



REPORT

Trial Judges' Perceptions of North Carolina's Office of Indigent Defense Services: A Report on Survey Results

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David Brown, MPP
Monica Yelverton, MPA

Findings at a Glance

The UNC School of Government created an online survey and distributed it to Superior Court and District Court judges on behalf of the North Carolina Office of Indigent Defense Services, a state agency that provides legal services to criminal defendants, certain civil respondents, and juveniles in delinquency proceedings who cannot afford to hire a lawyer. Based on the responses of 135 judges, we found that judges had a generally positive view of the agency's performance with respect to its overall administration of indigent defense, the timeliness and responsiveness of its office staff, and its provision of constitutionally effective representation, among other topics. Judges' narrative responses included praise for the agency but also raised concerns about the appointment process for private assigned counsel, who supplement public defenders in some districts and are the primary providers of indigent defense in others; administration, management, and supervision of both public defenders and private assigned counsel; and indigent defenders' performance due to inexperience, unavailability, and excessive workload. Recognizing that hourly rates paid to private assigned counsel were reduced in 2011, 80 of 119 judges responding to a question about those rates associated their reduction with impacts on the quality of indigent representation; 59 of 66 who answered a follow-up question indicated that the quality of representation had suffered, primarily due to fewer experienced attorneys being willing to take indigent cases. There is also some indication that judges who have experience with contract counsel are less satisfied and are more satisfied in District Court districts that house Public Defender offices.



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Executive Summary

The Office of Indigent Defense Services (IDS) is a state agency within the Administrative Office of the Courts that provides legal services to criminal defendants, certain civil respondents, and juveniles in delinquency proceedings in North Carolina's court system who cannot afford to hire a lawyer. In April 2015, IDS approached the UNC School of Government with a request to create an online survey and distribute it to trial judges who preside in North Carolina's Superior and District courts. The survey's focus would be the judges' perceptions of IDS across a variety of topics and metrics; to ensure candor, judges' responses would be anonymous. After creating the survey, we distributed it to the state's 112 Superior Court judges and 270 District Court judges on September 30, 2015. By November 2, when we closed the survey period, we had received completed responses from 135 judges—54 from Superior Court and 81 from District Court.

The survey's opening questions established judges' geographic location and their experience with (1) public defenders; (2) private assigned counsel, who supplement public defenders in some districts and are the primary deliverers of indigent defense in many others, and who are paid on an hourly basis by type of case or pursuant to an approved flat fee schedule in some case types; and (3) private counsel who have individual contracts that pay a flat rate per month. We tailored our questions to the type of judge and distinguished between cases where the death penalty was a possible outcome (potentially capital) and those where it was not (non-capital). Survey respondents demonstrated sufficient experience with IDS and the various aspects of indigent defense to be credible when assessing IDS, sharing concerns, and proposing improvements.

Most of the remaining questions required judges to assess IDS performance—in some cases as an individual agency and in others as part of the complex and interrelated system in which IDS operates, with budgetary and performance oversight from both the judicial and legislative branches of state government. We asked judges a series of questions that employed 5-point rating scales, with the survey software assigning a value of "1" to the most positive response and "5" to the most negative. These questions measured judges' satisfaction with IDS's overall administration of indigent representation in potentially capital and non-capital cases, timeliness and responsiveness of IDS office staff, and the provision of constitutionally effective representation, among other topics. Response averages for both types of judges nearly always fell between 2 and 3 (and closer to the former), corresponding to a rating approaching "Satisfied" in some questions and "Good" in others; the few exceptions were in fact more positive, with an average that corresponded to "Good" or better. Further, the number of positive assessments—"Satisfied" or "Very Satisfied" in some questions, "Good" or "Very Good" in others—tended to greatly outnumber the negative ones.

We also gave judges the opportunity to share concerns about how IDS administers indigent representation and to offer suggestions for improvement. With respect to potentially capital cases, the most prominent concerns were about the appointment process for private assigned counsel, which IDS administers through the Office of the Capital Defender. In non-capital cases, concerns about administration, management, and supervision of both public defenders and private assigned counsel were more prevalent, along with related concerns about their performance. Comments ranged from the complaint that appointments did not happen quickly enough in potentially capital cases, such that the judge had to appoint provisional counsel, to disquiet over appointed attorneys coming from outside the county or district. Judges also raised concerns about the performance of indigent defenders in non-capital cases due to inexperience, unavailability, and excessive workload. About a fifth of the responses to the open-ended questions about non-capital representation linked performance problems to compensation rates, which in 2011 were reduced for private assigned counsel. Further, 80 of 119 judges responding to a question about those rates associated the rate reduction with impacts on the quality of representation; 59 of 66 who answered a follow-up question indicated that the quality of representation had suffered, primarily due to fewer experienced attorneys being willing to take indigent cases. There is also some indication that judges who have experience with contract counsel are less satisfied and are more satisfied in District Court districts that house Public Defender offices.

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Introduction and Methodology

The Office of Indigent Defense Services (IDS) is a state agency that provides legal services to criminal defendants, certain civil respondents, and juveniles in delinquency proceedings in North Carolina's court system who cannot afford to hire a lawyer.¹ Established by the North Carolina General Assembly, governed by a 13-member commission, and located within the Administrative Office of the Courts, IDS is responsible for the following: (1) overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law; (2) developing training, qualification, and performance standards to govern the provision of legal services to indigent persons; (3) determining the most appropriate methods of delivering legal services to indigent persons in each judicial district; and (4) providing services in the most cost-effective manner possible, among other duties.²

In April 2015, the Executive Director of IDS approached the UNC School of Government (School) with a request to create an online survey and distribute it to trial judges who preside in North Carolina's Superior and District courts. The survey's focus would be the judges' perceptions of IDS across a variety of topics and metrics. IDS sought the independence of an external partner who would be trusted by potential respondents and able to ensure the anonymity of their survey answers, in the hope this would produce fully candid responses; our familiarity with IDS as longtime providers of indigent defense training and advising was also seen as important. IDS asked us to design and distribute the survey in such a way that it would give judges the opportunity to express their honest assessment of the agency's performance, whether positive or negative. Once School staff distributed the survey and received judges' responses, we would forward the de-identified results to IDS for the agency to review and analyze.

In light of ongoing discussions about IDS structure and operations occurring as part of the General Assembly's appropriations process, which began in May 2015, we decided in conjunction with IDS to wait until after the legislature completed its 2015 session before distributing the survey. The General Assembly adjourned its session on September 30, and we distributed the survey to judges on the same day. The hyperlink for the online survey was sent to the official group email accounts for the approximately 112 Superior Court judges and 270 District Court judges serving North Carolina in 2015. Both the transmittal email and the survey itself emphasized that respondents would have the option of remaining anonymous. We subsequently sent the judges two email reminders—one approximately every two weeks—and ultimately closed the survey period on November 2, 2015, which marked 33 days since we first distributed the survey.

The online survey included both closed-ended and open-ended questions.³ The first question in the survey asked respondents what type of judgeship they held. It was the only mandatory question in the survey—that is, it was the only question that required a response before the judge could advance to the next question. Based on the response to this question, some of the subsequent questions were tailored to the particular roles of each type of judge. That way, Superior Court judges would be asked questions relevant to them and the same would be true for District Court

1. Juveniles in delinquency proceedings are presumed indigent.

2. See Indigent Defense Services Act of 2000 (Session Law 2000-144; G.S. 7A-498 et. seq.) and http://www.ncids.org/IDS%20Office/What_Is_IDS.htm.

3. Closed-ended questions give respondents specific answers to choose from, such as with multiple-choice questions or satisfaction scales. Open-ended questions solicit narrative or "free text" responses.

judges. The survey's design also made it possible to look separately at the responses of each type of judge for those questions that were asked in the same way for both groups, as most questions were.

We received completed surveys from 135 judges—54 from Superior Court and 81 from District Court. After redacting certain details from several narrative comments that could reveal an individual respondent's identity, we forwarded the survey results to IDS on November 23, 2015. Subsequently, IDS asked the School to independently analyze the results and issue a formal report, which we agreed to complete in the early part of 2016. This publication fulfills that request and presents key results and findings from the survey.

Survey Results and Discussion

Below is a presentation of survey results grouped by themes with related summary tables, charts, maps, and discussion. Questions that we asked differently of each group of judges are marked as such.



[Superior and District Court judges]

Please identify the type of judgeship you hold.

