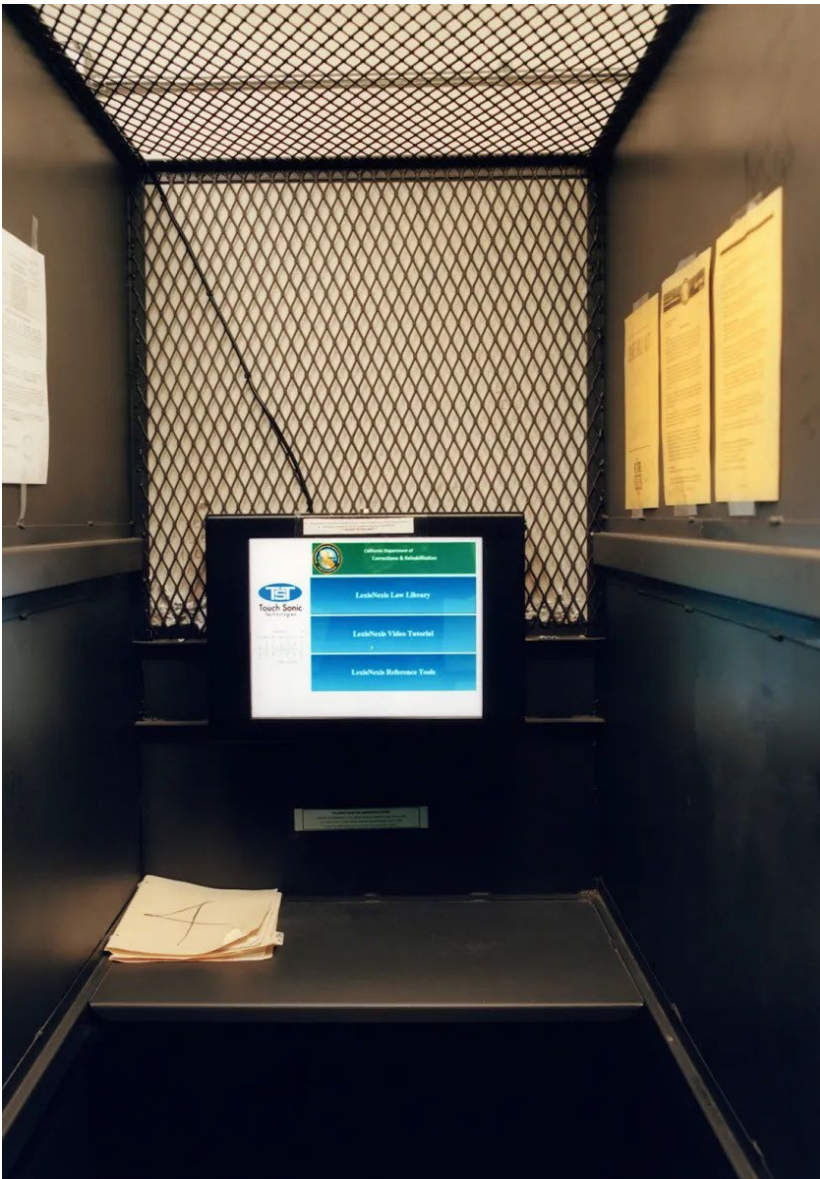




REPORT – MAY 29, 2025



# Limited by Design

## The Policy Framework of Legal Access in Prison

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Legal research terminal at California State Prison, Sacramento.  
Photograph by Carlos Chavarría.  
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Ithaka S+R provides research and strategic guidance to help the academic and cultural communities serve the public good and navigate economic, demographic, and technological change.

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# Introduction

America's prisons and jails are information deserts. Restrictions—and in some cases, outright bans—on internet access, combined with limited library services and the censorship of both print and digital materials, severely curtail incarcerated individuals' connection to the outside world. Legal information is no exception. While access to legal information is both a constitutionally mandated right and a vital need for those seeking to challenge a conviction, contest conditions of confinement, or address family law matters, a growing body of research shows that incarcerated people face significant barriers to exercising that right. These include limited access to legal materials, little to no guidance on conducting legal research, and the complex administrative procedures required to bring claims before a court. When incarcerated individuals are denied meaningful access to the courts, the harm extends beyond them—it weakens the broader justice system by concealing wrongful convictions, shielding unconstitutional conditions of confinement, and allowing violations of individual rights in our nation's prisons and jails to go unaddressed.

