trained 870 attorneys pursuant to our training contract. Because higher level felony rosters are weathering significant attrition among experienced attorneys, the School also designed a new, intensive training for those offenses.
- > To make it easier for attorneys from all corners of the state to attend training, IDS offered a number of scholarships to PAC.
- > In October of 2018, along with Office of the Juvenile Defender, we received a grant award from the federal Office of Juvenile Justice and Delinquency Prevention of \$450,000 for training and support of juvenile defenders.

The IDS Commission and Office have serious concerns about the detrimental impact the depressed hourly PAC rates has on the entire court system. Many local communities are struggling to meet their needs and much of our work this year focused on helping them deal with consequences of replacing experienced attorneys with newer, less experienced attorneys. In order to continue the overdue restoration of hourly rates, the Commission and Office respectfully request a recurring increase of \$17 million in fiscal year 2020 to effectively raise all of the PAC hourly rates by \$15 effective January 2020.

More information about the work and accomplishments of the IDS Commission and Office, including a series of focused fact sheets on various topics, is available at [www.ncids.org](http://www.ncids.org).

Sincerely,

*David R. Teddy*

David R. Teddy  
Chair, Indigent Defense Services Commission

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*Significant Number: 70%*

7 in 10 PAC attorneys are solo practitioners and 84% have no support staff whatsoever. (FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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COMMISSION ON INDIGENT DEFENSE SERVICES

*Mr. David R. Teddy, Chair*

Teddy, Meekins & Talbert, PLLC, Shelby

Appointed by NC State Bar



*Ms. Dorothy Hairston Mitchell, Vice- Chair*

Assistant Clinical Professor of Law, North Carolina Central University

Appointed by the NC Association of Women Attorneys



*Mr. Art F. Beeler*

Assistant Clinical Professor, Criminal Justice, NC Central University

Appointed by the Governor



*Mr. Brian S. Cromwell*

Parker Poe, Charlotte

Appointed by NC Association of Black Lawyers



*The Honorable Joseph Crosswhite*

District 22A Senior Resident Superior Court Judge, Statesville

Appointed by Chief Justice of NC Supreme Court



*Mr. Staples Hughes*

Attorney at Law, Chapel Hill

Appointed by NC Public Defender Association



*Mr. David Mark Hullender*

North Carolina Industrial Commission, Charlotte

Appointed by Speaker of the House



*Mr. R. Channing Jones*

Robeson Community College, Lumberton

Appointed by IDS Commission



*Mr. Darrin D. Jordan*

Whitley & Jordan, P.A., Salisbury

Appointed by the NC Advocates for Justice



*The Honorable Lisa V. L. Menefee*

District 21 Chief District Court Judge, Winston-Salem

Appointed by IDS Commission



*Ms. Christine Mumma*

The North Carolina Center on Actual Innocence, Durham

Appointed by President Pro Tempore of the Senate



*Mr. Jan E. Pritchett*

Schlosser & Pritchett, Greensboro

Appointed by North Carolina Bar Association

INDIGENT DEFENSE SERVICES CENTRAL STAFF

Thomas K. Maher  
Executive Director

[Thomas.K.Maher@nccourts.org](mailto:Thomas.K.Maher@nccourts.org)



***Legal***

Whitney B. Fairbanks  
Assistant Director/General Counsel  
[Whitney.B.Fairbanks@nccourts.org](mailto:Whitney.B.Fairbanks@nccourts.org)



Susan E. Brooks  
Public Defender Administrator  
[Susan.E.Brooks@nccourts.org](mailto:Susan.E.Brooks@nccourts.org)



Mario T. Richardson  
Contracts Administrator  
[Mario.T.Ricahrdson@nccourts.org](mailto:Mario.T.Ricahrdson@nccourts.org)



D. Tucker Charns  
Chief Regional Defender  
[Tucker.Charns@nccourts.org](mailto:Tucker.Charns@nccourts.org)



Susan D. Perry  
Legal Associate  
[Susan.D.Perry@nccourts.org](mailto:Susan.D.Perry@nccourts.org)



***Administration***

Catrinel S. Rosu  
Office Manager  
[Catrinel.S.Rosu@nccourts.org](mailto:Catrinel.S.Rosu@nccourts.org)



Lyn M. Turner  
Administrative Assistant  
[Lyn.M.Turner@nccourts.org](mailto:Lyn.M.Turner@nccourts.org)

***Financial***

Elisa Wolper  
Chief Financial Officer  
[Elisa.Wolper@nccourts.org](mailto:Elisa.Wolper@nccourts.org)



Carmen R. Jarmon  
Financial Analyst  
[Carmen.R.Jarmon@nccourts.org](mailto:Carmen.R.Jarmon@nccourts.org)



***Information Technology***

Joy Zhao  
Senior Program Analyst  
[Xia.zhao@nccourts.org](mailto:Xia.zhao@nccourts.org)



***Research***

Margaret A. Gressens  
Research Director  
[Margaret.A.Gressens@nccourts.org](mailto:Margaret.A.Gressens@nccourts.org)

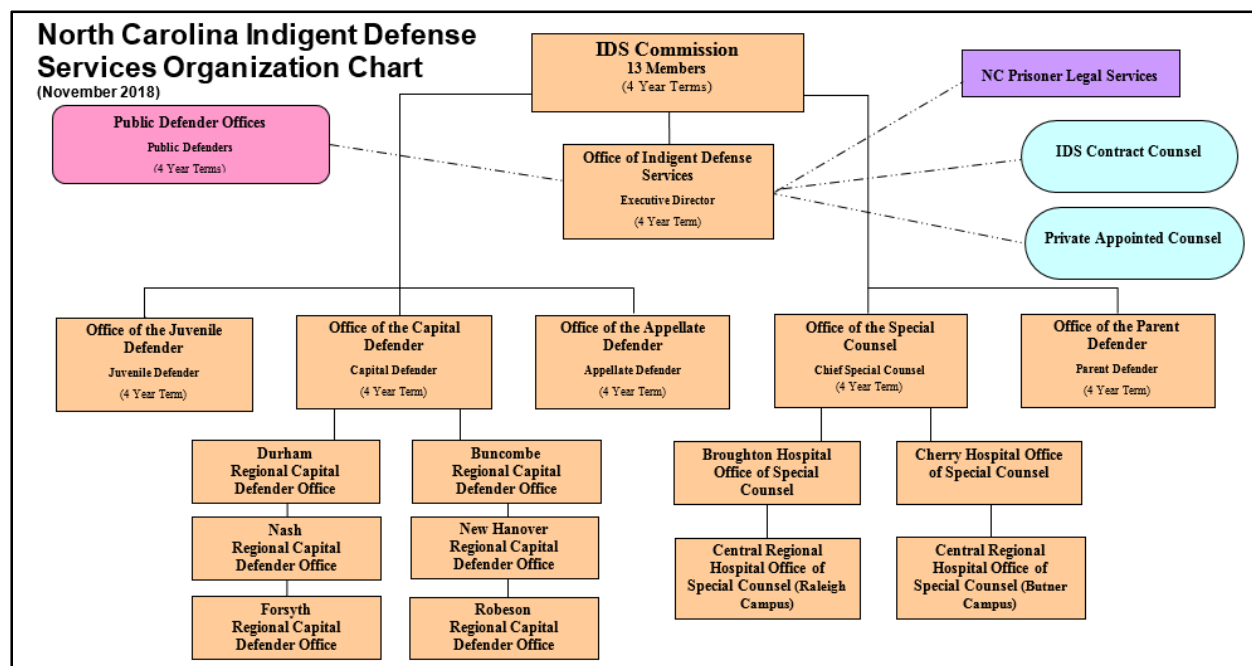


***Resource Unit***

Sarah R. Olson  
Forensic Resource Counsel  
[Sarah.R.Olson@nccourts.org](mailto:Sarah.R.Olson@nccourts.org)



## INDIGENT DEFENSE SERVICES ORGANIZATIONAL STRUCTURE



- > The 13 member volunteer **Commission on Indigent Defense Services** was established by the General Assembly in 2000. Since that time it has offered oversight and guidance to IDS and the North Carolina public defense community through periods of both growth and austerity. The Commission and its various committees develop and improve programs by which the Office of Indigent Defense Services provides legal representation to indigent persons.
- > **Indigent Defense Services** administers the North Carolina public defense system. It provides administrative support to the Local Public Defender and Statewide Defender Offices; administers the PAC fund; and administers individually negotiated and large-scale contracts for services.
- > Seventeen **Public Defender Offices** in 18 Defender Districts provide criminal and non-criminal trial level defense to eligible people. The Chief PDs are appointed through a statutory process by the Senior Resident Superior Court Judge to serve four year terms. Chief PDs and APDs are state employed defenders.
- > Five **statewide defender offices** provided oversight and supervision in specialized areas of the law. The Chiefs of each office are appointed by the Commission to serve four year terms. They administer rosters of specialized attorneys; supervise in-house attorneys; and work with legislators, court actors, and other stakeholder groups on court improvement initiatives. The Chief and assistants are state employed defenders.
- > **North Carolina Prisoner Legal Services** is a non-profit, public service law firm that provides legal advice and assistance to people incarcerated in the state in response to the United States Supreme Court decision in *Bounds v. Smith*, 430 U.S. 817 (1977). IDS contracts with NCPLS to fulfill the North Carolina's constitutional obligation to provide inmates access to court.
- > **Private Assigned Counsel**, often referred to as "PAC," are private attorneys who agree to accept appointment for eligible clients for an hourly rate or other arrangement. They are independent contractors. Most supervision occurs at the local level.
- > **IDS Contract Counsel** refers to a subset of PAC who contract with IDS to cover specified case types with payment at a flat bulk rate. IDS administers both a large scale contract system for criminal defense cases in 18 counties and individually negotiated contracts.