Answer	Number of responses	Percentage of total responses
Superior Court	54	40%
District Court	81	60%
Total	135	100%

As noted in “Introduction and Methodology” above, respondents were required to answer this initial question before they could advance to additional questions on subsequent survey webpages. Because this was the only survey question that mandated a response, the number of responses shown—54, 81, and 135 for Superior Court, District Court, and all judges, respectively—represent the maximum possible responses to questions in the remainder of the survey. Responses to each of the subsequent questions exhibit a wide variety of individual response rates, but for most of the remaining questions the response rate is less than 100 percent of the group or sub-group of judges that each question addresses. Percentages presented in tables and charts show the proportion of judges who gave a particular answer out of the total number of judges who responded to the question.

Overall, the survey response rate for Superior Court judges was approximately 48 percent (54 out of 112). Similarly, the survey response rate for District Court judges was approximately 30 percent (81 out of 270).⁴

Questions about Judges’ Background and Experiences with IDS

The next set of questions were intended to determine the geographical distribution of our survey respondents and to reveal any problems that may be concentrated in certain districts, while still maintaining respondents’ anonymity.



[Superior Court judges only]

Please identify your home district (if you feel comfortable doing so).

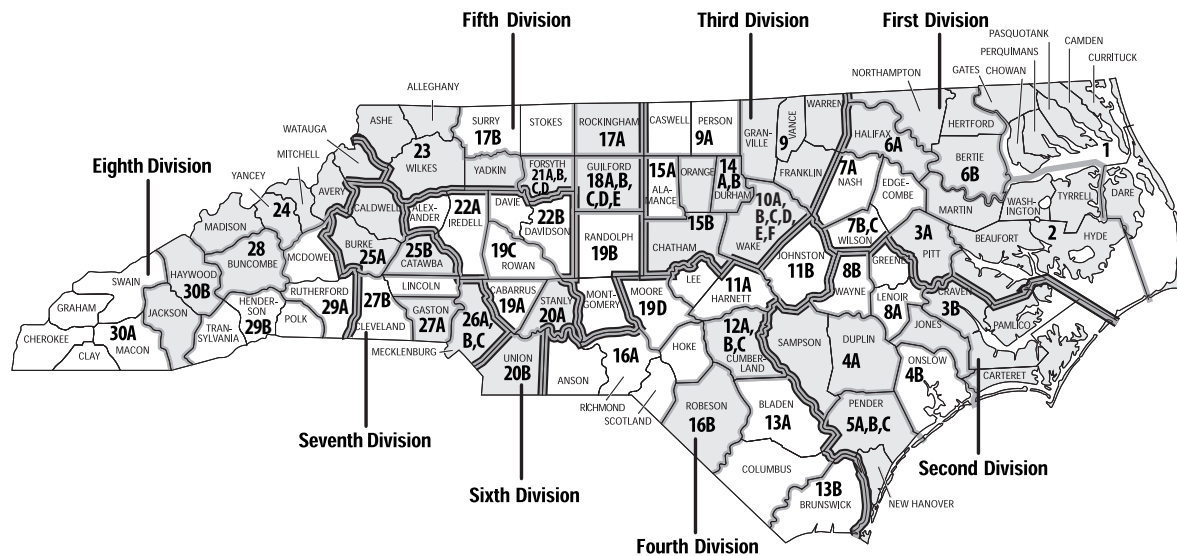
[District Court judges only]

Please identify your district (if you feel comfortable doing so).

We presented these questions slightly differently to each group to account for the fact that while each District Court judge serves a single judicial district, most Superior Court judges have a

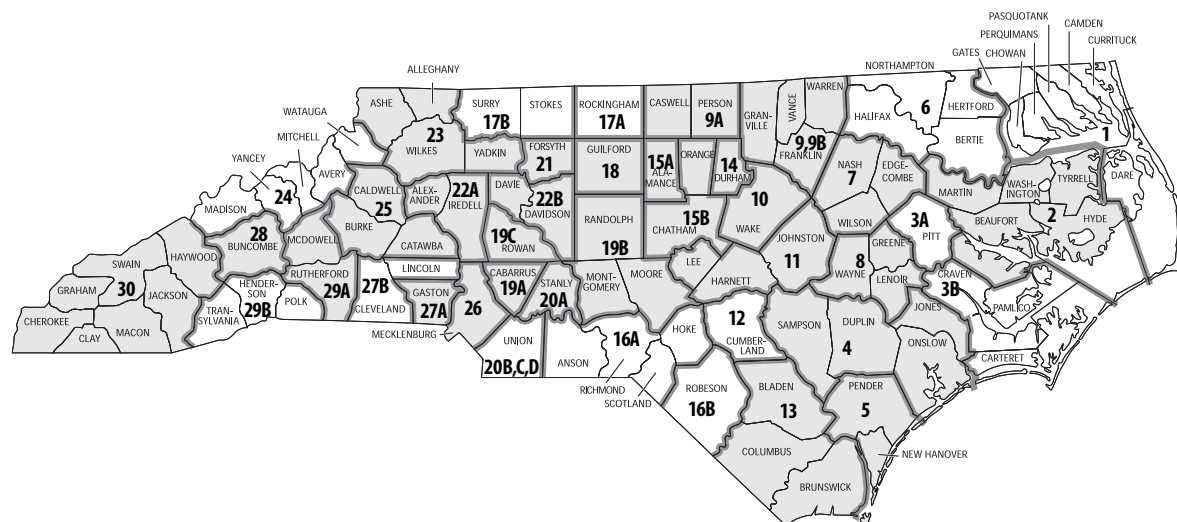
4. We relied on the Administrative Office of the Courts for information about the total number of judges. We did not have access to the names or numbers of judges included in the group email accounts that we used to distribute the online survey to Superior and District Court judges.

Superior Court



Note: One judge declined to identify his or her home district.

District Court



Note: Four judges declined to identify their districts.

“home” district but rotate through other districts, usually within a single one of eight judicial divisions (the one that houses their home district). For both groups of judges, we pre-populated the response options to include all possible districts. The first response option for each group was “I decline to identify my district,” which five judges selected. The remaining 130 judges who responded to our survey identified districts from throughout North Carolina, as shown in the

maps above.⁵ Respondents represented 27 of North Carolina's 50 Superior Court districts and 28 of its 41 District Court districts.⁶

The next set of questions asked whether respondents had experience in districts that are served by Public Defender offices. Judicial districts are made up of one or more whole counties; overall, 31 of the state's 100 counties have such offices.



[Superior Court judges only]

Does your home district have a Public Defender office?

[District Court judges only]

Does your district have a Public Defender office?

Answer	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Yes	35	66%	37	46%
No	18	34%	44	54%
Total	53	100%	81	100%

Two-thirds of Superior Court respondents to this question and almost half of District Court respondents preside in districts that have Public Defender offices. When we consider a follow-up question asked of the 18 Superior Court judges who answered “No” to this question, we see that all such judges have rotated through a district with a Public Defender office, even though their home districts do not have one.



[Among Superior Court judges who answered “No” to the previous question]

Even if your home district does not have a Public Defender office, have you presided in another district that had one?

Answer	Number of responses	Percentage of total responses
Yes	18	100%
No	0	0%
Total	18	100%

Whether or not a judicial district has a Public Defender office, private attorneys—known as “private assigned counsel” (PAC)—are appointed from locally maintained lists to serve indigent clients except in potentially capital cases at the trial level, direct appeals, and capital post-conviction cases. In districts without a Public Defender office, PAC serve as the primary providers

5. To preserve respondent anonymity in the case of a small district with few judges, we removed district affiliations from the raw survey output we forwarded to IDS and instead presented this information only as summary data.

6. We refer here to administrative districts, which in some cases contain more than one electoral district (as seen in the two district maps).

of indigent defense. In districts with a Public Defender office, they offer additional capacity when that office is handling its maximum number of cases or when representing a particular defendant would cause a conflict of interest. According to IDS, PAC appointments are made by either the Public Defender office (if one exists) or the court from lists maintained by the Public Defender office, the court, or a local screening committee, depending upon the district. IDS neither maintains the appointment lists nor appoints PAC except in the case types identified above.

PAC are compensated on an hourly basis with rates set by the type of case. In addition, and at the legislature's direction, IDS has fixed-term contracts with private attorneys in certain districts to represent indigent defendants and respondents in return for a set monthly fee. Some of those contracts are individually negotiated and others are pursuant to a Request for Proposals (RFP). In the next set of questions we asked each group of judges about their familiarity with these "contract counsel," which now include more than 240 attorneys around the state.