When incarcerated individuals are denied meaningful access to the courts, the harm extends beyond them.

In this project, funded by the Institute of Museum and Library Services (IMLS), we examine the national landscape of access to legal information in prisons, with a particular focus on how law librarians facilitate and mediate that access. While anecdotal evidence suggests that law librarians play a critical role in supporting incarcerated patrons, there is limited research on the profession's capacity to meet this need—or on the models and practices that could strengthen its impact. This project aims to fill that gap by shedding light on this key group of actors: documenting how law librarians work to support meaningful access to the courts behind bars, how services vary across states, and what barriers limit their ability to assist incarcerated patrons. Ultimately, we seek to identify promising practices, elevate model solutions, and explore actionable ways to empower more librarians to work effectively with incarcerated patrons,

while also helping those patrons better understand the scope and responsibilities of the librarian's role.

The picture that emerges is one of sharply limited access, particularly when it comes to resources for training, learning, and conducting legal research.

This report summarizes the first phase of our research and frames the broader project. We begin by tracing the legal history of the right of incarcerated individuals to access the courts, then examine how the current legal framework has been translated into state policies governing access to legal materials inside prisons and jails. This section—which includes the first comprehensive scan of current state statutes and correctional policies on legal information access—offers a national overview of what states require, including the role, if any, assigned to law librarians within correctional facilities. The picture that emerges is one of sharply limited access, particularly when it comes to resources for training, learning, and conducting legal research. In the second half of the report, we explore how law librarians outside correctional systems—in county, state, and academic libraries—have stepped in to fill some of those gaps, providing reference services, research assistance, and other forms of assistance to incarcerated patrons.

This sets the foundation for the next step of our research, an examination of the barriers incarcerated individuals face when reaching out to law librarians—and the challenges librarians encounter in providing that support. This stage will explore what is needed to strengthen this relationship and identify ways departments of correction and law libraries can more effectively meet the legal needs of people behind bars.

## **Access to the law in prison: a brief history**

While the foundational court decisions that shape access to the law in prison did not emerge until the 1970s—with the Supreme Court's recognition of a constitutional right of access to the courts for incarcerated individuals—the history of prison law libraries stretches back to the beginning of the twentieth century. The earliest recorded prison law library was established at San Quentin State Prison in California in the early 1900s. By the 1930s, correctional institutions such as Sing Sing in New York and Statesville in Illinois had become known for their expansive

legal collections. Statesville, in particular, drew national attention: the prison reportedly rented 400 typewriters to accommodate the growing interest in legal research, and tens of thousands of filings from incarcerated individuals were submitted to the courts.<sup>1</sup>

It was not until the 1960s that a legal doctrine began to take shape around incarcerated individuals' access to the law—and the role of institutional law libraries in fulfilling that obligation.

Although prison law libraries had existed in selected institutions for decades, their presence was largely dependent on the discretion and benevolence of individual wardens, with no formal legal mandate in place. It was not until the 1960s that a legal doctrine began to take shape around incarcerated individuals' access to the law—and the role of institutional law libraries in fulfilling that obligation. This evolving body of case law emerged within a broader context of legal and political activism, as the prisoners' rights movement gained momentum and incarcerated people increasingly turned to the courts to challenge the conditions of their confinement.<sup>2</sup> Legal advocacy in both state and federal courts during this period laid the groundwork for the US Supreme Court's two landmark decisions on access to the law for incarcerated individuals: *Younger v. Gilmore* (1971) and *Bounds v. Smith* (1977).

In *Younger v. Gilmore* (1971), the Supreme Court affirmed a California district court's ruling that the California Department of Corrections could not eliminate legal reference materials from its facilities without violating the constitutional rights of indigent incarcerated individuals, who relied on those materials to access the courts—unlike wealthier individuals who could afford private counsel. If *Younger* marked the Court's first clear articulation of a positive obligation on correctional systems to facilitate access to the courts—beyond a mere duty not to interfere—then *Bounds v. Smith* (1977) established the foundational jurisprudence that would shape prison legal access for the next two decades. In *Bounds*, the Court held that incarcerated individuals possess “a fundamental constitutional

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<sup>1</sup> Jonathan Abel, “Ineffective Assistance of Library: The Failings and the Future of Prison Law Libraries,” *Georgetown Law Journal* 101, no. 4 (2013): 1171–1213.