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*Significant Number: 1 in 2*

1 in 2 report that in the last three years lowered rates have forced them to reduce the amount of public defense work they can take or have stopped altogether and a number report that the instigation of flat fee and contract compensation systems in some counties have made the situation even worse. (FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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# 1. INCREASE FUNDING FOR PRIVATE ASSIGNED COUNSEL/CONTRACTOR FUND

The IDS Commission and Office respectfully request that the General Assembly appropriate \$17 million recurring in the coming biennium to effectively raise current PAC hourly rates by \$15 per hour from the 2011 cut rates and to make comparable adjustments to contract and flat fee attorney pay effective January 2020. Even with this modest increase, many of the PAC rates still will be below the 2011 rates.

Table 1: Rate Comparisons –2002 to 2018

Case Type	Original PAC Rates (set in 2002)	Original PAC Rates Adjusted for Inflation to 2018 *	Current PAC Rates	Current PAC Rate as % of CPI Adjusted
Capital Cases (declared capital at a Rule 24 hearing)	\$95	\$133	\$90	68%
Potentially Capital Cases	\$85	\$119	\$85 (\$75 after a non-capital declaration)	71%
High-Level Felonies (Class A-D)	\$65	\$91	\$75	82%
Low-Level Felonies (E-I)	\$65	\$91	\$60	67%
All Other District Court Cases	\$65	\$91	\$55	61%

The PAC system offers IDS the greatest flexibility to match capacity to demand because attorneys are assigned as cases arise and are paid for actual time spent on cases, which allows the cost of cases to be determined by their complexity. The benefits of this flexibility are particularly salient in rural areas with smaller and less predictable caseloads. The Commission, IDS, and other stakeholder groups, share a growing concern about the risk to individual liberties and to the justice system the depressed PAC hourly rates pose.

To meet the stress placed on the State budget by the Great Recession, the 2011 Appropriations Act reduced IDS's budget by \$10.5 million and directed IDS to reduce the PAC hourly rates to minimize the shortfall. While the IDS Commission dramatically reduced the PAC hourly rate in May 2011, IDS experienced budget shortfalls each year until FY2016 when the reduced spending finally eliminated the \$10 Million debt carried from FY2011. While a number of factors contributed to the fully funded Private Assigned Counsel in recent fiscal years, our ability to chip away at our end-of-year debt was largely funded by continued reduced PAC rates. Despite economic recovery in North Carolina since 2011, the PAC rates have remained depressed.

## **61 %**

The hourly rate for district court cases in 2001 was \$65, which is \$91 in today's money. Thus, the current \$55 hourly rate for district court is a mere 61% of the original district court rate when adjusted for inflation.

## **67 %**

The hourly rate for low level felony cases in 2001 was \$65, which is \$91 in today's money. Thus, the current \$60 hourly rate for low level felonies is a mere 67% of the original district court rate when adjusted for inflation.

## **82 %**

The hourly rate for high level felony cases in 2001 was \$65, which is \$91 in today's money. Thus, the current \$75 hourly rate for high level felonies is a mere 82% of the original district court rate when adjusted for inflation.

The IDS Office recently conducted a survey of the economic landscape for Private Assigned Counsel. After covering the overhead associated with running a private business, 10% of PAC actually take a loss to handle indigent cases for the state. In other words, after they pay their business expenses, they are unable to pay themselves. Twenty percent make an effective hourly rate of less than \$10 per hour. Out of that \$10 per hour, PAC often must cover health care, annual bar dues, mandated annual continuing legal education, and, if possible, save for retirement.

### **2. RESTORE IDS FLEXIBILITY TO CREATE NEW POSITIONS**

IDS is requesting a special provision in the 2019 Appropriations Act similar to ones in the past that allows IDS to expand existing offices in response to changing caseloads, increase cost effectiveness, and implement new initiatives.

As discussed later in this report, a recent work load study of Public Defender Offices conducted by the National Center for State Courts (NCSC) found that assistant public defenders have too many cases and not enough access to professional resources such as investigators and social workers. This flexibility will be an important tool to IDS and the Public Defender Offices as they respond to the staffing deficiencies identified in the NCSC report.

In addition, this flexibility will help IDS respond to local judicial communities as they struggle to keep enough qualified private attorneys on their rosters. This need is perhaps most critical in rural areas where the number of qualified attorneys willing to handle court appointed cases has dwindled to unsustainably low numbers. Additional Assistant and Regional Public Defenders and authorization to accept appointment in adjacent counties will strengthen significantly IDS' ability to help these communities meet their needs.

#### A. FUND ADDITIONAL REGIONAL DEFENDER POSITIONS

IDS respectfully requests that the General Assembly appropriate an additional \$159,000, in fiscal year 2019-20 and \$132,000 in fiscal year 2020-21 to support an additional Regional Defender.

According to “Improving Indigent Defense in North Carolina,” a 2017 report by the North Carolina Commission on the Administration of Law and Justice (“NCCALJ”), “an effective indigent defense system requires rigorous supervision and oversight of indigent defense supervisors. To ensure appropriate independence, counsel should be supervised by local system-employed supervisors.” Outside of local public defender offices, this function currently is performed by two IDS employed regional defenders, who provide oversight and support for 218 attorneys working under contracts in 18 counties.

An additional regional defender will allow IDS to provide oversight and support in other areas of the State. The Regional Defenders also play an important role in recruiting and retaining qualified PAC.

#### B. FUND ADDITIONAL JUVENILE DEFENDER POSITION

IDS further requests that the General Assembly appropriate an additional \$88,000, including non-recurring, in fiscal year 2019-20 and \$109,000 in fiscal year 2020-21 to support an additional Assistant Juvenile Defender in the Office of Juvenile Defender effective December 1, 2019.

Currently there are not enough lawyers trained in juvenile defense, a scarcity that will only be exacerbated when the jurisdictional age limits for juvenile delinquency proceedings is increased from 15 to 17 years old in December, 2019. As a result, IDS expects an influx of juvenile delinquency cases, heightening the need for an additional position in the Office of the Juvenile Defender, which currently is staffed by the Juvenile Defender, one Assistant Juvenile Defender, and one support staff. Increased staff will allow the office to oversee training, monitor delinquency court, provide consultation support to attorneys, and continue to carry targeted caseloads.

#### 3. INCREASE FUNDING FOR NORTH CAROLINA PRISONER LEGAL SERVICES

The IDS Commission and Office respectfully request that the General Assembly appropriate an additional \$520,713 in recurring funding to enable North Carolina Prisoners Legal Services to continue to provide inmates with its current level of post-conviction services and to resume its jail credit program.

Inmates have a constitutional right to meaningful access to the courts and North Carolina Prisoners Legal Services (“NCPLS”), a non-profit, public service law firm that provides legal advice and assistance to people incarcerated, is a cost-efficient way for the State to meet its obligation. North Carolina began contracting with NCPLS, in response to the United States Supreme Court decision in *Bounds v. Smith*, 430 U.S. 817 (1977), which established the right of access for inmates. In *Bounds*, the Court also noted that prisoner legal services programs, as opposed to law libraries, decrease the burden on federal and state courts because such services can engage

in mediation and administrative resolution of prisoner complaints, often convince inmates to abandon or alter ill-founded complaints, and efficiently and skillfully handle prisoners' cases when merited.

### **11,000 Days & > \$1 Million**

In 2012, before the reduction took effect, NCPLS paralegals, who are considerably less expensive than attorneys, identified and corrected 11,000 days of unapplied jail credit, saving the State more than \$1 million in incarceration costs.

In fiscal year 2013, the General Assembly reduced NCPLS' budget by \$890,000 recurring. In light of the significant funding reduction, NCPLS had to eliminate a number of attorney and support staff positions. Today, NCPLS is working to serve more than 36,000 inmates with a staff of only 30, including attorneys and support staff. While IDS has been able to make modest adjustments to its contract with NCPLS, the current \$2,269,142 per year still is not enough to allow North Carolina Prisoner Legal Services to resume cost saving work on jail credit and other issues.

#### **4. FULLY FUND PUBLIC DEFENDER OFFICE PERSONNEL AND LEGAL SERVICES COSTS**

The IDS Commission and Office respectfully request a recurring increase of \$600,000 to cover underfunded legal services costs. IDS does not generate as much lapsed salary as many other agencies, which limits our ability to implement important quality improvement initiatives.

IDS' budget is almost \$600,000 short for projected legal services costs that the offices need, such as outside investigators and experts, interpreters, and exhibits. Furthermore, as directed but the General Assembly in Section 18A.2 of Session Law 2017-57, IDS commissioned a study of workloads in Public Defender offices. The Study was conducted by the National Center for State Courts (as required by the special provision). The Center recently concluded the study noting the lack of access to professional services such as investigators and social workers as a deficiency in all or most offices.

IDS also has concerns about its ability to meet any unforeseen needs arising out of the AOC's eCourts initiative. IDS has spent several years developing a Public Defender module of the Criminal Case Information System ("CCIS"). The Public Defender module interacts with the Clerk's module enhancing efficient record keeping in court appointed cases. Replacing CCIS will effectively orphan CCIS-PD. IDS's limited funds may hamper its ability to adapt to the new system.

5. APPROPRIATE NON-RECURRING FUNDS TO MEET ANTICIPATED CARRY-FORWARD DEBT

IDS is currently projecting that it will end fiscal year 2018-19 with approximately \$1 million in debt, primarily due to the startup costs of Public Defender office expansion. As a result, the Commission and Office respectfully request that the General Assembly appropriate an additional non-recurring \$1 million for fiscal year 2019-20 to enable IDS to pay off the anticipated carry-forward debt.