[Superior Court judges only]

Does your home district have private assigned counsel working under contract with IDS?

[District Court judges only]

Does your district have private assigned counsel working under contract with IDS?

Answer	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Yes	23	44%	49	61%
No	29	56%	31	39%
Total	52	100%	80	100%

As with the question about experience presiding in districts with Public Defender offices, it was possible for a Superior Court judge to have rotated through a district with contract counsel even if such an arrangement was not present in his or her home district. We asked about this possibility in a follow-up question.



[Among Superior Court judges who answered "No" to the previous question]

Even if your home district does not have private assigned counsel working under contract with IDS, have you presided in another district that had this arrangement?

Answer	Number of responses	Percentage of total responses
Yes	13	46%
No	15	54%
Total	28	100%

Considering these results in conjunction with those in the prior table above, we see that 49 out of 80 District Court respondents to this set of questions (61 percent) serve in districts with contract counsel, while at least 36 out of 52 Superior Court respondents (69 percent) either serve

in such a district or have rotated through another district that had agreements with such counsel in place.⁷

The next set of questions asked judges about their experience with potentially capital and capital cases. The survey provided respondents with the following definitions of these and related terms:

The Office of the Capital Defender appoints counsel and approves or denies expert funding requests in all cases that include a charge of first degree or undesignated murder in which the defendant was at least 18 years old at the time of the offense. IDS refers to these as “potentially capital” cases. In some of these cases the State seeks a sentence of death, and these are referred to as cases that are “proceeding capitally.” In potentially capital cases in which the State has declared that they are not seeking a sentence of death the cases are referred to as “proceeding non-capitally.”

We used these terms in the following questions that recognized the different roles that Superior and District Court judges play in potentially capital cases. In general, such cases are tried in Superior Court, while District Courts handle most preliminary matters. As seen in the tables below, the judges who responded to these questions had a wide variety of experiences with capital defenders, public defenders, and private assigned counsel.



[Superior Court judges only]

With regard to potentially capital cases, which of the following do you have experience with? (Please check all that apply.)

Answer	An Assistant Capital Defender	A Chief or Assistant Public Defender	Private assigned counsel	Total unique respondents per row*
Potentially capital cases in which representation at pre-trial settings and hearings was provided by ...	30	35	40	44
Potentially capital cases in which representation at plea and sentencing hearings was provided by ...	25	32	36	42
Presiding over a trial of a case that was proceeding capitally in which representation was provided by ...	12	13	21	22
Presiding over a trial of a case that was proceeding non-capitally in which representation was provided by ...	16	32	36	38

*Respondents could select one or more affirmative responses (seen here in columns) to the sub-question in each row, as applicable given the breadth of their respective experiences. “Total unique respondents per row” indicates the number of different judges who answered each of the four sub-questions.

7. “At least 36” because 1 of the 29 judges who answered “No” to the initial question did not answer the subsequent follow-up question. If this judge has rotated through a district that uses contract counsel, the total would be 37.



[District Court judges only]

With regard to potentially capital cases, which of the following do you have experience with? (Please check all that apply.)

Answer	An Assistant Capital Defender	A Chief or Assistant Public Defender	Private assigned counsel	Total unique respondents*
Potentially capital cases in which you presided over a probable cause hearing, bond hearing, or other hearing conducted before the case was bound over to Superior Court where representation was provided by ...	14	14	37	48

*Respondents could select one or more affirmative responses to the question (seen here in columns), as applicable given the breadth of their respective experiences. Forty-eight judges responded to this question, as indicated in the "Total unique respondents" column.



[Superior and District Court judges]

Continuing to think about potentially capital cases, please check all of the following that apply.

Answer	Number of responses	Percentage of total respondents ^a
I have had direct dealings with the Capital Defender or other members of the Office of the Capital Defender.	52	49%
I have had none of the experiences mentioned on this page. ^b	50	47%
I have had other relevant experience that is not mentioned on this page. ^b	11	10%

a. Respondents could select one or more affirmative responses to the question (seen here in rows), as applicable given the breadth of their respective experiences. Of the 106 judges who responded to this question, "Percentage of total respondents" indicates the proportion that offered each response shown.

b. This question appeared on the same survey webpage as the previous questions about potentially capital cases directed at Superior Court and District Court judges, respectively.

Of the 11 judges who reported other relevant experience with potentially capital cases not mentioned in the survey questions, 8 responded to a follow-up question that asked them to describe that experience. They offered examples like completing initial paperwork to direct the Office of the Capital Defender to assign counsel, as well as engaging with that office and IDS on motions for appropriate relief, post-conviction matters, and budgeting.

Questions Requesting an Assessment of IDS

Most of the remaining questions required judges to assess IDS performance—in some cases as an individual agency and in others as part of the complex and interrelated system in which IDS operates, with budgetary and performance oversight from both the judicial and legislative branches of state government.

The following pair of questions explored a potential problem specific to the role of Superior Court judges in potentially capital cases:



[Superior Court judges only]

Have you encountered difficulty in scheduling potentially capital cases for trial?

Answer	Number of responses	Percentage of total responses
Yes	18	37%
No	31	63%
Total	49	100%

The 18 judges who indicated they had encountered difficulty were then asked a follow-up question that considered this problem in more detail:



[Among Superior Court judges who answered “Yes” to the previous question]

Was this difficulty caused by any of the following? (Please check all that apply.)

Answer	Number of responses	Percentage of total respondents*
Unavailability of private assigned counsel	13	76%
Unavailability of a Chief or Assistant Public Defender	4	24%
Unavailability of an Assistant Capital Defender	8	47%
Unavailability of the prosecutor	3	18%
Delay at the SBI laboratory	9	53%
Other	0	0%

*Respondents could select one or more affirmative responses to the question (seen here in rows), as applicable given the breadth of their respective experiences. Of the 17 judges who responded to this follow-up question, “Percentage of total respondents” indicates the proportion that offered each response shown.

While the 17 judges who responded represented only about a third of the 49 respondents to the original question, and an even smaller proportion of the 81 Superior Court judges who completed the survey, unavailability of private assigned counsel was cited by 13 of the 17 respondents as a problem that made scheduling potentially capital cases for trial more difficult.

The next question explored a potential problem specific to the role of District Court judges in potentially capital cases.



[District Court judges only]

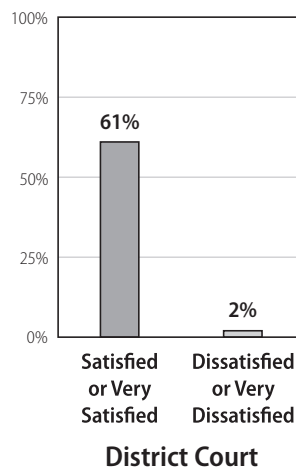
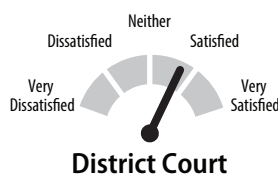
What is your level of satisfaction with the timeliness of counsel appointments in potentially capital cases?

Answer	Number of responses	Percentage of total responses
Very Satisfied	14	21%
Satisfied	26	39%
Neither Satisfied nor Dissatisfied	25	38%
Dissatisfied	1	2%
Very Dissatisfied	0	0%
Total	66	100%

Note: Due to rounding, sums created by adding percentage subtotals may not exactly match the percentages reported in the column chart below.

For the 66 District Court judges who answered the question, the response average fell between “Neither Satisfied nor Dissatisfied” and “Satisfied”—and closer to the latter threshold—as shown in the dial chart below.⁸

A second way to look at these results is to compare, in the accompanying column chart, the number of judges who were “Satisfied or Very Satisfied” (40 out of 66) to those who were “Dissatisfied” or “Very Dissatisfied” (1 out of 66).



8. The survey software assigned a value of “1” to Very Satisfied, “2” to Satisfied, “3” to Neither Satisfied nor Dissatisfied, “4” to Dissatisfied, and “5” to Very Dissatisfied. The software then computed the arithmetic mean (average) across all responses, which is 2.20 for this question.

The next two questions were among the most important in the survey, in that they asked respondents for an overall evaluation of IDS performance in potentially capital and non-capital cases. We present results as a whole and by type of judgeship.



