

COMMISSION ON INDIGENT DEFENSE SERVICES REQUESTS FOR PROPOSALS AND CONTRACTS FOR LEGAL SERVICES

SUBMITTED TO THE NORTH CAROLINA GENERAL ASSEMBLY
PURSUANT TO SESSION LAW 2014-100, § 18B.1(k)
ON
10 | 01 | 22

Section 15.16(c) of Session Law 2011-145, as amended by § 39 of Session Law 2011-391, directed the Office of Indigent Defense Services (“IDS Office”) to issue a request for proposals (“RFP”) for the provision of all legal services for indigent persons in all judicial districts and, in cases where a proposed contract would provide cost-effective and quality representation, use private assigned counsel (“PAC”) funds to enter into contracts. Section 18A.4 of Session Law 2013-360, and § 18B.1(k) of Session Law 2014-100, revised the special provision by including a dispute procedure. § 18B.1(k) of Session Law 2014-100 further revised the special provision by directing IDS to report on the issuance of the RFPs to the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1 of each year.

Section 15.16(c) as amended by Section 18B.1(k) of Session Law 2014-100 directs IDS to report on the issuance of Requests for Proposals issued pursuant to the special provision to the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

I. RFP PROGRAM – 2012-2022	
Number of RFPs Issued	6
Date of Last Competitive RFP	2019
Date of Next Competitive RFP	None
Number of Unique Contracting Attorneys	108
FY21-22 Dispositions	
High Level Felony	914
Low Level Felony	9,056
Misdemeanors	14,092

II. Contract Services Overhaul

In 2021, the IDS Commission and Office undertook an evaluation of the unit-based RFP system. While a planned, well-run, and properly resourced and supported contract system can lead to quality improvements while containing costs, IDS found that these benefits were not evenly realized across all contract categories or in all districts. Further, the continuous monitoring required to ensure that system was functioning correctly created significant administrative burdens for IDS and for contract attorneys.

Accordingly, IDS Staff began looking for a contract system that would ensure that contracts for every case category in every district are cost-efficient and promote quality representation. After extensive research staff determined that a Managed Assigned Counsel (MAC) system would provide a simplified and more cost-effective way of contracting with private counsel. The MAC system will be an hourly based system with monthly payments. Thus, it will continue to afford both contract attorneys and IDS the benefit of a monthly payment, continued access to resources, and enhanced qualitative and quantitative data.

Critical to its anticipated success, the MAC system will continue to utilize regional defenders, who provide IDS the ability to monitor quality and provide support to private assigned counsel. Regardless of the design contract system design, the IDS Commission and Office are committed to these field positions and support the creation of two additional Regional Defender positions.

IDS anticipates launching the MAC system for all new contracts for legal services on December 1, 2022.