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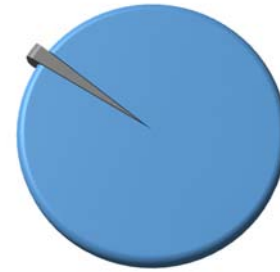
“I include indigent defense cases because it's the right thing to do and as a service to those in need of help..” – North Carolina Private Assigned Counsel (*from* FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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Chart 1: IDS Administration Costs

Of fiscal year 2017-2018's \$132 million budget, IDS spent 2.5 Million, or less than 2% of its total budget, on administration, which includes a number of positions that are directly related to enhancing the quality of representation and delivering services in the most efficient and cost-effective manner.



In addition to development and implementation of policy, the central IDS Office also performs a number of ongoing administrative functions.

**156,541**

During fiscal year 2017-18, the IDS Financial Services processed 156,541 fee applications and invoice, excluding capital and contract payments.

**2,438**

During fiscal year 2017-18, the Office set fee awards for attorney fee applications in potentially capital cases and appeals, including interim and final fees.

**2,272**

During fiscal year 2017-18, the Office set fee awards for 2,272 expert bills in capital cases and appeals, including private investigators, mitigation specialists, psychologists and psychiatrists, and ballistics and scientific experts, again including interim and final fees.

**108**

During fiscal year 2017-18, reviewed and acted on 108 requests for expert funding and miscellaneous expenses in appeals and capital post-conviction cases.

**214**

During fiscal year 2017-18, contracted with a total of 214 unique attorneys for a total of 416 caseload units annually.

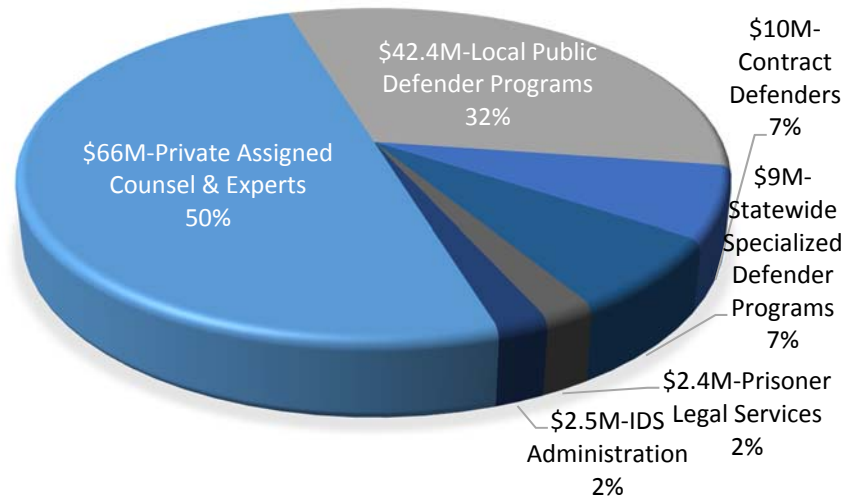
**100**

Over 100 attorneys and investigators participated in the 2018 and 2019 Evolving Trends in Forensic Science program sponsored by IDS and Duke Law School.

In the winter of 2018, the AOC issued the results of its second annual Internal Controls Audit of IDS pursuant to G.S. 7A-498.2(d). As in prior years, all internal controls tested by AOC were determined to be "Effective," the highest rating possible.

**IDS Spending by Major Category**

Budget Total: \$132 million



A map of the public defense districts, which shows how public defense is delivered in each county, is attached to the report as Appendix A. A specific breakdown of each major spending category is attached to this report as Appendix B. Data on the volume and cost of cases handled in each district by PAC, contractors, and public defenders during fiscal year 2017-18 is attached to this report as Appendix C.

**36%**

There are currently **17 county- and district-based public defender offices** in North Carolina, which cover **18 judicial districts and 35 counties**. During fiscal year 2017-18, all of the county and district public defender offices combined reported **93,794 dispositions and withdrawals**, which represented approximately 31% of the indigent caseload in North Carolina, including criminal and non-criminal cases. Five statewide defender offices cover an additional 4.7%.

## 52%

Almost **2,500 PAC** around the State handled approximately 51.9% of the indigent cases that were disposed during fiscal year 2017-18, including criminal and non-criminal cases.

## 12%

During fiscal year 2017-18, non-RFP contractors reported **9,540 dispositions and withdrawals** and RFP contractors reported **27,910 dispositions**, for a total of **37,450 contractor dispositions**, which represented approximately 12.4% of the indigent caseload in North Carolina, including criminal and non-criminal cases.

IDS expects these numbers to remain stable or grow due to the extremely high renewal rates in the RFP system. 99.7% of the total number of units available for contract in our most recent wave of RFPs were renewed

Section 19A.4 of S.L. 2016.94, 2016 Appropriations Act, required AOC, in conjunction with IDS, to pilot a uniform fee system in six counties—2 large, 2 medium, and 2 small. The pilot was launched on June 1, 2017 and the AOC reported to the General Assembly on the status of the pilot on March 15, 2018. Since that report was submitted, Watauga and Macon Counties requested and were granted waivers from participation by AOC. Watauga and Macon were the two small counties selected for the pilot. Both counties reported serious concerns about maintaining adequate lists of attorneys at the outset and throughout the year they participated. While the pilot still has not generated enough data for IDS to confidently state that a flat fee system is unsustainable, the opt-outs would seem to support IDS's initial concern that a flat fee system—particularly an underfunded fee pilot—would be unsustainable in large, rural districts.

### STATEWIDE SPECIALIZED DEFENDER OFFICES

Five statewide defender offices provide direct representation and/ or support and oversight in specialized case types where a defendant or respondent faces substantial loss of liberty. The statewide defender offices play a critical role in ensuring that indigent defendants and respondents receive quality, cost-effective representation. The Offices of the Appellate Defender, Capital Defender, and Parent Defender also screen applications for and oversee statewide rosters and assign counsel from those rosters to handle cases that cannot be handled in-house. In addition to screening applicants, all statewide defender offices provide advice and support on highly specialized areas of law to the more than 2,500 PAC across the state. The Chiefs in each of the statewide defender offices also work closely with and other state agencies and stakeholder groups to develop policies and draft proposed legislation affecting their clients, their offices, and IDS.

## **OFFICE OF THE CAPITAL DEFENDER**

In addition to the Capital Defender, the Office of the Capital Defender currently employs 17 staff attorneys in six regional offices around the State who represent indigent defendants charged with potentially capital cases at the trial level. OCD now has regional offices in Asheville, Durham, Lumberton, Rocky Mount, Wilmington, and Winston-Salem.

### **473 Attorney Appointments**

During fiscal year 2017-18, OCD made 346 attorney appointments in capital, non-capital criminal, and non-criminal appeals.

During fiscal year 2018-19 to date (through February 15, 2019), OCD has made 127 attorney appointments.

### **144 Cases**

During fiscal year 2017-18, all of the regional offices combined handled 144 unique potentially capital cases at the trial level, including pending and disposed cases but excluding withdrawals. Because two assistant capital defenders are assigned to some cases that are proceeding capitally, the office's workload last fiscal year (again excluding withdrawals) probably is higher than 144.

The work of the Office of the Capital Defender has significantly enhanced the quality and cost-effectiveness of capital representation in this State. However, according to a statutorily mandated 2016 collaborative study conducted by IDS and Conference of District Attorneys, the current system under which first degree murder and undesignated murder charges are designated by a prosecutor as either capital or non-capital still leads to expenses outside the defense's control. For example, the costs for private counsel and experts for a first-degree murder case that proceeds as a capital case are more than four times the cost of a first-degree murder case that is not capital. [\$93,231 v. \$21,022]

Additional information about the 20116 study and the Office of the Capital Defender is available at [www.IDS.org](http://www.IDS.org).

## **OFFICES OF THE APPELLATE DEFENDER & PARENT DEFENDER**

In addition to the Appellate Defender, the Office of the Appellate Defender currently has 20 staff attorneys who represent indigent persons on direct appeal in the Appellate Division. The Appellate Defender also manages a roster of 70 private assigned counsel located throughout North Carolina.

### **726 Attorney Appointments**

During fiscal year 2017-18, OAD made 726 attorney appointments in capital, non-capital criminal, and non-criminal appeals. Of those, 481 were private attorney appointments.

During fiscal year 2018-19 to date (through February 15, 2019), OAD has made 393 attorney appointments. Of those, 250 were private attorney appointments.

### **263 Closed Cases**

In fiscal year 2017-18, the OAD closed 263 cases. During fiscal year 2018-19 to date (through February 15, 2019), the OAD has closed 157 cases.

The Office of Parent Defender (formerly Office of Parent Representation Coordinator) was housed within the Office of the Appellate Defender during fiscal year 2017-18.<sup>1</sup> OPD specializes in abuse/neglect/dependency, termination of parental rights, and contempt appeals. In addition to the Parent Defender, the office has three staff attorneys who represent indigent persons on direct appeal. The Parent Defender also manages a roster of 24 private assigned counsel located throughout North Carolina.

### **214 Attorney Appointments**

During fiscal year 2017-18, OPD made 214 attorney appointments in non-criminal appeals. Of those, 181 were private attorney appointments.

During fiscal year 2017-18, OPD made 181 private attorney appointments in non-criminal appeals. Of those, 129 were private attorney appointments.

### **34 Cases**

During fiscal year 2017-18, OPD disposed of 34 cases. During fiscal year 2018-19 to date (through February 15, 2019), OPD has disposed of 17 cases.

Both offices provide quality and cost-effective appellate representation through either direct representation or roster management and support. Additional information about the Offices of the Appellate and Parent Defenders is available at [www.IDS.org](http://www.IDS.org).

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<sup>1</sup> In March of 2018, the Commission voted to transfer the hiring authority of the Parent Defender from the Appellate Defender to the Commission.