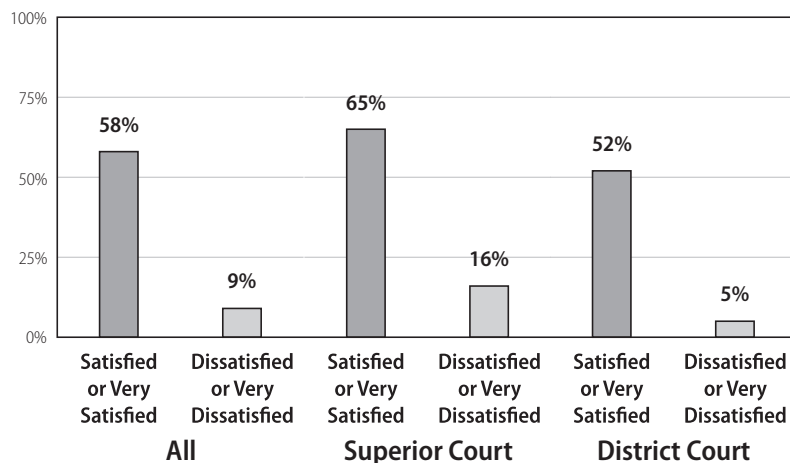
[Superior and District Court judges]

What is your overall level of satisfaction with IDS's administration of indigent representation in potentially capital cases?

Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Very Satisfied	25	24%	11	26%	14	22%
Satisfied	36	34%	17	40%	19	30%
Neither Satisfied nor Dissatisfied	35	33%	8	19%	27	43%
Dissatisfied	6	6%	3	7%	3	5%
Very Dissatisfied	4	4%	4	9%	0	0%
Total	106	100%	43	100%	63	100%

Note: Percentage subtotals may not sum to 100 percent due to rounding. Sums created by adding rounded subtotals may not exactly match the percentages reported in the column chart below.

As with the prior question, the response average for each group fell closer to “Satisfied” than to “Neither Satisfied nor Dissatisfied,” as shown in the dial charts below. The accompanying column chart compares those who were “Satisfied or Very Satisfied” to those who were “Dissatisfied or Very Dissatisfied” for each group of judges who responded to the question.



We then asked the same question for non-capital cases.



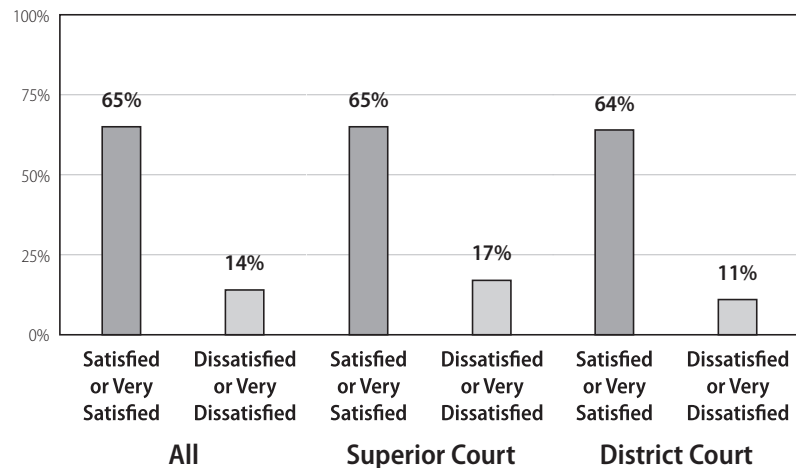
[Superior and District Court judges]

What is your overall level of satisfaction with IDS's administration of indigent representation in non-capital cases?

Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Very Satisfied	24	21%	10	22%	14	20%
Satisfied	51	44%	20	43%	31	44%
Neither Satisfied nor Dissatisfied	25	22%	8	17%	17	24%
Dissatisfied	11	9%	6	13%	5	7%
Very Dissatisfied	5	4%	2	4%	3	4%
Total	116	100%	46	100%	70	100%

Note: Percentage subtotals may not sum to 100 percent due to rounding. Sums created by adding rounded subtotals may not exactly match the percentages reported in the column chart below.

Once again, the response average for each group fell closer to “Satisfied” than to “Neither Satisfied nor Dissatisfied,” as shown in the dial charts below. The accompanying column chart compares those who were “Satisfied or Very Satisfied” to those who were “Dissatisfied or Very Dissatisfied” for each group of responding judges.



We also gave judges the opportunity to share concerns about how IDS administers indigent representation in potentially capital and non-capital cases and to offer suggestions for improvement. We then engaged in a systematic content analysis procedure to discover common themes and the number of responses that articulated each of those themes.

With respect to potentially capital cases, the most prominent concerns were about the PAC appointment process (9 of 22 responses), which IDS administers through the Office of the Capital Defender. These ranged from the complaint that appointments did not happen quickly enough, such that the judge had to appoint provisional counsel, to other concerns that appointed attorneys came from outside the county or district. The latter led to delays due to time and travel distance, as well as a perception that representation suffered because the appointed attorneys were unfamiliar with local jurors and officials. Several judges suggested that appointment decisions were made based on politics or connections rather than ability.

Solutions proffered for these problems included the following:

- Solicit more local attorneys for the appointment list, and appoint local counsel whenever possible—but without “favoritism.”
- Assign more cases to attorneys in the Office of the Capital Defender in lieu of using PAC.
- Require that counsel be present at a defendant's first appearance.

In non-capital cases, concerns about administration, management, and supervision of both public defenders and private assigned counsel were more prevalent (13 of 39 responses), along with related concerns about their performance (11 of 39 responses). Judges suggested that there was a need for more IDS monitoring of private assigned counsel, and that paying such counsel by the hour tends to discourage efficiency in researching and resolving cases. However, another judge thought there was too much interference from IDS and, instead, wanted the local Public Defender office to have more autonomy. Several judges complained that attorneys were allowed to practice across too many counties. Others asserted that the system was too cumbersome in general, with one giving the example of appointed counsel's fee applications—which judges must approve except in potentially capital cases, direct appeals, and post-conviction cases—being returned to judges to correct relatively minor discrepancies.

Several judges also raised concerns about the performance of indigent defenders in non-capital cases. Judges were critical of certain defense counsel for being too busy to see their clients and for showing up to court unprepared. One mentioned a “lack of zeal” and stated that attorneys do not appear in court in a timely manner. Others wrote of inexperienced attorneys, with one judge lamenting the pairing of such counsel with defendants who, due to age or education level, are least able to assist in their own defense.

About a fifth of the responses to the open-ended questions about non-capital representation linked performance problems to compensation rates. One judge stated that “court appointed attorneys are woefully underpaid” while another wrote that “the fees are such that more experienced

attorneys will not accept the cases.” Judges recognized that improving compensation for PAC may require policy direction at levels above IDS, with several urging the agency to lobby the legislature to approve rate increases.

In addition to increased compensation, other suggestions for ways to improve non-capital representation included the following:

- As with potentially capital cases, some judges expressed a preference for local attorneys among the appointed counsel due to their accessibility to clients, availability for court, and knowledge of the county and its jurors. One judge specified that attorneys who want to be on a county’s appointment list should be required to have a walk-in office in that county.
- A common request was to increase the number of experienced attorneys on the PAC appointment lists.
- Some judges proposed adopting flat rates by type of case for PAC and increasing the use of contract counsel in lieu of appointed counsel who are paid on an hourly basis. Others felt that the contract counsel system pressures defense attorneys to promote guilty pleas and did not think attorneys working for a set monthly fee were sufficiently incentivized to provide quality representation.

It is important to note that even though this set of questions solicited concerns and suggestions for improvement, a number of judges used the opportunity to praise IDS and state that they had no concerns. Following is a sample of such comments:

- “I think the current policies seem to address the needs we encounter in the courts.”
- “We have a large number of very good lawyers available and on the list to try capital cases.”
- “I find that, in most cases, counsel representing indigents in homicide cases are well-qualified and prepared.”
- “Capital defenders in my district work together well and complement each other.”
- “The non-capital murder representation is excellent.”

The 2011 Appropriations Act directed IDS to reduce PAC hourly compensation rates in light of overall state budget cuts and an existing agency budget shortfall.⁹ The next question asked about the effects of this change on the quality of representation, if any.

