

NC Office of Indigent Defense Services

Strategic Plan

2025 – 2029

DRAFT

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Office of Indigent Defense Services
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A. Introduction

The North Carolina Office of Indigent Defense Services (IDS) has a statutory mandate to enhance oversight of the delivery of counsel and related services provided at State expense; to improve the quality of representation and ensure the independence of counsel; to establish uniform policies and procedures for the delivery of services; to generate reliable statistical information in order to evaluate the services provided and funds expended; and to deliver services in the most efficient and cost-effective manner without sacrificing quality representation.

IDS is responsible for the provision of counsel at the trial and appellate level in:

- adult criminal cases and juvenile delinquency proceedings;
- involuntary commitment cases;
- abuse, neglect, and termination of parental rights proceedings; and
- other cases where counsel is a statutory or constitutional right.

IDS Central Office staff is responsible for planning, budget oversight, development of policy, data analysis, and financial services (recoupment receipts and attorney payments).

There are five statewide defender offices: Capital Defender, Juvenile Defender, Parent Defender, Special Counsel (involuntary commitment), and Appellate Defender. The statewide defenders are appointed to four-year terms by the IDS Commission. The state defenders work closely with Central Office staff and the Commission.

IDS's ability to fulfill the second prong of its statutory mandate – improve the quality of representation and ensure the independence of counsel – is presently limited. Trial level representation in the state's 100 counties is provided through three different delivery models. State-funded public defender offices exist in 60 counties; while IDS has budgetary oversight, the chief public defender is selected by the senior resident superior court judge and IDS has no supervisory control over that individual. In 18 counties, five of which also have public defender offices, IDS contracts with private attorneys to provide representation; those attorneys receive some oversight from IDS's two regional defenders and are paid directly by IDS pursuant to the terms of their contracts. In the remaining 27 counties, judges appoint counsel from a roster that is to be composed in accordance with the Uniform Appointment Plan promulgated by IDS pursuant to statute. The Plan sets out required qualifications for counsel for different types of cases. Roster management and oversight is left to the local bar. Fee applications are submitted to the judge who oversaw the matter to be approved and sent to IDS for payment.

A statewide shortage of quality attorneys willing to agree to take cases at the state rates limits the ability of IDS to improve the quality of representation and ensure the independence of counsel.

B. Mission, Vision, & Values

1. Mission

To uphold the constitutional promise of counsel for every indigent person by supporting a system of independent public defense grounded in quality, consistency, and accountability. We provide the resources, training, and policy framework public defense attorneys need to deliver effective, client-centered representation across North Carolina.

2. Vision

Ensure all North Carolinians, regardless of the ability to pay, has robust legal representation and their cases are fairly adjudicated.

3. Values

Value # 1: Independence of Defense Counsel

Everyone deserves independent counsel with no allegiance to the government or the courts, regardless of their ability to pay. The United States Supreme Court has recognized that a lawyer's independence is essential to a fair trial. The American Bar Association also lists independence as the first of its Ten Principles of a Public Defense Delivery System, calling it a core requirement for meaningful representation.

To protect this right, public defense attorneys must be free to act in the interest of their clients, without pressure from political leaders, judges, or funding concerns. IDS supports a system where appointed lawyers have the same independence as private attorneys.

This independence is what allows attorneys to advocate zealously and effectively. When public defense lawyers are empowered to focus solely on their clients' needs, it strengthens both the quality of representation and the fairness of outcomes. Just as importantly, the public must see that this independence is real. The appearance of fairness and impartiality is essential to building and maintaining trust in the justice system.

Value # 2: Excellent service to our stakeholders

IDS staff will receive feedback and respond to the concerns of its wide array of stakeholders including the clients who rely on attorneys funded by IDS, the attorneys who rely on IDS for the resources necessary to provide effective representation, and the judges and other court system actors who are involved in the process of appointment of qualified counsel for indigent persons.

The responses provided by IDS will address stakeholder concerns through the implementation of solutions that will increase agency accountability and automation to further the agency vision of growing and supporting a strong, statewide community of zealous, client centered public defense attorneys.

Value # 3: Responsible stewardship of the tax dollars entrusted to the agency for the provision of counsel to poor people

IDS best serves both indigent clients and our state’s taxpayers by thoughtfully allocating and carefully accounting for the funds provided to it. Responsible stewardship includes working to ensure that public funds are not used to provide anything less than zealous and effective representation.