<sup>2</sup> Dan Berger, *The Struggle Within: Prisons, Political Prisoners, and Mass Movements in the United States* (Oakland, CA: PM Press, 2014).

right of access to the courts,” and that correctional systems must provide either “adequate law libraries or adequate assistance from persons trained in the law” to fulfill that obligation. While the Court stopped short of defining what constitutes “adequate” access, the decision firmly positioned prison law libraries as a central, constitutionally recognized mechanism for meeting that standard.

Meaningful access to the courts, they argued, required more than books on a shelf—it required training, guidance, and support to help incarcerated individuals understand and use legal materials effectively.

After *Bounds*, correctional systems faced a choice: provide access to legal counsel or establish institutional law libraries. Most opted for the latter, viewing libraries as a more cost-effective way to meet the Court’s newly articulated constitutional mandate. Yet this shift did not resolve the debate. While welcoming the decision, prisoners’ rights advocates raised concerns that the presence of a law library alone was not sufficient. Meaningful access to the courts, they argued, required more than books on a shelf—it required training, guidance, and support to help incarcerated individuals understand and use legal materials effectively. On the other side of the debate, critics of expanding incarcerated individuals’ legal access warned that recognizing a right to prison law libraries could lead down a slippery slope—ultimately resulting in a constitutional right to post-conviction legal assistance, which they argued would place an unsustainable burden on the state.<sup>3</sup>

Ultimately, it was the critics who viewed *Bounds* as overly expansive—rather than too limited—who gained the upper hand. In the mid-1990s, a combination of Supreme Court rulings and Congressional action significantly curtailed incarcerated individuals’ rights to access the courts. If the expansion of legal access rights in the 1970s was rooted in the momentum of the Civil Rights and prisoners’ rights movements, the retrenchment of those rights in the 1990s unfolded within the broader context of the country’s punitive turn. In 1994, the Clinton administration signed into law the Violent Crime Control and Law Enforcement Act—commonly known as the Crime Bill—the most sweeping piece of criminal justice legislation in US history. The bill introduced longer mandatory minimum sentences, provided financial incentives for states to build more prisons, and eliminated Pell Grant eligibility for incarcerated students, among other measures.<sup>4</sup>

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<sup>3</sup> Abel, “Ineffective Assistance of Library.”

<sup>4</sup> Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355, 103rd Cong. (1994), <https://www.congress.gov/bill/103rd-congress/house-bill/3355>.

Two years later, in *Lewis v. Casey* (1996), the Supreme Court sharply curtailed the affirmative obligations outlined in *Bounds*, significantly narrowing the constitutional standard for legal access in prison. Writing for the majority, Justice Antonin Scalia held that there is no “abstract, freestanding right to a law library or legal assistance.” Instead, the Court introduced a much more restrictive framework, requiring incarcerated individuals to demonstrate “actual injury”—meaning that the lack of legal resources must have directly hindered their ability to pursue a meritorious legal claim. In effect, *Lewis* eliminated any general right to legal research or library access, affirming only the right to prepare and file specific legal claims, such as direct appeals, or a challenge to conditions of confinement. In the aftermath of the *Lewis* decision, many states moved to reduce funding for prison law libraries, and a handful—including Arizona, Georgia, and South Dakota—eliminated theirs altogether.<sup>5</sup>

In 1996, the same year *Lewis v. Casey* was decided, Congress further restricted incarcerated individuals’ ability to bring claims in federal court by passing the Prison Litigation Reform Act (PLRA). The legislation imposed a range of procedural hurdles and placed new limits on the types of damages incarcerated plaintiffs could seek. One of its most consequential provisions was the “exhaustion of administrative remedies” requirement, which mandates that individuals must first navigate the often complex, opaque, and inconsistently enforced prison grievance system before bringing their claims to court. The PLRA resulted in a steep decline in prison civil rights filings reaching federal district courts, from 23 filings per 1,000 incarcerated individuals in 1995, to half that rate in 2014.<sup>6</sup>