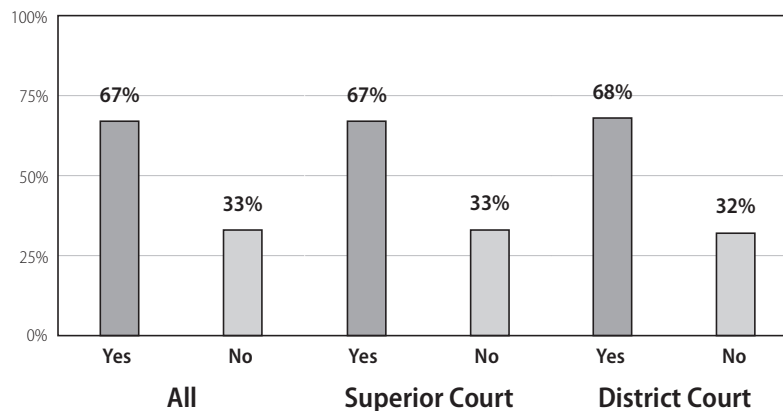


[Superior and District Court judges]

Due to reductions to its budget, in 2011 IDS was required to reduce the rates paid to private assigned counsel. Have you seen any impact on the quality of representation provided by assigned counsel that you think could be attributed to those rate reductions?

Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Yes	80	67%	30	67%	50	68%
No	39	33%	15	33%	24	32%
Total	119	100%	45	100%	74	100%

By a two-to-one margin, judges responded that they had seen impacts on the quality of representation by PAC that they attribute to pay rate reductions. This result was consistently expressed by both types of judges.



9. See page 13 of the February 1, 2015, *Report of the Commission on Indigent Defense Services*, <http://www.ncids.org/Reports%20&%20Data/Prior%20GA%20Reports/LegislatureReport2015.pdf>, and Section I, Item 14, of the June 16, 2011, *Senate Appropriations Committee Report on the Continuation Expansion and Capital Budgets*, <http://www.ncga.state.nc.us/sessions/2011/budget/2011/HB22MoneyReport-6-16-11.pdf>.

We asked the 80 judges who responded “Yes” to the question to describe the impact of the rate reductions on the quality of indigent representation they had observed; of all the open-ended questions in our survey, this one received the most responses. Fifty-nine of the 66 responding judges indicated that the quality of representation had suffered. Forty-four of these respondents attributed this to better, more experienced attorneys removing their names from the appointment lists, leaving more indigent defendants and respondents to be represented by less experienced—and, in some cases, less competent—attorneys. Here are some of the judges’ descriptions of the rate reductions’ impact:

- “Attorneys who practiced primarily as court appointed counsel are expanding to practice in additional counties within the district to try to make up for the rate reductions. This leaves us with court going on in multiple counties on the same day and waiting on attorneys to arrive. Prior to the rate reductions, attorneys tended to limit their court appointed practice to one or two counties.”
- “The days of a freshly minted attorney being able to come out of law school and develop a solid practice with experience and income derived from appointed cases are OVER ... Many of the experienced and effective private attorneys find that it is not worthwhile [to] try to do any indigent representation and that does nothing to serve IDS’s mission.”
- “Less experienced attorneys are applying to be assigned counsel. The quality of these attorneys, due to lack of experience, is reflected in their representation of their clients, to wit: to the client’s detriment.”
- “Less seasoned attorneys taking cases, and I believe the low pay stretches them thin—they must obtain more work in more counties, which can lead to less time spent on each case.”
- “The attitude amongst the defense bar dropped noticeably. Many well qualified attorneys removed their names from multiple lists and limited their representation to fewer counties.”
- “Newly licensed attorneys,” with “little guidance and leadership,” are placed on the PAC appointment list but “often barely do a minimally constitutionally sufficient job defending their clients.”
- “More experienced attorneys are refusing appointment. More attorneys who are without the ability to sustain a practice due to their lack of dedication or knowledge are accepting the appointments!”
- “Guilty pleas in cases that should have been tried and poor preparation.”
- “Less time preparing manifested by lack of familiarity with clients and facts related to disposition, absence of case law for argument, failure to appear at hearings, insufficient familiarity with statutory changes.”
- “Because more experienced attorneys are now less willing to take indigent cases, “new attorneys are getting the assignments and are spending an inordinate amount of time researching simple misdemeanor cases, sitting in courtrooms waiting ... and generally being inefficient in the handling of cases. Consequently, I believe the State is actually paying out more money for indigent services than it would have to pay out if more experienced attorneys were handling these cases.”

The next question attempted to memorialize IDS practices that judges appreciated and wanted to sustain.



[Superior and District Court judges]

Please identify ways in which IDS performs well in administering indigent representation and/or specific practices that you would like to see continue.

Forty-eight judges responded to this question, many with comments about specific management practices and praise for the competence of indigent defenders in their respective districts:

- “I believe IDS does a good job administering very challenging circumstances.”
- “IDS does well overall in handling the mountain of paperwork associated with payment for indigent representation, and gets high marks for accuracy in a high volume workplace.”
- “IDS communicates well with everyone and advises ahead of time regarding upcoming issues.”
- “Attorneys are assigned quickly and efficiently.”
- “Murder cases are excellent.”
- “Our district has an excellent public defender’s office. They prepare and present very well for their cases.”
- “There has recently been more evidence of oversight by IDS ‘in the field.’”
- “They have a good resource bank for attorneys, and do a great job of providing advice to attorneys in the trenches, both public defenders and private counsel. I believe they do a good job in authorizing various kinds of experts for defense counsel.”
- “Ensuring at least a minimum standard for attorney competency in different types of cases; continuing to educate the legislature about the need for adequate resources to attempt to provide quality legal representation for the poor.”
- “We have a dedicated juvenile public defender who is fantastic, very knowledgeable, very committed. We also have contract attorneys in delinquency and [abuse/neglect/dependency] who are also dedicated, knowledgeable, and significantly underpaid.”

The next set of questions asked judges who had engaged with IDS office staff to evaluate those interactions.



[Superior and District Court judges]

Have you had direct contact with IDS office staff concerning a question or other issue?

Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Yes	59	50%	28	61%	31	42%
No	60	50%	18	39%	42	58%
Total	119	100%	46	100%	73	100%

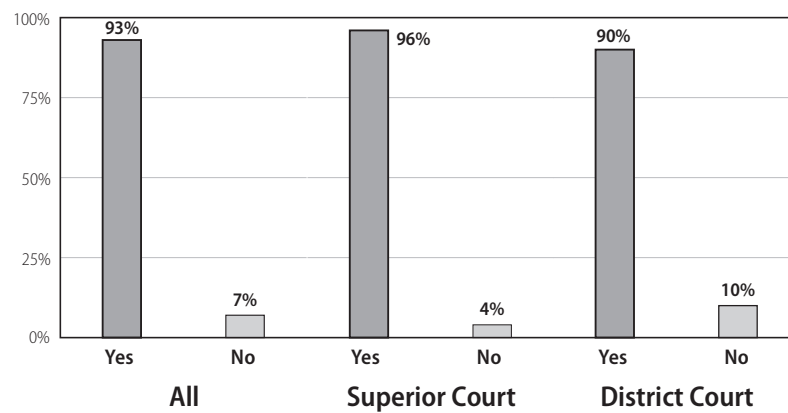
About half of the responding judges had direct contact with IDS office staff, with an almost even split of Superior Court and District Court judges. Of the 59 judges who reported direct contact with IDS office staff, the overwhelming majority were satisfied with the timeliness of staff's response (54 out of 58, with one judge not answering the follow-up question). A similar majority were satisfied by the substance of staff's response (49 out of 58, with one judge not answering the follow-up question). There was no meaningful difference between the types of responding judges regarding their satisfaction with the timeliness and substance of staff's response.



[Superior and District Court judges]

Were you satisfied by the timeliness of the IDS staff's response?

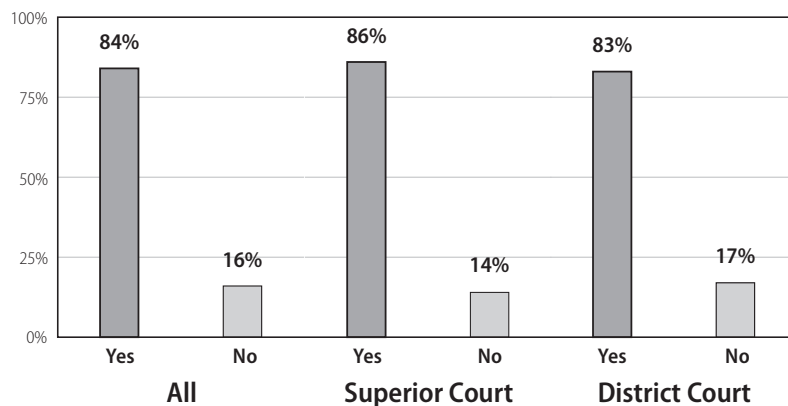
Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Yes	54	93%	27	96%	27	90%
No	4	7%	1	4%	3	10%
Total	58	100%	28	100%	30	100%



[Superior and District Court judges]

Were you satisfied by the substance of the IDS staff's response?

Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
Yes	49	84%	24	86%	25	83%
No	9	16%	4	14%	5	17%
Total	58	100%	28	100%	30	100%



Thirteen judges responded to an open-ended question inviting them to elaborate on their answers to the preceding closed-ended questions about contact with IDS staff. More than half of these praised IDS for their responsiveness and professional assistance. A few requested greater communication with the courts within the context of specific scenarios. One indicated that while communication in the past had been unsatisfactory, it had improved in more recent times.

The final closed-ended assessment question asked judges about IDS performance in three specific areas within the context of resource levels that are set by the legislature.

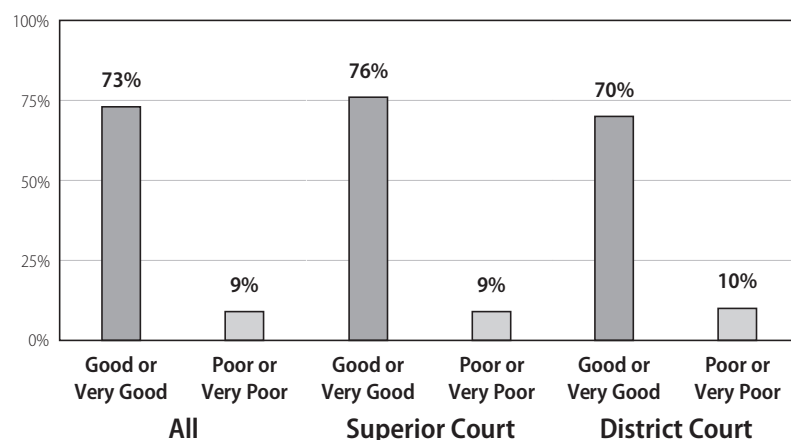


[Superior and District Court judges]

The General Assembly sets the budget for IDS each year. Given the resources that are provided to IDS, and taking into account all of your experiences with IDS, how would you rate IDS's performance in each of the following areas?

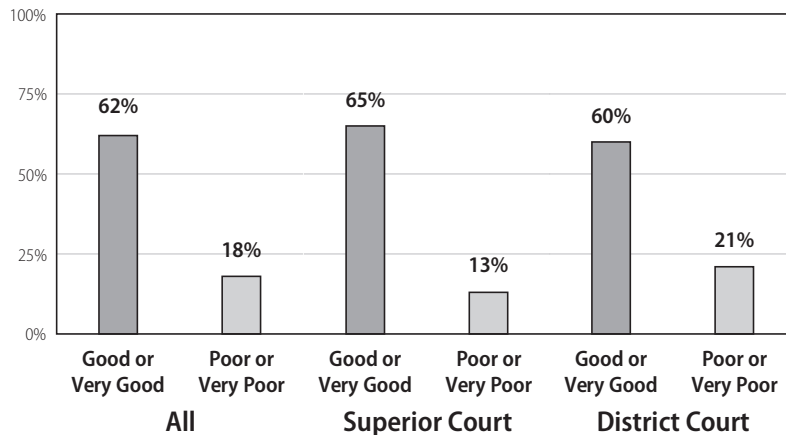
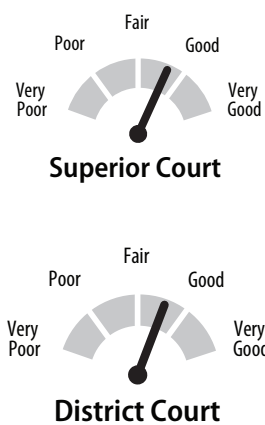
Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
<i>Providing defendants and civil respondents with constitutionally effective representation</i>						
Very Good	39	33%	18	39%	21	30%
Good	46	39%	17	37%	29	41%
Fair	21	18%	7	15%	14	20%
Poor	9	8%	3	7%	6	8%
Very Poor	2	2%	1	2%	1	1%
Total	117	100%	46	100%	71	100%

Note: Due to rounding, sums created by adding percentage subtotals may not exactly match the percentages reported in the column chart below.



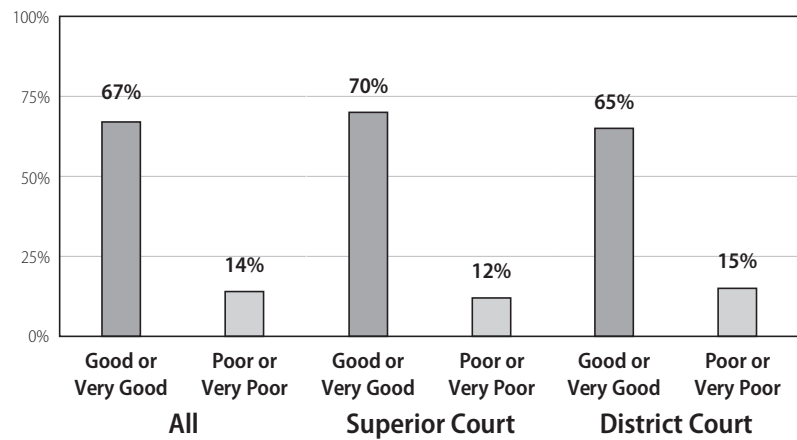
Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
<i>Assisting the courts in the efficient handling of their dockets</i>						
Very Good	25	22%	10	22%	15	21%
Good	47	41%	20	43%	27	39%
Fair	23	20%	10	22%	13	19%
Poor	12	10%	3	7%	9	13%
Very Poor	9	8%	3	7%	6	9%
Total	116	100%	46	100%	70	100%

Note: Percentage subtotals may not sum to 100 percent due to rounding. Sums created by adding rounded subtotals may not exactly match the percentages reported in the column chart below.



Answer	All judges (number of responses)	All judges (percentage of responses)	Superior Court judges (number of responses)	Superior Court judges (percentage of responses)	District Court judges (number of responses)	District Court judges (percentage of responses)
<i>Administering its budget</i>						
Very Good	31	29%	14	33%	17	26%
Good	41	38%	16	37%	25	38%
Fair	21	19%	8	19%	13	20%
Poor	11	10%	3	7%	8	12%
Very Poor	4	4%	2	5%	2	3%
Total	108	100%	43	100%	65	100%

Note: Percentage subtotals may not sum to 100 percent due to rounding. Sums created by adding rounded subtotals may not exactly match the percentages reported in the column chart below.



The next two questions in the survey solicited judges' thoughts about ways IDS could assist the court through better communication and the development of new tools or other resources.



[Superior and District Court judges]

Do you have suggestions for improving the manner in which IDS communicates with those working in the courts?



[Superior and District Court judges]

Is there a new tool or other resource that IDS could develop to help you with a specific challenge the courts face related to indigent representation?

Given that many of the responses to the latter question involved tools for communication and outreach, we will consider the responses to these questions together. The most common responses called for a greater volume of communication to keep judges informed about both existing practices and policy or administrative changes. One judge suggested that IDS start a blog that would chronicle issues affecting indigent representation. Judges also requested new administrative tools that would bring greater standardization to the fee application and payment process for private assigned counsel. For example, one judge sought “a survey showing what the average time and fee payment is for each case by class of felony,” adding that “a similar chart was done around 2006 and it needs to be updated.”¹⁰ This would support judges in their conversations with PAC who are consistently charging more hours than average to resolve a particular type of case. Finally, other judges commented that the best new “tool” would be additional funding to raise the hourly rates for private assigned counsel.

The last survey question asked judges for any final comments they had for IDS. Judges largely used this opportunity to reiterate comments made earlier in the survey, as well as to offer new ideas. The most common type of response was related to resources, with a third of the 36 respondents asserting that IDS was underfunded, emphasizing the need for greater resources (e.g., to be able to raise PAC hourly rates), or both. Respondents also raised concerns about specific management practices, such as those related to PAC appointment and fee payment. Finally, there was support for IDS in general. A sample of such comments follows:

- “Indigent defendants are more likely to slip through the cracks of our judicial system and be burdened more than any others by what happens to them in court. They deserve good, focused attorneys that aren’t worrying about how to keep the office light bill paid.”
- “I think appointed attorneys might be more diligent in their representation of clients if there were a quicker and more efficient way to get them quickly paid for their services. It was a problem when I was an attorney and from what I understand it remains a problem now that it takes so long to receive payment that it feels like attorneys are treated as indentured servants (or worse).”
- “There should be a concerted effort made to establish public defender offices in each region of the state using satellite offices and private counsel to supplement representation. There needs to be more central control of the quality of representation through peer review and feedback from the local judges.”