#### **OFFICE OF SPECIAL COUNSEL**

The Office of Special Counsel represents indigent respondents in civil commitment proceedings around the State through regional offices at Cherry Hospital in Wayne County, Broughton Hospital in Burke County, Central Regional Hospital in Granville County, and on the campus of the former Dorothea Dix Hospital in Wake County. In addition to the Chief Special Counsel, the Office of the Special counsel currently has 8 staff attorneys and 8 support staff.

### **13,749 Cases**

During fiscal year 2017-18, Special Counsel disposed of a total of 13,749 cases.

The office plays a critical role in ensuring that indigent respondents receive quality, cost-effective representation. Additional information about the Office of the Special Counsel is available at [www.IDS.org](http://www.IDS.org).

#### **OFFICE OF THE JUVENILE DEFENDER**

The Office of the Juvenile Defender was created in response to an assessment of delinquency representation in North Carolina that was released in 2003 by the ABA Juvenile Justice Center. OJD played a critical role in efforts to raise the jurisdictional age of juveniles in North Carolina. The Office is developing and implementing a long-range plan to provide quality counsel 16 and 17 year olds and will serve a critical role in the implementation and management of Raise the Age.

OJD has taken significant strides toward elevating the quality of legal services provided to North Carolina's children. Additional information about the Office of the Juvenile Defender is available at [www.IDS.org](http://www.IDS.org).

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#### ACTIONS TO IMPROVE COST-EFFECTIVENESS AND QUALITY OF INDIGENT DEFENSE SERVICES

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Since it was established in 2001, IDS has taken a number of steps to control the cost of indigent representation, including, perhaps most significantly, continuing the dramatically reduced PAC hourly rates that the IDS Commission adopted in May 2011.

The increase in total IDS (private assigned counsel and Public Defender) demand (spending and current-year obligations) since IDS was created has averaged 2.25%, which is significantly below the average annual increase of more than 11% during the seven years prior to IDS's creation. The increase in overall demand over the past six fiscal years (between fiscal years 2011-12 and 2017-18 has averaged a mere 1%. Overall demand is projected to increase approximately 2.25% in the current fiscal year. While there have been modest increases in average per case costs for some

case types over the past 17 years, the overall increases in demand are primarily due to an expanding indigent caseload and changes in the mix of case types that are funded by IDS.

Comparing PAC demand over time can be complicated. For example, the drastic hourly rate reductions that the General Assembly required the IDS Commission implement in May 2011 caused the growth rate to decline significantly (-8.9% overall and -14.6% in the PAC fund alone) during fiscal year 2011-12. Between fiscal years 2011-12 and 2015-16, PAC demand fell an average of 2.1% each year and stabilized in fiscal year 2016-17. While fiscal year 2017-18 PAC demand was 2.3% higher than the prior year, fiscal year 2018-19 PAC demand growth is projected to be flat. While growth rates measured by demand and by disposition are predictable over the long term, they remain difficult to predict over the short term because court resources and other volatile factors affect the timing of case dispositions.

Prior to the establishment of IDS, roughly one third of non-motor vehicle criminal cases were handled by assigned counsel or public defenders. Now more than half of all non-motor vehicle criminal cases are handled by IDS funded counsel. While there has been some modest increase in average per case costs (see PAC Average Hours Studies at [www.ncids.org](http://www.ncids.org)), the overall increase in demand on IDS funds is largely attributable to more individuals being found indigent and entitled to court appointed counsel. Thus, while there was a 3.8% decrease in the number of non-motor vehicle criminal cases from fiscal year 2000-01 to fiscal year 2017-18, there was a corresponding 31.8% increase in the number of those cases handled by IDS funded counsel.

It is difficult to isolate why more individuals are found indigent. The IDS Commission and Office believe the increase may be due to a number of factors including the complexity of criminal proceedings. As discussed in greater detail below, the AOC, in conjunction with Indigent Defense Services, recently studied the efficacy of specific statewide standards for determining indigency for defendants. The report recommended that IDS revise the *Affidavit of Indigency* (form number AOC-CR-226) and develop a bench card in order to improve indigency determinations. See “Plans for Changes in Rules, Standards, or Regulations” below.

Indigent defense per disposition expenditures fluctuate from year to year, but overall per disposition costs during fiscal year 2017-18 were only \$58 more than per disposition costs the year before IDS was established (fiscal year 2000-01). To the extent that there have been modest changes in average per case costs over the past 18 years, the IDS Commission and Office believe they are largely due to the increasingly complex nature of criminal defense. For a District by District accounting of fee applications and demand for private assigned counsel, contract counsel and experts see “Assigned and Contracted Private Counsel and Experts Fee Applications and Demand, All Accounts” attached as Appendix D.

## REVENUE COLLECTION

Recoupment of attorney and appointment fees as a percentage of non-capital spending was 9.22% in FY2018, a drop from 10.1% in FY2017. The reduction was due to a drop in collections through the Clerks' offices while collections through interceptions of tax refunds and lottery winnings were virtually unchanged. A comprehensive analysis of revenue collection by county is attached to this report as Appendix E, "2018 Recoupment Analysis by County."

Looking at individual counties, 68 saw a drop in their recoupment percentage while 32 saw an increase. The measured recoupment rate among counties varied from 2.1% to 41% although most were in the 5%-20% range. As in the past, the recoupment percentage in PD counties was lower than the statewide average at 4.6%, a drop from 5.6% in FY2017. Of the 31 counties with PD programs, all but 9 saw a drop in measured recoupment rate.

There are two ways IDS adjusts the measured recoupment rate. The first is to recognize that not all cases are eligible for recoupment as there is no judgment for acquittals and dismissals. In FY18 roughly 72% of spending was recoupment eligible which increases the statewide effective recoupment rate to 12.8%.

Another modification is recognizing that the recoupment percentage in counties with Public Defender programs is looking at recoupment as a percentage of total office spending which includes overhead such as training and support staff salaries and is not strictly comparable with PAC spending which is almost entirely attorney time. If we look at recoupment in public defender counties as a percentage of non-capital PAC spending plus defender office attorney personnel costs, the recoupment rate in those counties increases to 6.1%.

IDS continues to look at factors behind trends in recoupment rates. However, recoupment is impacted by a lot of individual circumstances for each defendant. We do recognize several factors that reduce recoupment; (1) a shift towards more serious crimes with the reduction in entitlement to counsel for low level misdemeanors, where opportunities for recoupment were higher; (2) increase in other monetary obligations for convicted defendants; (3) increased representation under contracts where the incentive for submitting complete fee applications for judgment purposes is reduced.; (4) changes in state tax policy which impact frequency of tax refunds.

## HISTORICAL UNDERFUNDING AND CURRENT PROJECTIONS FOR FISCAL YEAR 2017-18

The Office is currently projecting that it will end fiscal year 2018-2019 with approximately \$1 million in debt. This is due primarily to the startup costs of the new Public Defender program in District 29A (McDowell and Rutherford Counties) and the expansion of the existing Public Defender program in District 3B to include Carteret and Pamlico Counties. The impact of this carry forward debt is hard to forecast since it is principally related to the expense of transitioning



three counties from private assigned counsel to public defender, for which IDS did not receive non-recurring funding fiscal year 2017-18. Carry forward debt has the potential to compound over time, unless a non-recurring allotment is not appropriated to address it.

#### QUALITY IMPROVEMENTS

IDS increasingly hears reports of districts with few or no qualified attorneys willing to take on high-level felonies. For example, an attorney who recently reached out to IDS with a question about a motion. After some discussion, it came to light that the attorney had been appointed to a B1 felony despite the fact that she had never tried a felony case before. She was appointed despite her inexperience because she was the only attorney on the high-level felony list. A Regional Defender was dispatched to help her but there is only so much ground two Regional Defenders can cover.

IDS does not generate as much lapsed salary as many other agencies, which limits our ability to try new initiatives. While we are unable to undertake many of our priority quality improvement initiatives without sufficient state funding, we continue to look for alternative funding and for smaller projects that can be funded within our existing appropriation. Some examples from 2018 include:

- > In the spring of 2018, the School of Government added a new multi-day course focused on higher level felonies. The program focuses on two important aspects of this work: preparing serious felony cases for trial and jury selection in such cases. The programs were well attended. IDS was able to use existing fund to offer fellowship to PAC who either handle or interested in handling higher level felony cases.
- > The United States Supreme Court, in *Padilla v. Kentucky*, 559 U.S. 356 (2010), held that the effective assistance of counsel may require advice about potential immigration consequences faced by a client. In order to assist counsel in meeting this requirement, IDS has contracted with two, experienced immigration attorneys to provide immigration consultations for counsel representing appointed clients. The process is simple: the attorney completes a form, and submits it to IDS. IDS then forwards the form to one of the consultants. The consultants generally respond within 72 hours of receiving the form.
- > In May of 2018, IDS along with AOC and the Office of the Juvenile Defender submitted a federal grant application for funding assistance to meet increased training demand due to Raise the Age. In October of 2018, IDS learned that the project was fully funded at \$450,000.
- > In late 2018 IDS began contracting with two attorneys in Jackson and Haywood County to provide representation to people charged with misdemeanors who were being held in the local jail unable to make bond. This contract is part of a larger pre-trial reform pilot.

Early reports for both projects show promising results and we look forward to sharing more detailed information in next year's report.

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#### PLANS FOR CHANGES IN RULES, STANDARDS, OR REGULATIONS

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##### UNIFORM QUALIFICATION STANDARDS

The Commission and Office are working with the chief public defenders, statewide defenders, and PAC to develop uniform qualification standards for appointed counsel in non-capital criminal and non-criminal cases in all defender districts. Building on prior work on *Indigent Appointment Plans for Public Defender Districts* and *Model Appointment Plan for Non-Public Defender Districts*, the standards will provide for more oversight by the public defenders and indigent appointment committees over the quality and efficiency of local indigent representation. The plans will contain qualification and performance standards for attorneys on the district indigent lists. Recognizing that local needs and resource vary significantly, Office staff will continue to work with local actors in a variety of counties and districts to develop and implement some version of model uniform qualifications standards.

