



## *Committee on Indigent Appointments*

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*Ex Officio  
Lisa Y. Johnson-Tonkins  
Karen E. Sessoms*

**RE: Court-Appointed Lists Application**

Dear Attorney:

Thank you for your interest in court-appointed representation! Enclosed is an application for our local court-appointed lists. Please complete this application and **return it to Alex Snow at the Greensboro Office of the Public Defender in the Greensboro/Guilford County Courthouse.**

The Committee meets (approximately) quarterly to review new applications. Please call or email me for information regarding the next scheduled meeting of the Committee or with any questions.

The local rules regarding court-appointed representation are found on the Indigent Defense Services website (<http://www.ncids.org/>) under the link for "Indigent Appointment Plans." **IT IS EXCEPTIONALLY IMPORTANT THAT YOU READ THE RULES PRIOR TO SUBMITTING YOUR APPLICATION.** This plan and other helpful resources are also available on the local Guilford County Public Defender website (<https://gcpublicdefender.wordpress.com/>).

Sincerely,

*Alex Snow*

Alex Snow, Administrator  
336-412-7740 – Direct Line  
336-412-7778 – Fax  
[Alex.Snow@nccourts.org](mailto:Alex.Snow@nccourts.org)

Enclosure: Application

## APPLICATION FOR APPOINTMENT LISTS (Guilford County, NC)

I, \_\_\_\_\_ (*print name*), am a member in good standing with the North Carolina State Bar and I maintain an office in or close to Guilford County, North Carolina such that I can readily meet with appointed clients. I have been licensed to practice law for \_\_\_\_\_ year(s) and hereby request to be added to the following list(s) in the representation of indigent clients:

### **LIST 1: Adult Misdemeanor Cases and Misdemeanor Probation Violations**

- Greensboro
- High Point

Attorneys on List 1 will represent indigent persons accused of misdemeanors and misdemeanor probation violations in the District and Superior Courts. They will also represent respondents in show cause orders alleging contempt in district court criminal proceedings (but not in child support contempt matters). Attorneys who are appointed to misdemeanors or misdemeanor probation violations in district court shall continue their representation of the defendant in superior court; however, an attorney on List 1 who is conducting his or her first jury trial in Superior Court must have previously served as second chair on a jury trial or have a second chair, if reasonably available, appointed by the Court to assist with the trial.

**REQUIREMENTS:** To qualify for List 1, a significant portion of the attorney's practice must be or must be expected to be criminal law; the applicant must certify that he or she has observed at least one (1) district court session and one (1) district court bench trial in the county, and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for the representation in misdemeanor cases and will apply that knowledge and skill with appropriate thoroughness and preparation. If the applicant is a new attorney as defined in the Mentorship Requirement, he or she must have an assigned mentor. Except for new attorneys with mentors the applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of criminal law within the past year.

### **LIST 1A: Adult Misdemeanor Driving While Impaired (DWI) Cases**

- Greensboro
- High Point

Attorneys on List 1A will represent indigent persons accused of misdemeanor Driving While Impaired (DWI) in all proceedings before the district court. The attorney should also handle any pending misdemeanor traffic cases related to the DWI charge. Attorneys who are appointed misdemeanor DWIs in district court shall continue their representation of the defendant on de novo appeal in superior court.

**REQUIREMENTS:** To qualify for List 1A, the applicant must demonstrate that he or she has the required legal knowledge, training, experience and skill relating to DWI, traffic, and Department of Motor Vehicle (DMV) laws necessary for the representation in DWI cases and will apply that knowledge, training, experience, and skill with appropriate thoroughness and preparation.

**LIST 2: Felonies F-I and Felony Probation Violations (Does NOT include Drug Trafficking Cases)**

Greensboro

High Point

An attorney on List 2 will represent indigent persons accused of felonies from classes F through I and felony probation violations in the District and Superior Courts. An attorney on List 2 will also be appointed to represent existing clients on new or pending misdemeanor charges, including, if necessary, trial de novo if the client exercises his or her right to a jury trial. An attorney on List 2 who does not have the required jury trial experience described below must have previously served as second chair on a jury trial or have a second chair, if reasonably available, appointed by the Court to assist with the attorney's first trial. An attorney on List 2 may continue to represent a client after the filing of an habitual felon indictment even though the attorney is not on List 3, provided that the continued representation is approved in open court or by consent order showing written approval of the client.