*Lewis v. Casey* and the PLRA remain the most recent and influential pieces of Supreme Court jurisprudence and federal legislation on access to legal information in prisons, setting the parameters for what correctional systems are required to provide. In the decades since, although no new rulings or federal statutes have reshaped this legal framework, the introduction of digital technology has significantly altered how correctional systems meet these diminished federal requirements. With personal tablets and kiosks increasingly available inside correctional facilities, many departments of corrections have shifted from traditional print

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<sup>5</sup> Dale Chappell, “Are Prison Law Libraries Adequate?” *Prison Legal News*, April 2020, <https://www.prisonlegalnews.org/news/2020/apr/1/are-prison-law-libraries-adequate/>.

<sup>6</sup> Marco Schlanger, “Trends in Prisoner Litigation as the PLRA Approaches 20,” *Correctional Law Report*, February/March 2017.

collections to digital legal databases—also drawn by the promise of further cost savings.<sup>7</sup> Today, nearly all states have contracts with one of the two major private providers—LexisNexis or Westlaw—to offer digital legal database access to incarcerated individuals. The impact of digitization on access to legal resources inside prisons has been mixed. On one hand, digital legal databases—especially when made available on personal tablets—have increased the amount of time incarcerated individuals can spend engaging with legal materials and have made it easier for facilities to maintain up-to-date collections. On the other hand, these databases can be difficult to navigate, and the tablets themselves are often prone to technical issues. While legal professionals on the outside typically receive formal training in how to use these tools, incarcerated individuals are frequently left to navigate them alone, with little to no guidance or instructional support.

Digital legal databases—especially when made available on personal tablets—have increased the amount of time incarcerated individuals can spend engaging with legal materials and have made it easier for facilities to maintain up-to-date collections.

Against this backdrop of shifting legal doctrine, legislative retrenchment, and technological change, the next section examines how states and departments of corrections have adapted their administrative codes and policies to define and manage access to the law on the ground and what legal resources facilities are currently required to provide to incarcerated individuals. By examining correctional policies and state administrative codes, we aim to go one level deeper—to understand how states and correctional institutions are interpreting and operationalizing the standard of what is considered “adequate” legal access, as shaped by the Supreme Court’s evolving jurisprudence.

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<sup>7</sup> Stephen Raheer and Andrea Fenster, “A Tale of Two Technologies: Why ‘Digital’ Doesn’t Always Mean ‘Better’ for Prison Law Libraries,” *Prison Policy Initiative* (blog), October 28, 2020, <https://www.prisonpolicy.org/blog/2020/10/28/digital-law-libraries/>.

# Data and methods

Between August 2024 and January 2025, our team conducted a comprehensive review of department of corrections (DOC) policies and state administrative codes related to legal access for incarcerated individuals. We collected all publicly available DOC policies and state administrative codes related to law libraries or access to courts. When no publicly available policy could be found, we contacted the relevant state DOC directly for additional information.<sup>8</sup> We then used a qualitative coding approach—closely reading each text to identify recurring themes and develop thematic categories—to analyze key variables across policies. This method enabled us to map the structural components of legal access policies and examine variation across states.

During the same period, we conducted 16 exploratory interviews with key stakeholders, including currently incarcerated individuals who identify as jailhouse lawyers (n=3), DOC staff responsible for law library services (3), and law librarians working in academic, state, and county libraries (10). Participants were recruited through existing networks and snowball sampling techniques, with attention to ensuring geographic variation across the sample. Conducted remotely, these interviews provided important context, clarified the application of formal policies, and revealed informal practices not captured in official regulations—particularly concerning the role of external law librarians in supporting access to legal resources for incarcerated people.

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<sup>8</sup> We reached out to 15 departments of corrections for which we could not retrieve available correctional policy on legal access for incarcerated people; five responded by providing their policy documents and/or answering a brief questionnaire about legal resources available in their facilities.