##### IMPROVED INDIGENCY SCREENING

Pursuant to Section 18A.3 of Session Law 2017-57 the Administrative Office of the Courts, in conjunction with Indigent Defense Services, studied the efficacy of specific statewide standards for determining indigency for defendants. The study included a review of the practices of other states regarding determination of indigency, analysis of the cost-effectiveness of alternatives to the status quo, and implementation plans for the standards agreed upon. The Administrative Office of the Courts and Indigent Defense Services issued a final report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2018. The report recommended that IDS revise the *Affidavit of Indigency* (form number AOC-CR-226) and develop a bench card. It also recommended training and information for Clerks of superior court regarding the importance of entering denial of counsel information in the defendant's electronic record. The Administrative Office of the Courts and Indigent Defense Services issued a subsequent report in October of 2018 reiterating their original recommendations.

## CONCLUSION

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The General Assembly's creation of the IDS Commission and IDS Office makes North Carolina a national leader in the development of quality, cost-effective, and accountable indigent defense programs. Several states, including Alabama, Georgia, South Carolina, Virginia, Tennessee, and Texas, have looked to the IDS Act and IDS Office for guidance in improving their own indigent defense programs. In the coming years, the IDS Commission should continue to realize the goals of improving the quality of North Carolina's indigent defense program in a cost-effective manner.

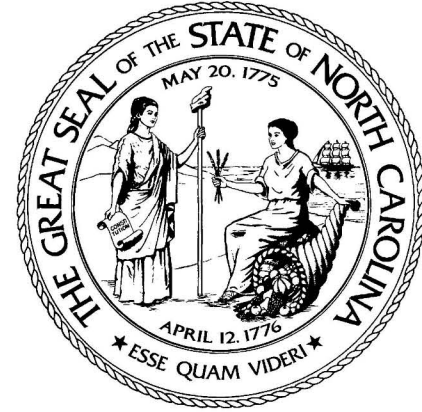
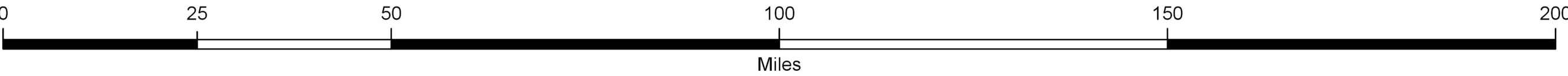
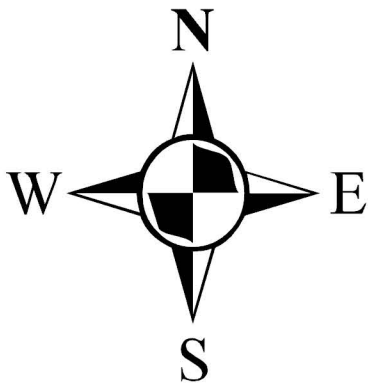
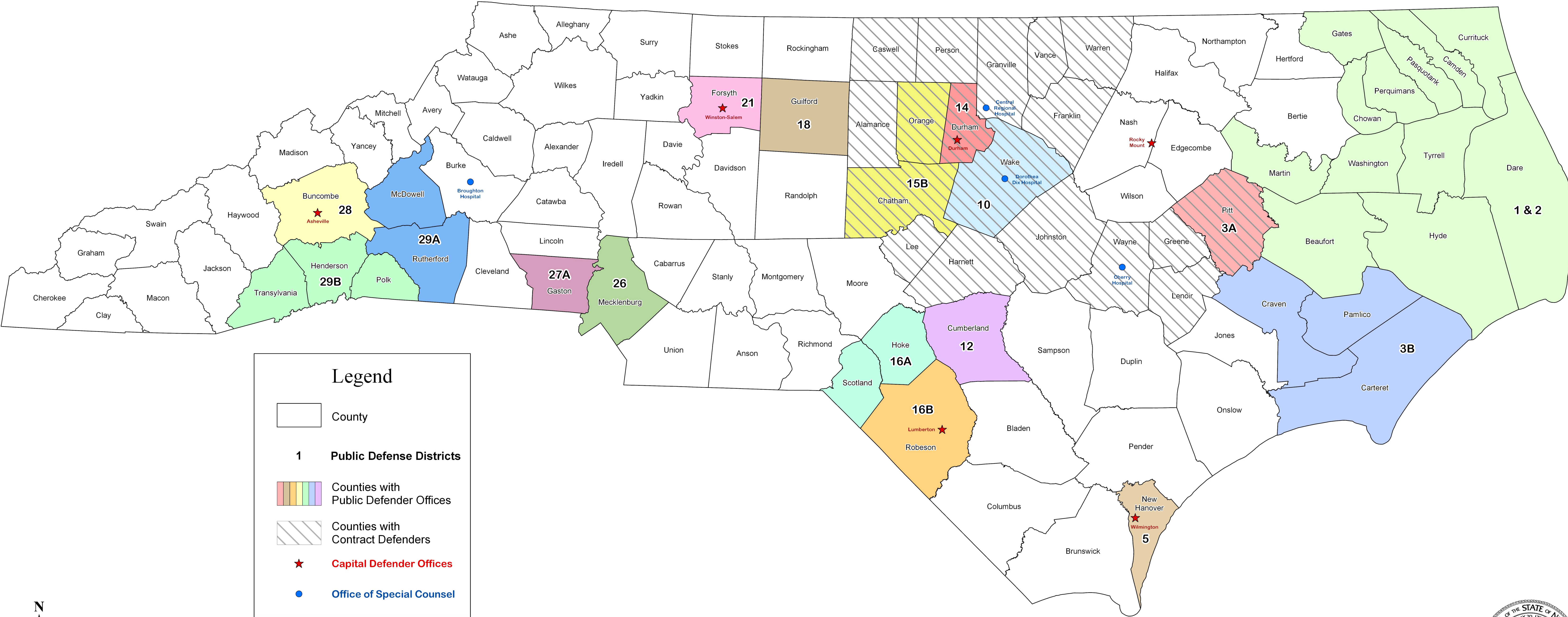
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“I have seen a number of individuals around the age of 30-35 take different jobs because they cannot make enough to support a solo law practice.” – North Carolina Private Assigned Counsel (*from* FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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# Public Defense Districts (Effective 1/1/2019)





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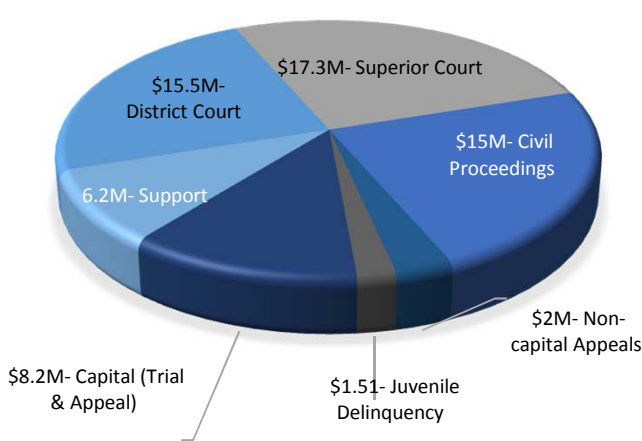
*Significant Number: 1 in 10*

1 in 10 attorneys lose money by handling indigent defense cases. (FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

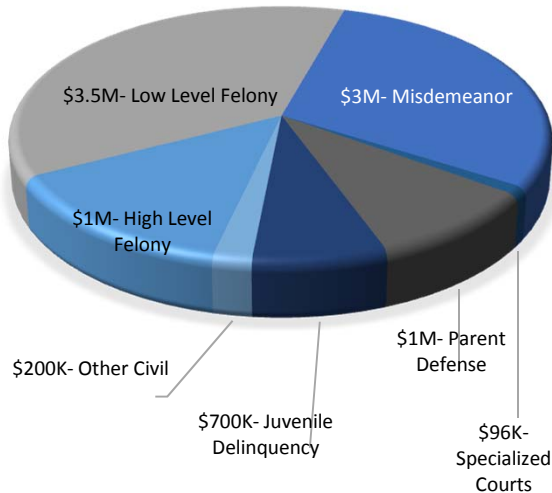
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Appendix B: IDS Spending by Major Category

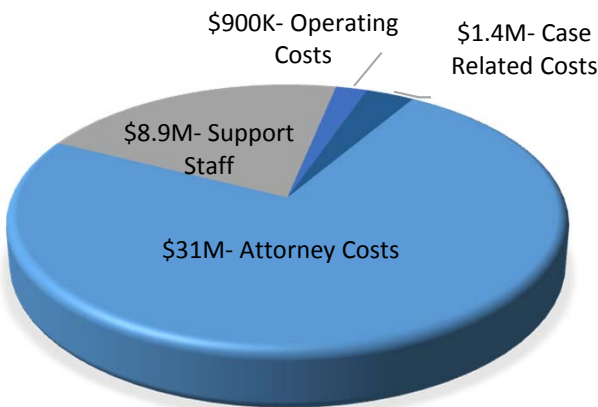
Private Assigned Counsel



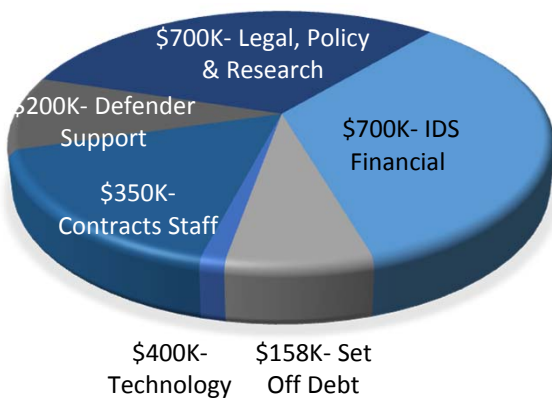
Contract Defenders



Public Defender Programs



Administration



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“It's a constant battle to stay in budget with my firm and my household. I worry more about long term financial goals like retirement.” – North Carolina Private Assigned Counsel (*from* FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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**Appendix C: Assigned and Contracted Private Counsel and Experts**  
**Fee Applications and Demand, All Accounts**  
**July 1, 2017-June 30, 2018**  
**(Districts Reflect June 30, 2018 District Map)**