4. Goals, Objectives, & Performance Measures

Goal 1

Continue to implement a comprehensive long-term plan for provision of quality client service in 100 counties.

| | Performance Measures |
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| Objective: 1.1 Improve the effectiveness and efficiency of public defense by implementing statewide expansion of public defender districts. | <ul style="list-style-type: none"> • Performance Measure 1.1.1 – Percentage of Judicial Districts with a public defender office. • Performance Measure 1.1.2 – Percentage of indigent cases to which a public defender is appointed as opposed to private assigned counsel (PAC) or managed assigned counsel (MAC) is appointed. • Performance Measure 1.1.3 – Effective case outcomes achieved by PD compared to similar outcomes achieved by PAC/MAC. |
| Objective: 1.2 Determine the effectiveness and efficiency of the Managed Assigned Counsel (MAC) system. | <ul style="list-style-type: none"> • Performance Measure 1.2.1 – Cost per case for MAC attorneys compared to the cost per case of PAC attorneys. • Performance Measure 1.2.2 – Percentage of MAC attorneys remaining in the program after one year. |

Goal 2

Improve compensation and case-related support to all appointed counsel to help build private assigned counsel rosters and to help improve client outcomes.

| | Performance Measures |
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| Objective: 2.1 Implement the OASIS system statewide to streamline payments and increase PAC population. | <ul style="list-style-type: none"> • Performance Measure 2.1.1 – Percentage of IDS Fiscal staff time to process 100 fee apps in OASIS compared to processing 100 fee apps counties using Enterprise Justice (excluding MAC). • Performance Measure 2.1.2 – Percentage of PAC retained from prior year. |
| Objective: 2.2 Implement increased or differential rates to grow the PAC population in underserved rural areas. | <ul style="list-style-type: none"> • Performance Measure 2.2.1 – Number of new PAC attorneys added in the previous 12 months. |
| Objective: 2.3 Provide PD level access to AXON digital discovery platform to pilot MAC population to increase effectiveness and efficiency. (This would require legislative approval.) | <ul style="list-style-type: none"> • Performance Measure 2.3.1 – Number of PAC attorneys with AXON licenses provided by IDS. • Performance Measure 2.3.2 – Hours spent on digital discovery for pilot population compared to those without AXON licenses for similar case types. |

Goal 3

Improve agency administrative support for and communications to public defense attorneys to help improve client outcomes and to increase efficiency of agency operations.

| | Performance Measures |
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| Objective: 3.1 Increase PD office operational effectiveness and efficiency. | <ul style="list-style-type: none"> • Performance Measure 3.1.1 – Assistant Public Defenders retained from prior year. • Performance Measure 3.1.2 – Percentage of new APDs assigned a mentor during onboarding. • Performance Measure 3.1.3 – Number of training |

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| | <p>opportunities offered to APDs annually.</p> <ul style="list-style-type: none"> • Performance Measure 3.1.4 – Number of PD staff participating in agency training and community building opportunities during the previous 12 months. |
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| | Performance Measures |
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| <p>Objective: 3.2 Increase the effectiveness of counsel through informed decision making by PD staff.</p> | <ul style="list-style-type: none"> • Performance Measure 3.2.1 – Number of opportunities and resources to support informed decision making about client conflicts. • Performance Measure 3.2.2 – Percentage of cases being referred to PAC due to conflicts in the PD office. • Performance Measure 3.3.1 – Number of staff hours reviewing digital discovery as a percentage of hours out of court. • Performance Measure 3.4.1 – Number of unique clicks per quarterly IDS newsletter. |
| <p>Objective: 3.3 Increase the efficiency of counsel and strategic use of staff time through the utilization of available technology tools by PD staff.</p> | |
| <p>Objective: 3.4 Maximize the subscriber engagement with IDS publications issued to the defense community.</p> | |

C. Priority Questions

1. What can IDS do to ensure adequate access to counsel in all of North Carolina's 100 counties?
2. How does digital discovery affect casework and PAC costs?
3. Are there identifiable and changing trends in demand for services that can inform PAC projections?
4. Will MAC be the preferred method of service delivery in court appointed cases in the future?