# What policy requires: formal mandates for legal access

The following sections present findings from our review of state administrative codes and department of corrections (DOC) policies governing incarcerated individuals' access to legal information across all 50 states. We document what these policies stipulate regarding dedicated spaces for law libraries within correctional facilities, staffing, available tools for conducting legal research, and the restrictions placed on their use.

While our analysis focuses on official policy documents, we remain mindful of their limitations. Policies rarely capture on-the-ground realities where informal barriers and unwritten norms often shape actual access. Operational details—such as library schedules, facility layouts, and staff availability—are typically absent from written guidelines, yet they play a critical role in determining how, when, and whether incarcerated individuals can make use of legal resources.

Policies rarely capture on-the-ground realities where informal barriers and unwritten norms often shape actual access.

Still, policy provides the formal framework within which legal access is structured, negotiated, and contested. In this review, we were particularly interested in identifying which requirements remain in place: What rights are still protected in state policy? How do these provisions vary across jurisdictions? The analysis that follows explores these differences and considers their implications for how incarcerated individuals access legal information under today's legal standards.

## Maintaining law libraries in prison

Despite the significant shifts over the past 30 years—including a less stringent interpretation of the constitutional mandate to provide legal access and the increasing reliance on digital tools—our review of department of corrections policies and state administrative codes reveals that most states still require the maintenance of an “institutional law library” or “law library collection” as a dedicated physical space within their correctional facilities (Figure 1). Florida’s policy, for instance, mandates that “each facility shall maintain a legal resource area with access to legal materials and sufficient space for inmate use,” underscoring the expectation of a physical law library.<sup>9</sup> Michigan policy goes a step forward, requiring that the law library is “functional in design, having sufficient space for tables and seating for law library users. It also shall be well lighted and free from noise and other distractions that would impair concentration.”<sup>10</sup>

As one of our interviewees—a longtime jailhouse lawyer—pointed out, having a physical space to conduct legal research remained essential for him, even after gaining access to digital legal databases through tablets. Incarcerated people, he explained, still relied on prison law libraries for a range of functions, from drafting and printing legal documents (e.g., pleadings, motions, affidavits), accessing writing supplies, mailing case materials, and obtaining notary services.

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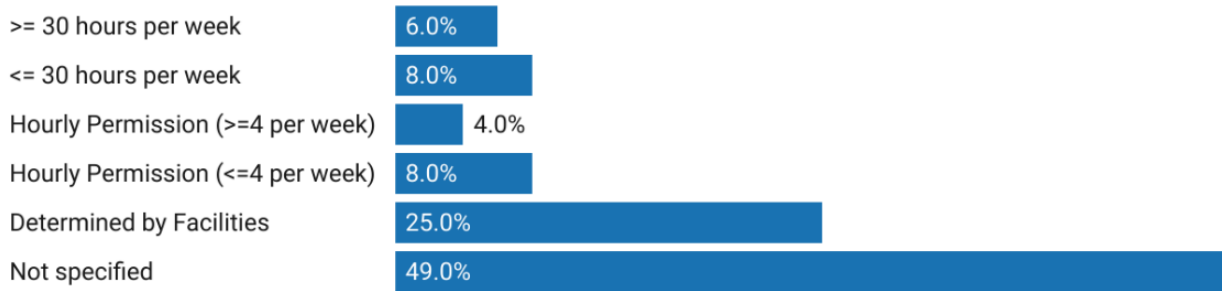
<sup>9</sup> Fla. Admin. Code r. 33-501.301 (2023).

<sup>10</sup> Michigan Department of Corrections, Policy Directive 05.03.115: Law Libraries, 2023.



contract attorney. Depending on the housing location, an electronic law library may not be available to the inmate.<sup>11</sup>

**Figure 2: Hours of Operations**



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Only about a quarter of states, moreover, include provisions in their policies specifying the hours of operation for prison law libraries. Another 25 percent delegate this decision to individual facilities, offering no statewide standard, while the remaining 50 percent make no reference to law library hours at all. Only a small minority—just 6 percent—require facilities to provide access to law libraries for 30 hours or more per week (Figure 2), while four states (approximately 8 percent) grant incarcerated individuals a maximum of four hours per week to access the law library.