	<u><b>Number of Payments</b></u>	<u><b>Demand</b></u>
<u><b>District 1</b></u>		
Camden	35	\$46,323.40
Chowan	67	\$48,761.37
Currituck	103	\$39,734.69
Dare	300	\$155,669.45
Gates	46	\$49,248.94
Pasquotank	218	\$183,234.24
Perquimans	66	\$68,857.21
District Total	835	\$591,829.30
<u><b>District 2</b></u>		
Beaufort	1,242	\$520,815.82
Hyde	38	\$19,925.24
Martin	392	\$182,497.93
Tyrrell	71	\$22,132.28
Washington	224	\$95,263.51
District Total	1,967	\$840,634.78
<u><b>District 3A</b></u>		
Pitt	1,996	\$1,008,706.92
District Total	1,996	\$1,008,706.92
<u><b>District 3B</b></u>		
Carteret	556	\$498,646.36
Craven	2,443	\$1,137,582.31
Pamlico	303	\$163,588.29
District Total	3,302	\$1,799,816.96
<u><b>District 4A</b></u>		
Duplin	2,136	\$589,517.41
Jones	244	\$122,780.29
Sampson	1,907	\$595,031.03
District Total	4,287	\$1,307,328.73
<u><b>District 4B</b></u>		
Onslow	5,664	\$1,764,941.30
District Total	5,664	\$1,764,941.30
<u><b>District 5</b></u>		
New Hanover	3,251	\$1,268,385.73
Pender	1,322	\$423,018.89
District Total	4,573	\$1,691,404.62

<b><u>District 6A</u></b>		
Halifax	2,662	\$1,016,956.13
District Total	2,662	\$1,016,956.13
<b><u>District 6B</u></b>		
Bertie	536	\$280,906.55
Hertford	674	\$258,279.97
Northampton	485	\$259,120.30
District Total	1,695	\$798,306.82
<b><u>District 7A</u></b>		
Nash	1,934	\$738,903.98
District Total	1,934	\$738,903.98
<b><u>District 7B/C</u></b>		
Edgecombe	1,384	\$541,641.25
Wilson	1,763	\$815,567.92
District Total	3,147	\$1,357,209
<b><u>District 8A</u></b>		
Greene	337	\$257,336.70
Lenoir	1,938	\$1,000,613.59
District Total	2,275	\$1,257,950.29
<b><u>District 8B</u></b>		
Wayne	2,570	\$1,129,341.73
District Total	2,570	\$1,129,341.73
<b><u>District 9</u></b>		
Franklin	1,212	\$410,341.06
Granville	1,363	\$486,457.86
Vance	1,762	\$559,144.63
Warren	384	\$139,172.58
District Total	4,721	\$1,595,116.13
<b><u>District 9A</u></b>		
Caswell	505	\$189,057.61
Person	1,268	\$478,758.55
District Total	1,773	\$667,816.16
<b><u>District 10</u></b>		
Wake	10,341	\$3,841,008.80
District Total	10,341	\$3,841,008.80

<b><u>District 11A</u></b>		
Harnett	2,432	\$912,597.71
Lee	1,703	\$650,956.52
District Total	4,135	\$1,563,554.23
<b><u>District 11B</u></b>		
Johnston	1,145	\$1,493,031.52
District Total	1,145	\$1,493,031.52
<b><u>District 12</u></b>		
Cumberland	4,272	\$2,660,210.88
District Total	4,272	\$2,660,210.88
<b><u>District 13A</u></b>		
Bladen	1,194	\$640,865.67
Columbus	2,031	\$1,189,338.68
District Total	3,225	\$1,830,204.35
<b><u>District 13B</u></b>		
Brunswick	3,069	\$1,301,283.03
District Total	3,069	\$1,301,283.03
<b><u>District 14</u></b>		
Durham	2,771	\$1,670,602.09
District Total	2,771	\$1,670,602.09
<b><u>District 15A</u></b>		
Alamance	3,945	\$1,152,798.30
District Total	3,945	\$1,152,798.30
<b><u>District 15B</u></b>		
Chatham	445	\$227,240.84
Orange	708	\$355,950.08
District Total	1,153	\$583,190.92
<b><u>District 16A</u></b>		
Hoke	357	\$293,466.38
Scotland	564	\$419,158.94
District Total	921	\$712,625.32
<b><u>District 16B</u></b>		
Robeson	4,050	\$2,180,774.71
District Total	4,050	\$2,180,774.71

<b><u>District 17A</u></b>		
Rockingham	2,768	\$898,451.76
District Total	2,768	\$898,451.76
<b><u>District 17B</u></b>		
Stokes	1,589	\$457,750.50
Surry	2,404	\$631,835.63
District Total	3,993	\$1,089,586.13
<b><u>District 18</u></b>		
Guilford	5,383	\$2,101,464.03
District Total	5,383	\$2,101,464.03
<b><u>District 19A</u></b>		
Cabarrus	4,042	\$1,217,566.19
District Total	4,042	\$1,217,566.19
<b><u>District 19B</u></b>		
Montgomery	694	\$258,955.83
Randolph	4,154	\$1,302,957.28
District Total	4,848	\$1,561,913.11
<b><u>District 19C</u></b>		
Rowan	4,655	\$1,619,930.04
District Total	4,655	\$1,619,930.04
<b><u>District 19D</u></b>		
Moore	3,122	\$1,013,329.37
District Total	3,122	\$1,013,329.37
<b><u>District 20A</u></b>		
Anson	1,107	\$371,211.64
Richmond	3,047	\$988,581.75
Stanly	1,492	\$445,822.84
District Total	5,646	\$1,805,616.23
<b><u>District 20B</u></b>		
Union	4,383	\$1,666,924.16
District Total	4,383	\$1,666,924.16
<b><u>District 21</u></b>		
Forsyth	6,303	\$1,688,127.44
District Total	6,303	\$1,688,127.44

<b><u>District 22A</u></b>		
Alexander	1,077	\$352,264.35
Iredell	4,384	\$1,428,504.12
District Total	5,461	\$1,780,768.47
<b><u>District 22B</u></b>		
Davidson	5,129	\$1,301,353.92
Davie	1,278	\$379,704.24
District Total	6,407	\$1,681,058
<b><u>District 23</u></b>		
Alleghany	330	\$78,005.50
Ashe	622	\$155,175.81
Wilkes	2,397	\$586,768.71
Yadkin	924	\$305,984.93
District Total	4,273	\$1,125,934.95
<b><u>District 24</u></b>		
Avery	595	\$167,274.45
Madison	1,132	\$311,967.21
Mitchell	563	\$156,147.79
Watauga	1,033	\$360,290.08
Yancey	603	\$129,706.55
District Total	3,926	\$1,125,386.08
<b><u>District 25A</u></b>		
Burke	3,003	\$985,212.27
Caldwell	3,199	\$763,316.74
District Total	6,202	\$1,748,529.01
<b><u>District 25B</u></b>		
Catawba	4,791	\$1,609,908.71
District Total	4,791	\$1,609,908.71
<b><u>District 26</u></b>		
Mecklenburg	11,666	\$5,251,217.27
District Total	11,666	\$5,251,217.27
<b><u>District 27A</u></b>		
Gaston	1,497	\$756,179.73
District Total	1,497	\$756,179.73
<b><u>District 27B</u></b>		
Cleveland	3,799	\$1,117,061.47
Lincoln	2,377	\$700,339.72
District Total	6,176	\$1,817,401.19

<b><u>District 28</u></b>		
Buncombe	4,339	\$1,839,074.42
District Total	4,339	\$1,839,074.42
<b><u>District 29A</u></b>		
McDowell	1,910	\$893,091.01
Rutherford	2,950	\$861,820.98
District Total	4,860	\$1,754,911.99
<b><u>District 29B</u></b>		
Henderson	1,172	\$591,474.14
Polk	281	\$170,330.57
Transylvania	546	\$230,608.56
District Total	1,999	\$992,413.27
<b><u>District 30A</u></b>		
Cherokee	1,046	\$411,325.21
Clay	347	\$171,001.86
Graham	282	\$119,732.72
Macon	992	\$456,869.43
Swain	641	\$318,903.99
District Total	3,308	\$1,477,833.21
<b><u>District 30B</u></b>		
Haywood	2,184	\$806,351.18
Jackson	1,061	\$343,427.25
District Total	3,245	\$1,149,778.43
<i>Notes: Reports through FY07 included only payments to attorneys; FY08 through FY18 data includes payments to experts and investigators as well. Count of payments is not identical to number of cases but is a count of number of fee applications paid plus number of cases closed as reported by contractors. Interpreters not included. This data excludes fee applications/contract payments received during FY17 but not paid until FY18, but includes those held for payment at end of FY18.</i>		

Appendix D: COST AND CASE DATA ON REPRESENTATION OF INDIGENTS  
July 1, 2017-June 30, 2018

