

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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SENATE BILL 790*

Short Title: Uniform Fee Schedule for IDS Pilot Program.

(Public)

Sponsors: Senator Randleman (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 2, 2016

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES AND CERTAIN JUDICIAL DISTRICTS, TO DEVELOP AND IMPLEMENT A PILOT PROJECT TO ESTABLISH A UNIFORM FEE SCHEDULE FOR THE PAYMENT OF ATTORNEYS' FEES FOR REPRESENTATION OF INDIGENT PERSONS THAT PROVIDES THE FUNDS NECESSARY TO COVER THE COST OF LEGAL REPRESENTATION FOR INDIGENT PERSONS IN THE JUDICIAL DISTRICTS PARTICIPATING IN THE PILOT PROJECT AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

SECTION 1. Pilot Project. – The Administrative Office of the Courts, in conjunction with the Office of Indigent Defense Services and the chief district court judges and judicial district bars of certain selected judicial districts, shall establish and implement a pilot project to establish a uniform fee schedule for the payment of attorneys' fees for legal representation of indigent persons in district court. The purpose of the project is to create a uniform fee schedule that (i) provides the funding necessary to cover the cost of legal representation of indigent persons and (ii) may be used as a standard to compare and evaluate attorneys' fees paid for the representation of persons in district court in any of the legal actions or proceedings listed in G.S. 7A-451(a).

SECTION 2. Sites. – The Administrative Office of the Courts shall, after consultation with the Office of Indigent Defense Services, select one or more counties in at least six judicial districts in which to implement the pilot project. Two of those counties shall have small caseloads in district court; two shall have medium caseloads in district court; and two shall have large caseloads in district court. Any judicial district selected by the Administrative Office of the Courts must participate in the pilot project. The following districts shall not be selected as sites for the implementation of the pilot project: District 10, District 18, and District 26.

SECTION 3. Criteria. – The Administrative Office of the Courts shall consult with and collaborate with the Office of Indigent Defense Services and with the chief district court judges and district bar of each of the judicial districts selected to participate in the pilot project when developing the fee schedule and the plan for its implementation. All of the following criteria should be considered and addressed when developing the fee schedule:

- (1) The amount required to cover the full cost of providing adequate legal services and representation to indigent persons.
- (2) The procedure for and time frame within which attorneys' fees shall be awarded.



1 (3) A methodology, to be implemented as part of the pilot project, that provides for
2 review of the uniform fee schedule at least every biennium and that
3 incorporates appropriate increases in the uniform fee schedule based on the
4 information from the review.

5 (4) Any other criteria deemed relevant by the Administrative Office of the Courts.

6 **SECTION 4.** Time Frame. – The Administrative Office of the Courts shall select one
7 or more counties in at least six judicial districts to participate in the pilot project by February 1,
8 2017. The Administrative Office of the Courts shall complete the development of the fee schedule
9 for the pilot project by March 1, 2017. The Administrative Office of the Courts, the Office of
10 Indigent Defense Services, and the selected judicial districts shall begin implementation of the
11 pilot project within the district court of each judicial district by April 1, 2017.

12 **SECTION 5.** Report. – The Administrative Office of the Courts shall report by May
13 1, 2017, to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on
14 the status of the six judicial districts selected and the fee schedule developed. The Administrative
15 Office of the Courts shall report on the results of the pilot project to the chairs of the Joint
16 Legislative Oversight Committee on Justice and Public Safety by March 15, 2018. The
17 Administrative Office of the Courts shall continue to monitor the pilot project after making its
18 initial report and shall report by March 15 every two years thereafter on its findings and any
19 recommendations regarding the pilot projects to the chairs of the Joint Legislative Oversight
20 Committee on Justice and Public Safety.

21 **SECTION 6.** Effective Date. – This act is effective when it becomes law.