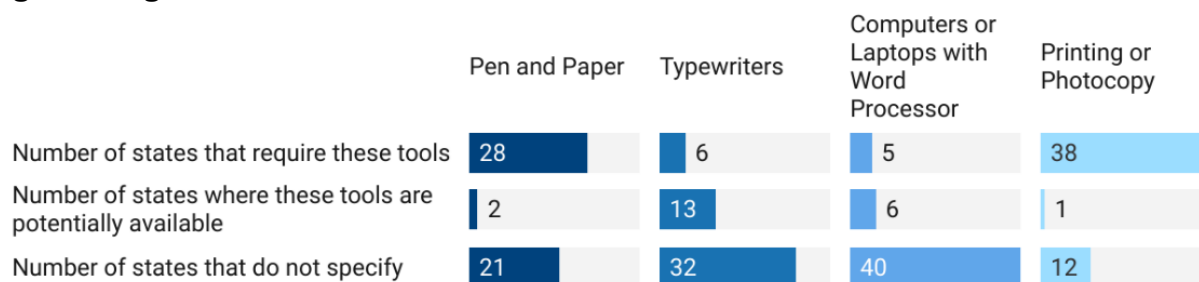
While policy provisions that mandate physical law library spaces or minimum hours of operation can help protect access, they do not guarantee consistent implementation. One interviewee—a staff member with the Washington DOC—noted that only the eight largest facilities in the state had a dedicated law library space, despite the existence of a statewide policy. Florida’s policy similarly requires law libraries only in facilities housing more than 500 individuals, leaving smaller institutions without guaranteed access to dedicated space. Moreover, the meaning of “dedicated space” is often undefined in policy and varies widely in practice. As several interviewees explained, in some facilities this may refer to a standalone law library; in others, it might consist of a single shelf and desk located within the general library. These variations exist not only across states but also between facilities within the same state, shaped by institutional size, layout, and available resources.

<sup>11</sup> Utah Department of Corrections, FD06 - Legal Access, 2024.

## Legal research tools

Like plaintiffs or legal counsel on the outside, incarcerated individuals need access to basic research and writing tools to pursue their legal cases. These include essential resources that are readily available in law libraries and legal offices outside of prison such as typewriters or word processors, printing and photocopying equipment, and other writing materials. However, the extent to which facilities are required by policy to provide these tools varies significantly by state (Figure 3).

Figure 3: Legal Research Tools



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In Arizona, for example, the DOC policy does not require facilities to offer access to word processors—or even typewriters—for the preparation of legal documents. Instead, the policy stipulates that individuals must purchase basic writing supplies, such as pens and paper, from the commissary. The only exception applies to those classified as indigent, with no funds in their accounts, who may receive a monthly supply consisting of one pen, two pencils, two legal pads, and 10 envelopes.

Arizona is not alone in requiring incarcerated individuals—even those pursuing qualified legal claims—to pay for the tools necessary to prepare legal materials. Twelve other states include similar provisions in their policies, requiring individuals to cover the cost of basic supplies needed to pursue their cases, conduct legal research, or complete required filings unless they are of indigent status (Appendix 2).

Sixteen states, on the other hand, require their facilities to make at least basic writing supplies—such as pens and paper—freely available to incarcerated individuals pursuing legal claims. Both the Alabama and Indiana DOCs, for example, note that because state courts accept

handwritten legal documents, their facilities are not obligated to provide typewriters or word processors. However, handwriting tools must be provided at no cost to incarcerated plaintiffs. The Indiana policy adds that it is the responsibility of the incarcerated individual acting pro se to ensure their handwritten claims are “legible and comply with all other applicable rules of the court.”<sup>12</sup>

In 13 states, policies are slightly more expansive when it comes to mandating access to research and writing tools for people working on their cases or other legal claims, requiring facilities to make typewriters available in their law libraries. Alaska DOC policy, for instance, states:

Superintendents shall provide at least one properly functioning typewriter for every 100 prisoners based on the maximum capacities of each institution. Prisoners shall be provided access to 1) typing paper and 2) photocopies (at the discretion of the Superintendent) as necessary for legal filings. These shall be provided to indigent prisoners at no charge.<sup>13</sup>