	Number of Cases*	Total Cost**
Assigned Private Counsel		
Potentially Capital Trial	1,297	7,642,281
Capital appeals/post-conviction	108	525,141
Adult non-capital cases	150,429	49,978,639
Juvenile cases	4,850	\$1,480,007
Guardian ad Litem assigned by IDS	240	\$76,641
Total	156,924	\$59,702,709
Individually Negotiated Contracts	9,540	\$1,788,164
RFP Contracts	27,910	\$7,813,454
Legal Services to Inmates	12	\$2,393,724
Public Defender Offices		
District 1 & 2***	2,937	\$2,203,676
District 3A	3,313	\$2,000,918
District 3B (Carteret County)	1,222	573,480
District 5 (New Hanover)	5,688	\$2,282,141
District 10	8,535	\$4,529,751
District 12	5,520	\$2,374,875
District 14	9,782	\$3,168,130
District 15B	2,678	\$1,582,544
District 16A	2,150	\$1,237,490
District 16B	3,302	\$1,651,783
District 18	8,593	\$4,151,729
District 21	6,596	\$2,839,592
District 26	18,481	\$8,302,195
District 27A	6,277	\$2,313,649
District 28	6,460	\$1,997,574
District 29B	2,260	\$1,200,343
Total	93,794	42,409,870
Office of the Appellate Defender	297	\$3,173,907
Office of the Capital Defender	144	\$4,094,234
Office of Special Counsel	13,749	\$1,473,195
<b>TOTAL DISPOSITION PAC+PD</b>	<b>302,358</b>	<b>122,849,257</b>
Support Services (PAC only)****		
Transcripts, records, and briefs		\$638,216
Expert witness fees		\$2,218,445
Investigator fees		\$3,247,669
Interpreters & Translators		\$91,304
Lay Witness Expenses		\$7,722
Total		\$6,203,356
Set-Off Debt Collection		\$158,239
Indigent Defense Services		\$2,348,892
Office of the Juvenile Defender		\$319,791
<b>TOTAL INDIGENT DEFENSE SERVICES</b>		<b>\$131,879,535</b>

\* The number of "cases" shown for private assigned counsel (PAC) is the number of payments (fee applications) made by IDS for appointed attorneys. For public defender offices, the number of "cases" is the number of indigent persons whose cases were disposed by public defenders during FY18. For contractors, numbers are dispositions reported per contract requirements. For the Office of the Capital Defender, numbers include pending cases.

\*\* IDS reports most PAC data on a demand basis to reflect fee applications received in a given year, even if payment is held due to limited cash. Until FY10, this report was done on a cash basis. These figures exclude receipt supported positions in Mecklenburg and Durham County and dual employment payments

\*\*\* The number of cases and total cost for the District 1 Public Defender Office includes expansion into all counties in District 2, effective February 2013. 910 of the reported FY18 dispositions were in District 2.

\*\*\*\* Support service costs for public defender offices and statewide defender offices are included in total office costs.

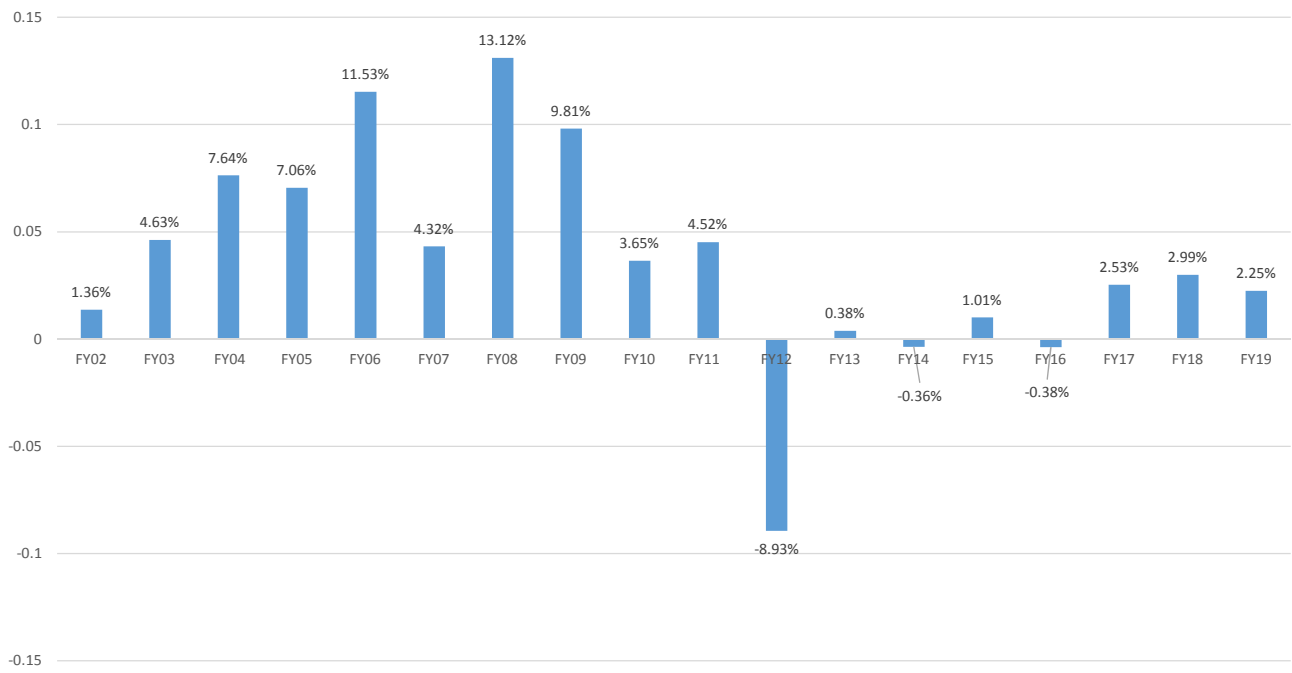
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“I have been doing indigent defense work for 25 years and I am being paid less than I was 10-15 years ago. I have watched the salary of other segments (judges, DA, ADA, clerks) of the criminal justice system increase while the attorneys who perform indigent defense pay decrease. It says that we are not an important component of the system. I understand how people feel about the people we represent, but they are entitled to qualified and competent representation.” – North Carolina Private Assigned Counsel (*from* FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study)

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Appendix E: Annual Percentage Change in Actual Total Indigent Defense Services\*  
(Demand)



\*excludes prior year obligations and includes current obligations

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“While I find it rewarding, it can be disheartening, especially when you encounter ingratitude when trying to serve the underserved. Financial necessity has forced me to leave indigent defense (which I did for several years, but at \$75/hr I determined it was a break-even, so I limited my hours; when it was lowered to \$55/hr, I simply had to stop, as I was losing money).” – North Carolina Private Assigned Counsel  
*from* FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study

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## Appendix F: Recoupment Analysis by County