10. IDS published a study of PAC average hours and case costs in May 2013. See http://www.ncids.org/Reports%20&%20Data/Latest%20Releases/FY12_PACHoursStudy.pdf.

- “I know my district and I know what lawyers show up for court and take care of their cases better than you do—I should be the one to assign lawyers to cases. I also wish that either the contract attorney system would become statewide or that cases were paid a flat rate based upon the particular crime. Hopefully, that way lawyers would have some incentive to dispose of the case quickly.”
- “Good luck. You have a thankless job without which the justice system could not fairly operate.”

Comparative Analysis: Districts with and without Public Defenders and Contract Counsel

IDS asked us to structure the survey so that we could stratify results by whether or not judges presided in districts with (1) a Public Defender office and/or (2) PAC working under contract with IDS (i.e., contract counsel). IDS wanted the ability to determine whether judges who presided in districts with these elements would view IDS performance and the quality of indigent defense differently from judges in districts that didn’t share these elements. To answer this, we asked questions at the beginning of the survey to establish the type of district in which judges presided (and, in the case of Superior Court judges, had rotated through). We then used the results, which are recapped earlier in this report, to stratify respondents into separate groups in order to consider their responses to three key closed-ended assessment questions appearing later in the survey. This stratification created four distinct groups for comparative analysis: (1) Superior Court judges who presided in (or had rotated through) districts with a Public Defender office versus those who did not have that experience; (2) Superior Court judges who presided in (or had rotated through) districts with contract counsel versus those who did not have that experience; (3) District Court judges who presided in districts with a Public Defender office versus those who did not; and (4) District Court judges who presided in districts with contract counsel versus those who did not.

There were three primary limitations to this analysis. First, out of 54 Superior Court judges who completed our survey, 53 either presided in a district with a Public Defender office (35) or had rotated through such a district (18), with one judge not answering either question. Therefore, there was no way to construct a group of Superior Court judges who presided in a district *without* a Public Defender office and had never rotated through such a district, as indicated by “n/a” in the three tables below. Second, subdividing the judges in this way leads to a relatively small number of responses to compare in some cases. Third, because of the limited number of responses, we did not attempt to stratify further by creating sub-groups of judges who, for example, had both a Public Defender office *and* contract counsel in their districts.

For the three key assessment questions below, we present results for each stratified group followed by a general discussion.¹¹ Note that when comparing the “response average” of two groups of judges in the tables, the lower value is superior to the higher value (as explained in the table notes).

11. The comprehensive (unstratified) results for each question are presented earlier in this report.



[Superior and District Court judges]

What is your overall level of satisfaction with IDS's administration of indigent representation in potentially capital cases?

	Stratified group	Response average*	Total responses to question per stratified group
Superior Court	Superior Court judges presiding in districts with a Public Defender office (or had rotated through such a district)	2.35	43
	Superior Court judges presiding in districts without a Public Defender office (nor had rotated through such a district)	n/a	n/a
	Superior Court judges presiding in districts with contract counsel (or had rotated through such a district)	2.36	28
	Superior Court judges presiding in districts without contract counsel (nor had rotated through such a district)	2.31	13
District Court	District Court judges presiding in districts with a Public Defender office	2.37	27
	District Court judges presiding in districts without a Public Defender office	2.25	36
	District Court judges presiding in districts with contract counsel	2.37	38
	District Court judges presiding in districts without contract counsel	2.20	25

*There were five response options for this question, each with an associated numeric value assigned by the survey software: Very Satisfied (1), Satisfied (2), Neither Satisfied nor Dissatisfied (3), Dissatisfied (4), and Very Dissatisfied (5). The software then computed the arithmetic mean (average) across the responses, which is reported in this column for the stratified groups shown in each row. Lower mean values are associated with higher satisfaction levels.



[Superior and District Court judges]

What is your overall level of satisfaction with IDS's administration of indigent representation in non-capital cases?

	Stratified group	Response average*	Total responses to question per stratified group
Superior Court	Superior Court judges presiding in districts with a Public Defender office (or had rotated through such a district)	2.35	46
	Superior Court judges presiding in districts without a Public Defender office (nor had rotated through such a district)	n/a	n/a
	Superior Court judges presiding in districts with contract counsel (or had rotated through such a district)	2.37	30
	Superior Court judges presiding in districts without contract counsel (nor had rotated through such a district)	2.36	14
District Court	District Court judges presiding in districts with a Public Defender office	2.26	31
	District Court judges presiding in districts without a Public Defender office	2.36	39
	District Court judges presiding in districts with contract counsel	2.44	43
	District Court judges presiding in districts without contract counsel	2.11	27

*There were five response options for this question, each with an associated numeric value assigned by the survey software: Very Satisfied (1), Satisfied (2), Neither Satisfied nor Dissatisfied (3), Dissatisfied (4), and Very Dissatisfied (5). The software then computed the arithmetic mean (average) across the responses, which is reported in this column for the stratified groups shown in each row. Lower mean values are associated with higher satisfaction levels.



[Superior and District Court judges]

Given the resources that are provided to IDS, and taking into account all of your experiences with IDS, how would you rate IDS's performance in providing defendants and civil respondents with constitutionally effective representation?

	Stratified group	Response average*	Total responses to question per stratified group
Superior Court	Superior Court judges presiding in districts with a Public Defender office (or had rotated through such a district)	1.96	46
	Superior Court judges presiding in districts without a Public Defender office (nor had rotated through such a district)	n/a	n/a
	Superior Court judges presiding in districts with contract counsel (or had rotated through such a district)	2.00	30
	Superior Court judges presiding in districts without contract counsel (nor had rotated through such a district)	1.79	14
District Court	District Court judges presiding in districts with a Public Defender office	2.00	32
	District Court judges presiding in districts without a Public Defender office	2.21	39
	District Court judges presiding in districts with contract counsel	2.23	43
	District Court judges presiding in districts without contract counsel	1.96	27

*There were five response options for this question, each with an associated numeric value assigned by the survey software: Very Good (1), Good (2), Fair (3), Poor (4), and Very Poor (5). The software then computed the arithmetic mean (average) across the responses, which is reported in this column for the stratified groups shown in each row. Lower mean values are associated with higher satisfaction levels.

We see that in potentially capital cases, judges' response averages for IDS were better (lower) in District Court districts *without* a Public Defender office and *without* contract counsel for both types of judges. In non-capital cases, the same result held true for contract counsel but was reversed for Public Defender offices, with judges in District Court districts giving IDS better marks in districts *with* such offices. Finally, the ratings for providing constitutionally effective representation mirrored those for non-capital cases: better in District Court districts *with* a Public Defender office and for both types of judges *without* contract counsel.

While there is some indication that judges who have experience with contract counsel are less satisfied and are more satisfied in District Court districts that house Public Defender offices (though not in potentially capital cases), it is important to note that none of the results in the three tables could be described as "negative." In the first two tables, all of the response averages fell between "Neither Satisfied nor Dissatisfied" and "Satisfied," and closer to the latter response. In the third table, two of the response averages fell between "Fair" and "Good," and closer to the latter response; two averages matched the value representing "Good" exactly (2.00); and three of the averages fell between "Good" and "Very Good."

Concluding Observations

As a general rule, we should be cautious when drawing conclusions from information collected through surveys, which almost never enjoy universal response. In the case of our survey, we received completed online responses from about half of North Carolina's Superior Court judges and 30 percent of the state's District Court judges. While those response rates are relatively robust for a voluntary, anonymous survey, they obviously do not account for about half of all Superior Court judges and 70 percent of all District Court judges. Still, the key question is whether the judges who completed the survey are substantially similar to those who did not. It is conceivable that a judge's professional opinion of IDS, and indigent defense in general, could make that judge more or less likely to respond to the survey. But in the absence of evidence to the contrary, and given (1) our uniform means of survey deployment and (2) the geographic diversity of our respondents, it seems reasonable to assume that the views of those judges who did respond are adequately representative of their colleagues as a whole. Further, survey respondents demonstrated sufficient experience with IDS, potentially capital and non-capital cases, private assigned counsel, public defenders, and other aspects of indigent defense to be credible when assessing IDS, sharing concerns, and proposing improvements.