The next section of the Alaska policy, however, grants superintendents the authority to limit or deny access to typewriters based on “an individualized determination because of a safety or security risk.” This type of discretionary clause is not uncommon. Several other state policies that include provisions for access to typewriters also contain notable restrictions or qualifications. The New Hampshire DOC policy, for example, states that “typewriters are available as a service, not by mandate,” suggesting that access is not guaranteed and may be subject to withdrawal at the facility’s discretion.<sup>14</sup>

While most states only require their facilities to provide basic tools—such as pen, paper, and typewriters—for incarcerated individuals working on legal claims, a small number of correctional policies mandate access to more updated technology. Only five jurisdictions—Colorado, the District of Columbia, New York, North Dakota, and South Dakota—formally require prison law libraries to offer access to desktop computers or, in rare cases,

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<sup>12</sup> Indiana Department of Correction, Manual of Policies and Procedures, 00-01-102: Access to the Courts for Incarcerated Individuals, 2022.

<sup>13</sup> Alaska Department of Corrections, Policies and Procedures, Index #814.02: Law Library, 2013.

<sup>14</sup> New Hampshire Department of Corrections, Policy and Procedure Directive 7.20: Library Services, 2013.

laptops equipped with word processing software for the preparation of legal documents. Even in these states, however, policies typically impose strict limitations on computer access. Most restrict usage to incarcerated individuals representing themselves in open or pending cases and narrowly define the types of tasks that may be performed. In North Dakota, for instance, incarcerated individuals who want to use the computer terminal are “responsible to verify [their] need with [their] case manager 24 hours prior to the day [they] wish to use the law library word processor.” Even when cleared to use the computer, the policy continues, incarcerated plaintiffs “may not print case notes or any other material except for official court documents and related correspondence.”<sup>15</sup> Saving files is also not allowed, and people are prohibited from possessing thumb drives or any forms of electronic storage devices.

In Washington, DC, incarcerated individuals may request access to a laptop with Lexis legal research software, but only through a written request submitted by their attorney or a judge to the Office of the General Counsel. While a court order is not required, access comes with significant restrictions: individuals granted laptop use must be moved to restrictive housing for the duration of their legal work to protect the equipment and maintain facility security. Once the work is completed, they may be returned to their original housing unit. Partial or intermittent use is not permitted; individuals must remain in lockdown until the project is finished.

Most states require their facilities to equip prison law libraries with photocopying or printing machines. However, of the 38 states that reference printing and photocopying equipment in their policies, only three make their use free to incarcerated individuals—at least up to a certain number of pages (Appendix 2). In the remaining 35 states, individuals are required to pay for printing and copying their legal documents, even when filing court-required materials. On average, states charge \$0.10 per page, creating a significant financial barrier, particularly for individuals without outside support.

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<sup>15</sup> North Dakota Department of Corrections and Rehabilitation, *Facility Handbook*, 2021.

## Further restrictions to access

In addition to the restrictions already described—such as limits on who can use research tools and under what conditions—many policies include disciplinary provisions that further curtail access to legal resources. Several states outline consequences for misusing law library materials or violating facility rules. In South Carolina, for instance, incarcerated individuals found guilty of destroying law books or damaging library property may be denied access to the law library for six months following a conviction through the Inmate Disciplinary System. Other policies designate gatekeepers, such as case managers or correctional supervisors, who can deny access to legal materials based on institutional discretion or disciplinary history.

A majority of existing policies also include separate provisions governing access for individuals held in solitary confinement (Figure 4). While these individuals retain a constitutional right to access the courts, these policies make clear that their access is significantly more limited. In Rhode Island, for example, incarcerated people in solitary confinement are not permitted physical access to the law library. The only way they can access legal material, Rhode Island’s policy specifies, is by requesting the use of book carts available in the administrative segregation unit.<sup>16</sup>

**Figure 4: DOC Policies Restricting Access for People in Solitary Confinement**



Created with Datawrapper

<sup>16</sup> Rhode Island Department of Corrections, Policy and Procedure 13.03-4 DOC: Access to the Courts and Legal Materials, 2016.