**REQUIREMENTS:** To qualify for List 2, an applicant attorney must have been licensed to practice law for at least two (2) years and must demonstrate that he or she has the required legal knowledge and skill necessary for the representation in felony cases and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also demonstrate that he or she is competent to try a superior court case before a jury and otherwise has the ability to handle felony cases in superior court. The applicant must certify that he or she has tried as lead or co-counsel at least two (2) jury trials to verdict. As an alternative to jury trial experience, the applicant may show completion of at least twelve (12) hours of continuing legal education in the area of criminal jury trials. Regarding the years of experience requirement, see Article VIII.B. of these regulations.

**LIST 3: Felonies A through E (Plus All Drug Trafficking Offenses and Indecent Liberties)**

Greensboro

High Point

Attorneys on List 3 represent defendants charged with felonies from class B1 through E, Class A felonies where the defendant is ineligible for the death penalty, with all drug trafficking offenses, and with indecent liberties offenses under G.S. 14-202.1, 14-202.2, 14.202.3, and 14.202.4 in the District and Superior Courts. A lawyer on List 3 will also be appointed to represent the client on new misdemeanors or non-capital felony charges of any class or misdemeanors or non-capital felony charges of any class pending at the time of the original appointment on the felony cases. The attorney will also be expected to represent any misdemeanor client who exercises the right to trial de novo in superior court after conviction of a misdemeanor in district court. An attorney on List 3 who has not tried before a jury a case involving a charge covered by this list must have previously served as second chair on a jury trial of such a charge or have a second chair, if reasonably available, appointed by the Court to assist with the attorney's first trial of such a charge.

**REQUIREMENTS:** To qualify for List 3, an applicant attorney must have been licensed to practice law and have recently practiced adult criminal law on a consistent basis for at least three (3) years and must demonstrate that he or she has the required legal knowledge and skill necessary for the representation in serious felony cases in superior court and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must certify that he or she has tried as lead counsel or individually at least three (3) jury trials to verdict. To remain on List 3, the applicant must certify every three (3) years that he or she has attended at least nine (9) hours of continuing legal education relevant to representation of high-level felonies.

**LIST 4A: Juvenile Class A1-3 Misdemeanors, Class H-I Felonies, Probation Violations, and Motions for Contempt**

- Greensboro
- High Point

Attorneys on List 4A will represent juveniles alleged to be delinquent of class A1-3 misdemeanors, class H-I felonies, probation violations, and motions for contempt in the juvenile courts. An attorney on this list may continue to represent a juvenile if the juvenile’s case is transferred to Superior Court if the attorney is qualified by the Public Defender to represent adults in that class of felony case in Superior Court, subject to the second-chair requirements for that list. If the attorney is not qualified by the Public Defender to represent adults in that class of felony case in Superior Court or wishes not to represent the juvenile in Superior Court, another qualified attorney will be appointed by the court as soon as practicable, but no later than prior to the probable cause hearing.

**REQUIREMENTS:** To qualify for List 4A, the applicant must certify that he or she has read and is familiar with the Juvenile Code and the local rules governing juvenile court in the county or judicial district. The applicant must certify that he or she has shadowed an attorney who is currently on the list for two (2) court sessions; has spent no less than one (1) hour becoming familiar with the practices and procedures of the court counselor office in the county or district and has met with its Chief Court Counselor(s); and has become familiar with the Office of the Juvenile Defender by visiting the website and subscribing to the blog and listserv. Within the first year of practice on the list, the attorney must certify that he or she has conferred with the director of the nearest juvenile detention facility, or the director’s designee, in person or by telephone and has become familiar with detention center policies and procedures.

