

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS55295-LL-112B\* (2/23)**

Short Title: Access to Justice Funds. (Public)

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Sponsors: Senators Snow, and Kinnaird.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO PROVIDE ACCESS TO JUSTICE BY  
INCREASING THE HOURLY RATE FOR ATTORNEYS APPOINTED TO  
REPRESENT INDIGENT PERSONS.

Whereas, attorneys appointed to represent indigent defendants and respondents are critical components of a fair and effective justice system; and

Whereas, the General Assembly has given the Commission on Indigent Defense Services ("IDS") the statutory authority to set compensation rates for attorneys appointed to represent indigent persons; and

Whereas, in 2002, IDS established the current rate of \$65.00 per hour for noncapital cases; and

Whereas, State and national surveys indicates that current overhead operating costs of a law practice range between \$51.00 and \$65.00 per hour and that those overhead costs are paid by private attorneys out of the \$65.00 per hour IDS rate they earn; and

Whereas, the salaries of State employees, including defenders, prosecutors, judges, and other court system employees, have increased by 10.2% since IDS was established and 7.5% in the last two years alone, but the noncapital \$65.00 per hour rate has remained the same; and

Whereas, IDS has insufficient funds to raise the hourly rate without an increased appropriation; and

Whereas, a \$10.00 increase in the noncapital IDS rate will strengthen the effectiveness and fairness of our justice system for all North Carolinians; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Office of Indigent Defense Services the sum of eight million five hundred forty-one thousand five

1 hundred twenty-eight dollars (\$8,541,528) for the 2007-2008 fiscal year and the sum of  
2 eight million nine hundred ninety-four thousand two hundred twenty-eight dollars  
3 (\$8,994,228) for the 2008-2009 fiscal year to fund an increase by the Commission on  
4 Indigent Defense Services of the noncapital hourly rate paid to attorneys appointed to  
5 represent indigent persons from sixty-five dollars (\$65.00) per hour to seventy-five  
6 dollars (\$75.00) per hour.

7 **SECTION 2.** This act becomes effective July 1, 2007.