<b>County</b>	<b><u>Attorney Fees</u></b>	<b><u>Appointment Fee</u></b>	<b><u>Total Recoupment</u></b>	<b><u>Non Capital Spending</u></b>	<b><u>% Recoup FY18</u></b>	<b><u>% Recoup FY17</u></b>
Alamance	\$ 204,255.44	\$ 36,666.58	\$ 240,922.02	\$1,010,760	24%	26%
Alexander	\$ 65,622.46	\$ 12,440.81	\$ 78,063.27	\$333,801	23%	17%
Alleghany	\$ 9,868.31	\$ 3,501.48	\$ 13,369.79	\$69,172	19%	20%
Anson	\$ 50,632.39	\$ 6,829.76	\$ 57,462.15	\$237,973	24%	20%
Ashe	\$ 53,578.66	\$ 8,380.23	\$ 61,958.89	\$150,738	41%	20%
Avery	\$ 29,323.27	\$ 5,055.79	\$ 34,379.06	\$167,069	21%	23%
Beaufort	\$ 60,611.36	\$ 11,731.18	\$ 72,342.54	\$853,791	8%	12%
Bertie	\$ 19,041.26	\$ 2,269.61	\$ 21,310.87	\$159,597	13%	15%
Bladen	\$ 41,679.86	\$ 5,329.28	\$ 47,009.14	\$501,620	9%	14%
Brunswick	\$ 106,737.82	\$ 18,542.49	\$ 125,280.31	\$1,251,788	10%	10%
Buncombe	\$ 113,666.43	\$ 39,617.31	\$ 153,283.74	\$3,545,749	4%	5%
Burke	\$ 93,139.24	\$ 9,961.19	\$ 103,100.43	\$915,472	11%	16%
Cabarrus	\$ 249,542.51	\$ 41,955.19	\$ 291,497.70	\$1,136,859	26%	28%
Caldwell	\$ 110,470.41	\$ 15,523.24	\$ 125,993.65	\$753,852	17%	19%
Camden	\$ 7,791.43	\$ 1,238.72	\$ 9,030.15	\$56,545	16%	9%
Carteret	\$ 52,438.81	\$ 9,246.64	\$ 61,685.45	\$922,100	7%	9%
Caswell	\$ 22,205.76	\$ 2,587.01	\$ 24,792.77	\$167,600	15%	28%
Catawba	\$ 166,974.58	\$ 14,654.64	\$ 181,629.22	\$1,426,659	13%	16%
Chatham	\$ 20,703.33	\$ 6,864.79	\$ 27,568.12	\$595,873	5%	4%
Cherokee	\$ 28,527.91	\$ 5,961.29	\$ 34,489.20	\$381,604	9%	11%
Chowan	\$ 9,814.39	\$ 1,394.73	\$ 11,209.12	\$188,501	6%	10%
Clay	\$ 12,619.61	\$ 1,579.24	\$ 14,198.85	\$160,006	9%	9%
Cleveland	\$ 163,932.76	\$ 40,300.14	\$ 204,232.90	\$967,404	21%	14%
Columbus	\$ 64,874.91	\$ 9,291.47	\$ 74,166.38	\$804,507	9%	9%
Craven	\$ 107,680.10	\$ 14,692.55	\$ 122,372.65	\$884,042	14%	20%
Cumberland	\$ 102,867.02	\$ 28,200.50	\$ 131,067.52	\$4,365,750	3%	3%
Currituck	\$ 20,419.25	\$ 3,822.47	\$ 24,241.72	\$278,335	9%	9%
Dare	\$ 56,390.64	\$ 9,136.69	\$ 65,527.33	\$544,172	12%	11%
Davidson	\$ 223,109.50	\$ 30,399.13	\$ 253,508.63	\$1,139,762	22%	22%
Davie	\$ 44,068.96	\$ 9,261.80	\$ 53,330.76	\$366,518	15%	18%
Duplin	\$ 79,253.20	\$ 12,800.92	\$ 92,054.12	\$507,242	18%	23%
Durham	\$ 111,321.54	\$ 30,348.56	\$ 141,670.10	\$4,314,106	3%	3%
Edgecombe	\$ 77,388.25	\$ 11,343.38	\$ 88,731.63	\$448,925	20%	19%
Forsyth	\$ 271,307.07	\$ 67,884.46	\$ 339,191.53	\$4,250,190	8%	9%
Franklin	\$ 53,628.85	\$ 11,777.72	\$ 65,406.57	\$376,886	17%	19%
Gaston	\$ 57,342.37	\$ 53,503.60	\$ 110,845.97	\$2,894,395	4%	3%
Gates	\$ 5,078.36	\$ 1,017.21	\$ 6,095.57	\$98,152	6%	11%
Graham	\$ 9,884.49	\$ 1,846.12	\$ 11,730.61	\$109,592	11%	10%
Granville	\$ 49,517.33	\$ 8,820.57	\$ 58,337.90	\$358,377	16%	17%
Greene	\$ 19,781.72	\$ 2,019.60	\$ 21,801.32	\$193,807	11%	17%
Guilford	\$ 232,115.24	\$ 72,725.08	\$ 304,840.32	\$5,777,109	5%	6%
Halifax	\$ 102,068.56	\$ 13,360.43	\$ 115,428.99	\$822,241	14%	12%
Harnett	\$ 72,683.21	\$ 15,986.60	\$ 88,669.81	\$777,547	11%	9%
Haywood	\$ 98,069.80	\$ 15,047.29	\$ 113,117.09	\$754,583	15%	14%
Henderson	\$ 75,473.66	\$ 18,397.91	\$ 93,871.57	\$1,288,434	7%	8%
Hertford	\$ 24,337.81	\$ 3,015.16	\$ 27,352.97	\$202,196	14%	15%
Hoke	\$ 22,624.06	\$ 2,638.09	\$ 25,262.15	\$765,007	3%	4%
Hyde	\$ 4,850.08	\$ 745.98	\$ 5,596.06	\$48,558	12%	15%
Iredell	\$ 201,879.21	\$ 37,758.73	\$ 239,637.94	\$1,291,181	19%	19%
Jackson	\$ 53,981.20	\$ 8,050.08	\$ 62,031.28	\$338,558	18%	17%
Johnston	\$ 110,555.30	\$ 31,260.18	\$ 141,815.48	\$1,274,118	11%	11%
Jones	\$ 17,377.35	\$ 2,831.55	\$ 20,208.90	\$103,110	20%	26%
Lee	\$ 73,979.88	\$ 15,458.29	\$ 89,438.17	\$481,487	19%	20%
Lenoir	\$ 101,931.72	\$ 14,431.36	\$ 116,363.08	\$589,604	20%	20%
Lincoln	\$ 104,632.38	\$ 22,008.22	\$ 126,640.60	\$694,275	18%	25%
Macon	\$ 39,911.14	\$ 6,706.51	\$ 46,617.65	\$387,303	12%	18%

<b>County</b>	<b><u>Attorney Fees</u></b>	<b><u>Appointment Fee</u></b>	<b><u>Total Recoupment</u></b>	<b><u>Non Capital Spending</u></b>	<b><u>% Recoup FY18</u></b>	<b><u>% Recoup FY17</u></b>
Madison	\$ 31,288.15	\$ 7,700.54	\$ 38,988.69	\$289,659	13%	25%
Martin	\$ 29,011.54	\$ 4,291.04	\$ 33,302.58	\$270,267	12%	12%
McDowell	\$ 85,472.69	\$ 15,115.38	\$ 100,588.07	\$813,360	12%	13%
Mecklenburg	\$ 279,590.36	\$ 33,835.72	\$ 313,426.08	\$12,769,772	2%	3%
Mitchell	\$ 22,014.98	\$ 4,236.81	\$ 26,251.79	\$139,800	19%	17%
Montgomery	\$ 21,390.77	\$ 5,878.59	\$ 27,269.36	\$162,557	17%	15%
Moore	\$ 106,147.75	\$ 16,793.55	\$ 122,941.30	\$832,199	15%	17%
Nash	\$ 124,360.53	\$ 20,259.45	\$ 144,619.98	\$604,367	24%	20%
New Hanover	\$ 191,503.09	\$ 36,035.67	\$ 227,538.76	\$3,324,319	7%	8%
Northampton	\$ 18,806.67	\$ 2,180.90	\$ 20,987.57	\$139,469	15%	11%
Onslow	\$ 172,687.71	\$ 30,736.70	\$ 203,424.41	\$1,415,169	14%	22%
Orange	\$ 28,510.49	\$ 10,278.31	\$ 38,788.80	\$1,416,473	3%	5%
Pamlico	\$ 14,187.78	\$ 1,608.53	\$ 15,796.31	\$132,672	12%	16%
Pasquotank	\$ 35,143.00	\$ 9,450.12	\$ 44,593.12	\$650,046	7%	13%
Pender	\$ 53,402.90	\$ 9,527.98	\$ 62,930.88	\$399,426	16%	20%
Perquimans	\$ 14,144.57	\$ 3,195.72	\$ 17,340.29	\$101,730	17%	10%
Person	\$ 49,162.36	\$ 7,992.95	\$ 57,155.31	\$436,273	13%	15%
Pitt	\$ 123,766.62	\$ 23,301.23	\$ 147,067.85	\$2,829,746	5%	6%
Polk	\$ 16,169.09	\$ 3,522.71	\$ 19,691.80	\$274,241	7%	7%
Randolph	\$ 154,929.52	\$ 27,582.42	\$ 182,511.94	\$1,212,977	15%	17%
Richmond	\$ 86,066.57	\$ 13,698.34	\$ 99,764.91	\$801,013	12%	12%
Robeson	\$ 68,872.81	\$ 8,108.04	\$ 76,980.85	\$3,152,957	2%	3%
Rockingham	\$ 147,930.10	\$ 19,124.38	\$ 167,054.48	\$838,947	20%	15%
Rowan	\$ 251,439.08	\$ 43,621.92	\$ 295,061.00	\$1,406,689	21%	25%
Rutherford	\$ 118,500.54	\$ 25,945.79	\$ 144,446.33	\$858,764	17%	21%
Sampson	\$ 68,915.16	\$ 12,899.33	\$ 81,814.49	\$523,158	16%	23%
Scotland	\$ 17,531.25	\$ 2,128.72	\$ 19,659.97	\$936,960	2%	3%
Stanly	\$ 64,108.65	\$ 9,379.92	\$ 73,488.57	\$419,779	18%	19%
Stokes	\$ 56,364.66	\$ 9,560.50	\$ 65,925.16	\$386,229	17%	24%
Surry	\$ 127,327.44	\$ 15,384.98	\$ 142,712.42	\$627,311	23%	20%
Swain	\$ 15,974.45	\$ 2,494.38	\$ 18,468.83	\$264,555	7%	9%
Transylvania	\$ 25,845.05	\$ 5,980.83	\$ 31,825.88	\$485,197	7%	6%
Tyrrell	\$ 5,881.08	\$ 1,579.87	\$ 7,460.95	\$92,334	8%	14%
Union	\$ 208,201.73	\$ 36,943.90	\$ 245,145.63	\$1,540,649	16%	19%
Vance	\$ 63,232.12	\$ 9,217.45	\$ 72,449.57	\$458,995	16%	38%
Wake	\$ 291,764.09	\$ 144,545.29	\$ 436,309.38	\$7,760,608	6%	6%
Warren	\$ 13,475.21	\$ 2,888.32	\$ 16,363.53	\$107,744	15%	31%
Washington	\$ 12,993.07	\$ 2,094.33	\$ 15,087.40	\$141,965	11%	17%
Watauga	\$ 59,072.38	\$ 10,246.52	\$ 69,318.90	\$353,617	20%	24%
Wayne	\$ 113,402.93	\$ 20,274.58	\$ 133,677.51	\$940,769	14%	13%
Wilkes	\$ 110,244.50	\$ 27,177.92	\$ 137,422.42	\$480,746	29%	25%
Wilson	\$ 97,901.01	\$ 10,177.93	\$ 108,078.94	\$654,173	17%	16%
Yadkin	\$ 87,449.13	\$ 11,102.29	\$ 98,551.42	\$300,689	33%	38%
Yancey	\$ 30,617.98	\$ 5,494.59	\$ 36,112.57	\$129,691	28%	26%
	\$ 8,098,363.72	\$ 1,611,813.99	\$ 9,710,177.71	\$ 105,362,662.45	9%	10%

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*Safeguarding individual liberty and the Constitution by equipping the North Carolina public defense community with the resources it needs to achieve fair and just outcomes for clients*

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Additional information about the Indigent Defense Services Commission and Indigent Defense Services, including prior annual reports to the General Assembly and fact sheets about the needs IDS fills is available at [www.IDS.org](http://www.IDS.org).

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