To remain on List 4A, an attorney must complete at least six (6) hours of approved juvenile delinquency training within the first two (2) years of practice on this list, preferably with three (3) hours in the first year, and must thereafter complete at least three (3) hours of approved juvenile delinquency training or such other comparable training as allowed by the Committee every two (2) years. Approved training is that devoted to juvenile law and procedure, as well as special topics relevant to juvenile court, such as adolescent development, mental health, special education, substance abuse, racial and ethnic bias, and cultural issues, provided by the Office of the Juvenile Defender, the Office of Indigent Defense Services, the UNC School of Government, the North Carolina Bar Association, the North Carolina Advocates for Justice, the Council for Children’s Rights, the National Juvenile Defender Center, the Southern Juvenile Defender Center, or another entity approved by the Office of the Juvenile Defender or the Office of Indigent Defense Services.

**LIST 4B: Juvenile Felonies A-G**

- Greensboro
- High Point

Attorneys on List 4B will represent juveniles alleged to be delinquent of class A-G felonies in the juvenile courts. An attorney on this list may continue to represent a juvenile if the juvenile’s case is transferred to Superior Court if the attorney is qualified by the Public Defender to represent adults in that class of felony case in Superior Court, subject to the second-chair requirements for that list. If the attorney is not qualified by the Public Defender to represent adults in that class of felony case in Superior Court or wishes not to represent the juvenile in Superior Court, another qualified attorney will be appointed by the court as soon as practicable, but no later than prior to the probable cause hearing.

**REQUIREMENTS:** To qualify for List 4B, the applicant must have recently practiced in juvenile delinquency or adult criminal superior court on a consistent basis for at least three (3) years and must certify that he or she has successfully completed all of the requirements of List 4A. To remain on the list, an attorney must complete at least three (3) hours of approved juvenile delinquency training as defined above in List 4A, or other comparable training, every two (2) years of practice on this list. Regarding the years of experience requirement, see Article VIII.B. of these regulations.

**LIST 5A: Guardianship and Disabled Adults** (*Previously Lists 7A and 7D*)

- Greensboro
- High Point

Attorneys on List 5A will represent persons alleged to be incompetent under Chapter 35A and disabled adults as defined in Chapter 108A of the North Carolina General Statutes.

**REQUIREMENTS:** To qualify for List 5A, the applicant must certify that he or she has read and is familiar with the law relevant to guardianship and disabled adult proceedings, including North Carolina General Statutes Chapters 35A and 108A; the applicant must have observed at least three (3) contested guardianship proceedings in Guilford County, including, if possible, one (1) restoration proceeding, and one (1) Chapter 108 proceeding in the county. The applicant must further certify that he or she has spoken with a clerk of court hearing officer regarding procedures and expectations; has reviewed a sample copy of a properly completed, attorney- prepared Guardian ad Litem (GAL) report so that the applicant will better understand what is expected in his/her written reports; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in guardianship and disabled adult proceedings and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also certify that he or she has attended at least three (3) hours of continuing legal education in relevant law within the past two (2) years, if such training is reasonably available.

**LIST 5B: Judicial Waiver** (*Previously List 7B*)

- Greensboro
- High Point

Attorneys on List 5B will represent minors requesting a judicial waiver of parental consent to abortion.

**REQUIREMENTS:** To qualify for List 5B, the applicant must certify that he or she has read and is familiar with Section 90-21.6 through 21.10 of the North Carolina General Statutes and other relevant law on judicial waiver and must demonstrate that he or she has the required legal knowledge and skill necessary for representation in judicial waiver cases and will apply that knowledge and skill with appropriate thoroughness and preparation. Abortion is an emotional issue for many people. An attorney on this list is strongly reminded of his/her duty to represent the client without consideration of the attorney's personal beliefs. As part of the application process, the applicant is required to address this matter with the Administrator.

**LIST 5C: Civil Contempt** (*Previously List 7C*)

- Greensboro
- High Point

Attorneys on List 5C will represent respondents in civil contempt matters.

**REQUIREMENTS:** To qualify for List 5C, the applicant must certify that (a) he or she has at least one (1) year of licensed experience where he or she has been regularly in the courtroom, (b) he or she has read both N.C.G.S. Chapter 5A and *Contempt*, Michael Crowell, UNC School of Government, (December 2013) or a similar updated publication from the UNC School of Government, and (c) that he or she has the required legal knowledge and skill necessary for contempt proceedings and will apply that knowledge and skill with appropriate thoroughness and preparation. An attorney without the one-year courtroom experience may qualify for this list if he or she is assigned a mentor under the Mentorship Requirement detailed in these rules.

