

1 **New Uniform Appointment Plan for Private Assigned Counsel**

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2 **Why a new and updated appointment plan?**

1 Recommendation From NCCALJ:

To ensure that counsel has the necessary ability and skills to handle indigent cases, IDS should develop uniform training requirements for all defense counsel, setting out training prerequisites for particular cases [type of training, hours, how recent], continuing education requirements, and acceptable training providers.

3 **Why a new and updated appointment plan?**

1 Recommendation from NCCALJ

The Committee recommends that, in addition to establishing and enforcing through local supervisors uniform training requirements as discussed immediately above, IDS develop and enforce in the same manner standards specifying required litigation experience [types of cases; how many; how recent, etc.] for each case type. The Committee further recommends that these standards be regularly reviewed and modified, as needed, based on developments in the law, science, technology and other disciplines relevant to criminal defense practice.

2 Legislative Directive:

7A-498.3 (b1) The Office of Indigent Defense Services shall develop a model appointment plan with minimum qualification standards for appointed private counsel by July 1, 2019, for adoption and promulgation by each judicial district. Judicial districts may request modifications to the model plan and qualification standards. If a judicial district has not adopted an appointment plan with the Indigent Defense Services' minimum qualification standards by January 2, 2021, the model plan and qualification standards developed by Indigent Defense Services will become effective on that date in that judicial district.

4 **Why a new and updated appointment plan?**

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2 Legislative Directive:

7A-498.3 (b1)...Indigent Defense Services shall review the model plan and qualification standards every five years and, in the event it modifies the model plan and/or qualification standards, shall notify the judicial districts of the change. Judicial districts will have 18 months from the date Indigent Defense Services gives notice of a change to seek modifications to the revised model plan or to the qualification standards.

5 **How was a new and updated appointment plan developed?**

1 IDS Survey

IDS conducted an on-line survey that allowed lawyers to comment on each of the current 7

appointment lists – from higher level felonies to district court cases – and other aspects of the plan. 300 lawyers responded to the survey.

2 Review of Plan & Survey

IDS met with experienced lawyers, both public defenders and PAC, and reviewed the survey responses and the current plan.

Proposed updated plan was then reviewed by the IDS Commission and adopted.

6 **Important points about updated appointment plan:**

Lawyers currently on a list are grandfathered in and may remain on list

Most lists are not significantly changed

Some lists – such as List 3 for higher level felonies – have new on-going CLE requirements.

List 4 split into two lists, one for cases in which the child is charged with a serious felony, and list 5 split into three lists, one for each type of special proceeding

List 1 remains open to new lawyers, but those with less than one year of experience will need a mentor

List 2 requires two years of experience

Lawyers without jury trial experience will gain experience through a second-chair program

7 **Important points about updated appointment plan:**

IDS will work with local committees to develop mentor and second-chair programs

IDS is developing a Public Defense Portal as part of the updated plan

- All lawyers, PAC and full-time defenders, will register and provide basic demographic and practice information
- IDS can communicate directly with the relevant lawyers
- Lawyers can complete their application for the lists and have it sent to them for submission to local indigent appointment committees
- IDS will collect relevant CLE information to assist local indigent appointment committees track on-going CLE compliance
- IDS can track availability of lawyers to provide representation and use data to educate legislature about needs in local jurisdiction or take other action

8 **Important points about updated appointment plan:**

By July 1, 2019:

- IDS will post new, updated plan and a red-line version of old plan to show changes
- IDS will post a memo on the new plan and FAQ's to address expected questions
- IDS will create an on-line system for local committees to either certify that they will follow updated plan or to seek permission for identified changes

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