The study provides frequency distributions for superior court cases by charge type for cases in which superior court judges set the fees, including class of felony for felony cases, as well as information about average hours and range of hours. Study results were based on two different data sets. Study calculations for the ten felony classes were based on a sample study of 4,994 felony fee applications paid between August 1, 2004 and October 31, 2004. Study calculations for the remaining superior court charge types were based on the 28,829 superior court fee applications received by AOC in FY05 (between July 1, 2004 and June 30, 2005). For the three-month sample study, interim fees and attorney withdrawals were excluded from study calculations. For both data sets, data-entry errors were excluded from study calculations.

All charge types represent the highest charge the defendant faced, regardless of the final disposition. For example, the chart labeled D.W.I. presents the frequency distribution, average hours, and highest number of hours claimed for fee applications where the highest charge the defendant faced was a D.W.I., regardless of the disposition of the case. For class of felony frequency distributions, the charts also distinguish between cases that were resolved by trial and non-trial, and present the frequency distribution, average hours for non-trial cases, and range of hours claimed for trial cases for fee applications where the highest charge the defendant faced was a felony of that class, regardless of the disposition of the case. Non-trial includes cases that were resolved by guilty pleas, dismissals, deferrals or diversions, a finding of probation violation or criminal contempt, and “other.” Non-trial also includes cases where the resolution of the case was unknown. We encourage judges to consider the totality of charges covered by an individual fee application, as well as any other factors that could have made the case more or less complicated, when evaluating the reasonableness of the amount of time claimed.

Please note that the $n$ for felony classes A and B2 was very low $^1$ (9 and 37 fee applications respectively). For these felony classes, the actual frequency distribution is more informative than the calculated average number of hours for non-trial cases. The average number of hours for non-trial cases in these two felony classes should be considered with caution, since the lower the $n$ in a sample study the less likely the study average will reflect the true average if all data points were known.

Please note that, to simplify the presentation of this information, a number of conventions apply to the charts on the following pages. The charts summarize the frequency distribution in terms of whole hours. The categories refer to fee applications reporting hours greater than the preceding category and up to the hour denoted by the label. For example, the category “1” is for fee applications reporting less than or up to 1 hour of labor. The category “2” includes all fee applications reporting more than 1 hour but no more than 2 hours. The category “3” includes all fee applications reporting more than 2 hours but no more than 3 hours, and so on. Due to the very high variability in the amount of time necessary to dispose of a case in superior court, there are many intervals with no fee applications reporting a time in that interval.

In the charts for the ten felony classes, “Average Hours Non-Trial” represents the average amount of time claimed on a fee application of that felony class for non-trial cases during the study period; and “Hours Range Trial” represents the range of hours claimed on fee applications of that felony class for trial cases during the study period. In the charts for the remaining superior court charge types, “Average Hours” represents the average amount of time claimed on a fee application of that charge type during the study period; and “Highest Claim” represents the highest number of hours claimed on a fee application of that charge type during the study period.

$^1$ $n$ denotes the number of fee applications used in the sample study.
* Charge types represent the highest felony class the defendant faced, regardless of the final disposition. Non-Trial includes cases that were resolved by guilty pleas, dismissals, deferrals or diversions, a finding of probation violation or criminal contempt, and other. Non-Trial also includes cases were the resolution was not known.
NC Office of Indigent Defense Services
FY05 Statewide Private Attorney Superior Court Fee Application
Average Hours and Frequency Distributions per Case by Charge Type*

Based on fee applications received by the AOC between July 1, 2004 and June 30, 2005

* Charge types represent the highest charge the defendant faced, regardless of the final disposition.