**LIST 5D: Civil Commitment** *(Previously List 7E)*

- Greensboro
- High Point

Attorneys on List 5D will represent respondents in civil commitment matters.

**REQUIREMENTS:** To qualify for List 5D, the applicant must certify that he or she has read and is familiar with the law relevant to civil commitment, including North Carolina General Statutes Chapter 122C; the applicant must have observed at least three (3) civil commitment hearings in the county, including, if possible, one (1) commitment hearing involving an adult, one (1) voluntary or involuntary commitment hearing involving a minor, and one (1) hearing involving an incompetent adult being admitted by a guardian; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in cases listed in this category and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of civil commitment law within the past two (2) years, if such training is reasonably available.

**LIST 6: Child Support Enforcement Actions** *(Previously List 8)*

- Greensboro
- High Point

Attorneys on List 6 agree to accept child support enforcement cases representing the child support obligor or the person attempted to be held in contempt for whatever purpose.

**REQUIREMENTS:** To qualify for List 6, the applicant must certify that he or she has read and is familiar with Chapters 5, 50, and 110 of the North Carolina General Statutes and other relevant law on child support enforcement; the applicant must have observed at least one (1) child support enforcement court session and one (1) child support contempt hearing in the county; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in child support enforcement cases and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of child support enforcement law within the past two (2) years, if such training is reasonably available.

**LIST 7: Parent Representation** (Previously List 9)

Greensboro

High Point

Attorneys on List 7 will represent parents in proceedings involving abuse, neglect, and dependency, and termination of parental rights and will act as Rule 17 Guardians ad Litem for respondent parents. In any case in which a petition for termination of parental rights is filed, the court should, unless good cause exists not to do so, appoint the same attorney to represent the parent in the termination proceeding who represented the parent in the abuse, neglect, and dependency proceeding.

**REQUIREMENTS:** To qualify for List 7, the applicant must certify that he or she has been engaged in civil or criminal courtroom practice for a minimum of one (1) year and has conducted at least three (3) trials in which he or she has presented evidence and cross-examined witnesses, or that he or she has been enrolled in a clinic providing legal services in which he or she, under supervision of a licensed attorney, has conducted at least three (3) trials in which he or she has presented evidence and cross-examined witnesses. The applicant must be familiar with the relevant specialized area of law; the applicant must certify that he or she has read and is familiar with the Section 7B-100 through 7B-1112 of the North Carolina General Statutes and any local rules governing abuse, neglect, and dependency court in the county or judicial district; the applicant must certify that he or she has observed two (2) full morning sessions of A/N/D court; the applicant must further certify that he or she has observed one (1) non-secure custody hearing, one (1) contested adjudication/disposition hearing; one (1) review hearing; one (1) permanency planning hearing where there is a proposed plan change; and, if possible, one (1) contested termination of parental rights hearing in the county; and the applicant must demonstrate that he or she has the required legal knowledge and skill necessary for representation in the cases in this category and will apply that knowledge and skill with appropriate thoroughness and preparation. The applicant must also show that he or she has attended at least three (3) hours of continuing legal education in the area of parental rights law within the past year, if such training is reasonably available.

As soon as possible after being approved for the list, the attorney must contact the Deputy County Attorney representing the Department of Social Services (“DSS”) and coordinate a time to be oriented on the DSS process, including how reports are received and investigated as well as meeting requirements as a case progresses through foster care. Within the first year of being placed on the list, the attorney is expected to participate in the Parent Defender Conference through IDS and the Office of the Parent Defender and more thoroughly study the A/N/D and TPR Manual from the UNC School of Government (available online through IDS and the Office of the Parent Defender).

