

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 1010\*

Short Title: Uniform Fee Schedule for IDS Pilot Program. (Public)

Sponsors: Representatives Hurley and Boles (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary III

May 2, 2016

A BILL TO BE ENTITLED

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

10 The General Assembly of North Carolina enacts:

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

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

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

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