The judges' responses to our closed-ended questions contain many indicators of a healthy system. Response averages for questions that used 5-point rating scales, assigning a value of "1" to the most positive response and "5" to the most negative, nearly always fell between 2 and 3 (and closer to the former). This corresponded to a rating approaching "Satisfied" in some questions and "Good" in others; the few exceptions were in fact more positive, with an average that corresponded to "Good" or better. Further, the number of positive assessments—"Satisfied" or "Very Satisfied" in some questions, "Good" or "Very Good" in others—tended to greatly outnumber the negative ones.

Due to their narrative nature, the judges' responses to our open-ended questions were more difficult to categorize definitively. However, the themes that emerged after content analysis seemed to center on administration, management, and supervision of indigent defenders along with related concerns about their performance. The judges that responded to these questions worried that defense counsel were too inexperienced, insufficiently available, and unwilling (or unable) to spend sufficient time preparing for cases. Still, some judges praised the very practices that drew others' concern, suggesting that the existence and extent of any problems vary by district. Further, judges' concerns about and praise for indigent defense were not necessarily specific to IDS—as we see in the comments about the PAC appointment process in non-capital cases, which IDS does not directly administer. Lastly, when commenting on the relative quality of indigent defense, it was not clear at times whether judges were referring to PAC, contract counsel, or public defenders.

Two of the most striking survey results were (1) the 80 of 119 judges who observed an impact on the quality of representation provided by assigned counsel that they attribute to the 2011 reduction in rates paid to such counsel and (2) the 59 of 66 judges who indicated in a follow-up question that the quality of indigent representation had suffered as a result. In their comments, judges raised concerns about experience, availability, and preparation. In other words, they associated the rate reductions with several of the key concerns they had described in response to earlier questions about their satisfaction with IDS administration of indigent defense. This further indicates that decisions related to PAC compensation rates can affect the overall quality of indigent representation.

Appendix. All Survey Questions

1. Please identify the type of judgeship you hold. (page 6)

This question was used in the online survey to determine which of the remaining questions would be displayed to the respondent—some questions were asked only of Superior Court judges, while others were asked only of District Court judges, as appropriate by content. Questions that were specific to one group or the other are indicated below. Page numbers indicate where results for each question are first discussed.

2. Please identify your home district (if you feel comfortable doing so). (page 6)

This question was asked of Superior Court judges only. (A similar question was asked of District Court judges at Question 7.)

3. Does your home district have a Public Defender office? (page 8)

This question was asked of Superior Court judges only. (A similar question was asked of District Court judges at Question 8.)

4. Even if your home district does not have a Public Defender office, have you presided in another district that had one? (page 8)

This question was asked of Superior Court judges who answered “No” to the previous question.

5. Does your home district have private assigned counsel working under contract with IDS? (page 9)

This question was asked of Superior Court judges only. (A similar question was asked of District Court judges at Question 9.)

6. Even if your home district does not have private assigned counsel working under contract with IDS, have you presided in another district that had this arrangement? (page 9)

This question was asked of Superior Court judges who answered “No” to the previous question.

7. Please identify your district (if you feel comfortable doing so). (page 6)

This question was asked of District Court judges only.

8. Does your district have a Public Defender office? (page 8)

This question was asked of District Court judges only.

9. Does your district have private assigned counsel working under contract with IDS? (page 9)

This question was asked of District Court judges only.

10. With regard to potentially capital cases, which of the following do you have experience with? (Please check all that apply.) (page 10)

This question was asked of Superior Court judges only. Respondents could mark multiple columns for the sub-question shown in each row.

Question	An Assistant Capital Defender	A Chief or Assistant Public Defender	Private assigned counsel
Potentially capital cases in which representation at pre-trial settings and hearings was provided by ...			
Potentially capital cases in which representation at plea and sentencing hearings was provided by ...			
Presiding over a trial of a case that was proceeding capitally in which representation was provided by ...			
Presiding over a trial of a case that was proceeding non-capitally in which representation was provided by ...			

11. With regard to potentially capital cases, which of the following do you have experience with? (Please check all that apply.) (page 11)

This question was asked of District Court judges only.

Question	An Assistant Capital Defender	A Chief or Assistant Public Defender	Private assigned counsel
Potentially capital cases in which you presided over a probable cause hearing, bond hearing, or other hearing conducted before the case was bound over to Superior Court where representation was provided by ...			

12. Continuing to think about potentially capital cases, please check all of the following that apply. (page 11)

Answer

- ☐ I have had direct dealings with the Capital Defender or other members of the Office of the Capital Defender.
- ☐ I have had none of the experiences mentioned on this page.
- ☐ I have had other relevant experience that is not mentioned on this page.

13. You indicated that you've had other relevant experience with potentially capital cases that isn't mentioned on this page—please describe it in the box below. (page 11)

This question was asked of respondents who marked “I have had other relevant experience that is not mentioned on this page” in response to the previous question.

14. Have you encountered difficulty in scheduling potentially capital cases for trial? (page 12)

This question was asked of Superior Court judges only.

15. Was this difficulty caused by any of the following? (Please check all that apply.) (page 12)

This question was asked of Superior Court judges who answered "Yes" to the previous question.

- ☐ Unavailability of private assigned counsel
- ☐ Unavailability of a Chief or Assistant Public Defender
- ☐ Unavailability of an Assistant Capital Defender
- ☐ Unavailability of the prosecutor
- ☐ Delay at the SBI laboratory
- ☐ Other

16. You selected "Other"—please elaborate in the box below. (page 12)

This question would have been asked of Superior Court judges who marked "Other" in response to the previous question, but none responded in that way.

17. What is your level of satisfaction with the timeliness of counsel appointments in potentially capital cases? (page 13)

This question was asked of District Court judges only.

18. What is your overall level of satisfaction with IDS's administration of indigent representation in potentially capital cases? (pages 14, 28)**19. Do you have concerns about how IDS administers indigent representation in potentially capital cases? If so, please specify them in the box below.** (page 16)**20. If you have suggestions for improvement in IDS's administration of indigent representation in potentially capital cases, please describe them in the box below.** (page 16)**21. What is your overall level of satisfaction with IDS's administration of indigent representation in non-capital cases?** (pages 15, 29)**22. Do you have concerns about how IDS administers indigent representation in non-capital cases? If so, please specify them in the box below.** (page 16)**23. If you have suggestions for improvement in IDS's administration of indigent representation in non-capital cases, please describe them in the box below.** (page 17)**24. Due to reductions to its budget, in 2011 IDS was required to reduce the rates paid to private assigned counsel. Have you seen any impact on the quality of representation provided by assigned counsel that you think could be attributed to those rate reductions?** (page 18)

25. Please use the box below to describe the impact of the rate reductions on the quality of indigent representation that you've observed. (page 19)

This question was asked of respondents who answered "Yes" to the previous question.

26. Please identify ways in which IDS performs well in administering indigent representation and/or specific practices that you would like to see continue. (page 20)

27. Have you had direct contact with IDS office staff concerning a question or other issue? (page 21)

28. Were you satisfied by the timeliness of the IDS staff's response? (page 22)

This question was asked of respondents who answered "Yes" to the previous question.

29. Were you satisfied by the substance of the IDS staff's response? (page 22)

This question was asked of respondents who answered "Yes" to Question 27.

30. If you would like to comment further about any exchange with IDS staff, please do so in the box below. (page 23)

This question was asked of respondents who answered "Yes" to Question 27.

31. Do you have suggestions for improving the manner in which IDS communicates with those working in the courts? If so, please describe them in the box below. (page 26)

32. Is there a new tool or other resource that IDS could develop to help you with a specific challenge the courts face related to indigent representation? If so, please describe it in the box below. (page 26)

33. The General Assembly sets the budget for IDS each year. Given the resources that are provided to IDS, and taking into account all of your experiences with IDS, how would you rate IDS's performance in each of the following areas? (pages 23, 30)

- ☐ Providing defendants and civil respondents with constitutionally effective representation
- ☐ Assisting the courts in the efficient handling of their dockets
- ☐ Administering its budget

34. Do you have any final comments for IDS? If so, please state them in the box below. (page 26)

The School of Government at the University of North Carolina at Chapel Hill works to improve the lives of North Carolinians by engaging in practical scholarship that helps public officials and citizens understand and improve state and local government. Established in 1931 as the Institute of Government, the School provides educational, advisory, and research services for state and local governments. The School of Government is also home to a nationally ranked graduate program in public administration and specialized centers focused on information technology and environmental finance.

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