To remain on List 7, the attorney must complete at least three (3) hours of approved continuing legal education relevant to representation of parents in abuse, neglect, dependency and termination of parental rights every two (2) years of practice on this list. Approved training is that devoted to juvenile law and procedure as it relates to A/N/D and TPR proceedings, as well as special topics relevant to this juvenile division, such as child development, mental health, substance abuse, domestic violence, poverty and other cultural issues, provided by the Office of Indigent Defense Services (“IDS”) and the Office of the Parent Defender, the UNC School of Government, the North Carolina Bar Association, the North Carolina Advocates for Justice, the Greensboro and High Point Bar Associations, the Children’s Home Society, Family Preservation of the Piedmont, or another entity approved by IDS or Office of Parent Representation, the local Guilford County Committee on Indigent Appointments or Guilford County Juvenile Court Judges.

Any new attorney to this list must acquire a mentor and adhere to the mentorship requirements in Section IX.A. Any attorney who was formerly on this list for more than one (1) year must reapply for the list but is exempted from certifying that he or she has met the prerequisite and post-approval requirements and the mentorship requirement listed above. However, the attorney must comply with the ongoing training requirements.

Full Name (Please Print): \_\_\_\_\_

Date of Birth: \_\_\_\_\_ State Bar #/Date of Admission: \_\_\_\_\_

Firm or Employer: \_\_\_\_\_

Business Address: \_\_\_\_\_

Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Have you ever been disciplined by any State Bar or Local Bar or by any Judge or by any Court?

- Yes (If yes, provide an attachment with details. You may also attach a copy of the Letter or Order)
- No

Please provide the name and phone number of one or more Attorneys who can provide a reference on matters such as your work ethic and ability to represent clients.

Attorney 1 Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Attorney 2 Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Are you an attorney who will require a Mentor, as defined in Section IX of the Local Rules?

- Yes (because I have been licensed for less than one year OR because I have begun representing clients in this area within the past year)

OPTIONAL: My mentor of choice is: \_\_\_\_\_  
and I have attached a letter from this mentor agreeing to mentorship

- No (because I certify that I have been licensed for one year or more AND have practiced in this area of law for one year or more)

**ATTACHMENTS:**

- **REQUIRED:** Please attach a photocopy of your Courthouse photo ID badge to this application
- Feel free to attach a resume and/or recommendation letters
- Depending on what list(s) you are applying for, either write in the space below how/when you have met the qualifications, or feel free to provide those on a separate document.

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## Certification

I, the undersigned, certify that I have given true, accurate, and complete information on this application to the best of my knowledge. I authorize the 18<sup>th</sup> Judicial District Public Defender Office (“Public Defender”) and the Committee on Indigent Appointments (“Committee”) to investigate all information provided in this application and supporting submissions. I understand that false information, false documentation, or even a failure to disclose relevant information may be grounds for rejection of my application.

I understand and agree that a copy of this page may be provided to past employers and contacts familiar with my work-ethic, competence and suitability to handle court-appointed work and a position of trust. I consent to a confidential inquiry by the Public Defender Office and Committee of the contacts listed in this application and other persons familiar with my competence, for the purpose of determining whether I fulfill the requirements to be placed on the roster of attorneys eligible for appointment as counsel in the 18<sup>th</sup> Judicial District. I further understand that all information received by the Public Defender and Committee in conjunction with this application, including reference information, shall be confidential and available for use only by the Public Defender and Committee, and shall not be disclosed except as required by law. I understand and acknowledge that the Committee meetings are Public Meetings and matters discovered as a result of the confidential inquiry may be discussed during the meetings but that the Committee shall otherwise keep this information confidential unless disclosure is required by law. By submitting this application, I explicitly waive the right to review reference information obtained by the Public Defender and Committee.

**I certify that I have read the Regulations for Appointment of Counsel in the 18<sup>th</sup> Judicial District in Cases under the Indigent Defense Services Act, and agree to abide by the rules and conditions of appointment set forth there. A copy of these rules can be viewed at: [www.ncids.org](http://www.ncids.org) (under Rules and Regulations of 18<sup>th</sup> Judicial District).**

- I understand the Mentorship Requirement, and if applicable to me, will abide by it.
- I understand that if my client is incarcerated, I will go visit them within three (3) business days of appointment.
- I understand that if I am going to be on vacation for longer than four (4) business days, I must notify the Clerk of Superior Court and Committee Administrator in writing of the vacation.
- I understand conflicts and understand how/when to withdraw so that the Court can efficiently appoint a new attorney.

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Signature of Applicant

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Date