RESOLUTION SUPPORTING THE INDEPENDENCE AND ADEQUATE FUNDING OF INDIGENT DEFENSE SERVICES

Whereas, in order for North Carolina’s criminal justice system to function fairly for the victims and the accused, the system must be adequately funded at all levels of service;

Whereas, regarding indigent defense services, the state legislature established the North Carolina Office of Indigent Defense Services (IDS) in 2000 as an independent statewide agency charged with overseeing the provision of legal services to the indigent, whether by public defenders or private assigned counsel;

Whereas, IDS has served that constitutional mandate by developing training, qualification, and performance standards for those services; determining the most appropriate methods of delivering them in each judicial district; and making sure they are provided in the most cost-effective manner possible;

Whereas, IDS is governed by a bipartisan group of 13 Commissioners appointed by the Governor and leaders of the legislature, court system, State Bar, and various other professional legal services organizations;

Whereas, in addition to that oversight, IDS is routinely required to report to legislative oversight committees, and its biennial budgets are established by the legislature based on those reports and that oversight;

Whereas, IDS also holds regular meetings that are open to the legal community and public at large for scrutiny, comment, and participation;

Whereas, independence has been key to the mission of IDS, and all national standards and studies stress the importance of keeping indigent defense independent from the judiciary function and budget;*

Whereas, during the 2015 General Assembly Session, the legislature eliminated IDS’s independence, putting its budget back into the overall judiciary budget of the Administrative Office of the Courts;

Whereas, for the first time in 15 years, lawyers for poor people accused of crime may have to compete for diminishing court resources with prosecutors, judges, clerks, and other court service providers;

Whereas, such competition does not serve the interests, independence, or adequate funding of either the indigent defense function or the prosecution function in North Carolina;

Whereas, the indigent defense function and the prosecution function in North Carolina should be independent and adequately funded;

IT IS HEREBY RESOLVED that the North Carolina Bar Association strongly supports the independence and adequate funding of the indigent defense function and the prosecution function in North Carolina, as well as the overall funding of the criminal justice system.

Adopted this 26th day of January, 2017
by the Board of Governors of the North Carolina Bar Association

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Kearns Davis
President, North Carolina Bar Association