## Staffing

Outside of prison, state and academic law libraries are staffed by legal information specialists—many of whom hold both library science and law degrees. These staff members play a critical role in supporting legal research, from assisting patrons in locating and using legal materials, to providing instruction on how to navigate complex legal resources. As one attorney we interviewed noted, learning to use digital databases such as LexisNexis and Westlaw took an entire semester of law school, underscoring how difficult these tools can be for individuals without formal training.

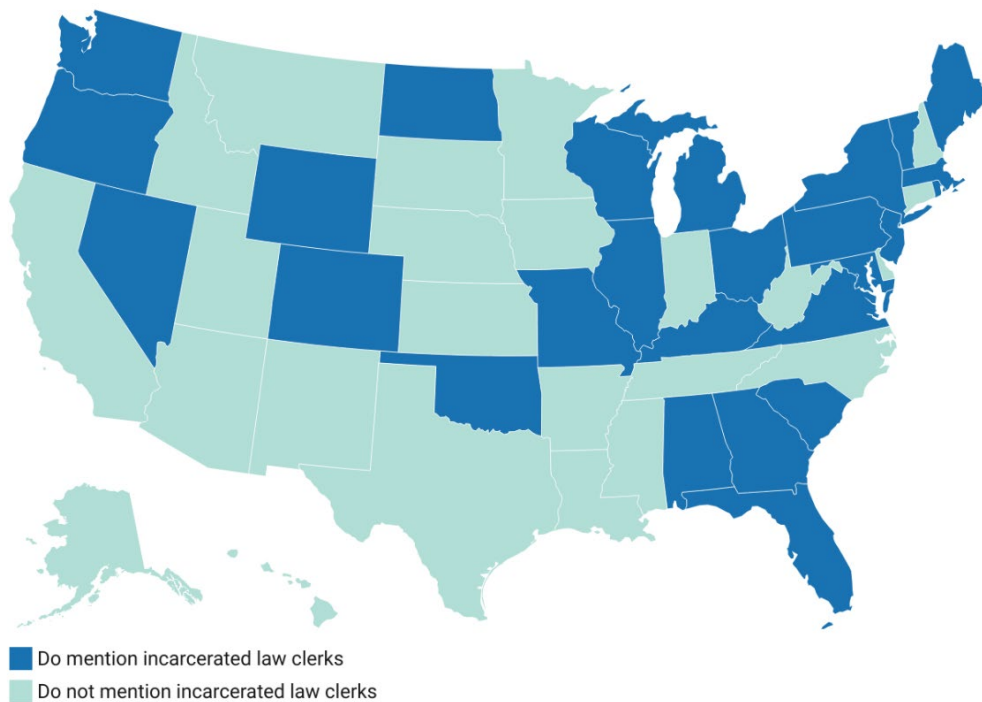
Most state policies include provisions regarding the staffing of prison law libraries, requiring facilities to designate personnel to manage daily operations and facilitate access to legal resources. While policy language varies, referring to roles such as “law library supervisor,” “law librarian,” or similar titles, however, nearly all emphasize administrative, logistical, and disciplinary responsibilities over legal research support or reference assistance. Typical duties include maintaining the legal collection, managing access, processing photocopy and notary requests, and ensuring compliance with departmental procedures.

In some states, policies explicitly state that correctional officers or other non-specialized facility staff may fulfill these roles. Texas’s policy, for instance, entrusts “access to courts matters” to a “law-library assigned correctional staff,” while Virginia’s describes the law library supervisor as a “staff member designated to supervise the daily operation of the law library.” Where civilian employees are used, they are often described as “entry-level” staff, with no requirement for a degree in library science or law. In several states, like Massachusetts and Michigan, general institutional librarians—those responsible for recreational or educational collections—are also tasked with overseeing the law library and its operations (Appendix 3).

Minnesota is a notable exception. According to Minnesota DOC policy, law library services are provided through the *Law Library Service to Prisoners* (LLSP) program, a formal partnership with the Minnesota State Law Library. This initiative brings in professional librarians—each holding a master’s degree in library science—who support incarcerated individuals through virtual visits and phone as well as mail-based services.

In addition to designating civilian or correctional staff to oversee their law libraries, over half of state policies authorize the recruitment of incarcerated individuals to assist with law library operations and legal access, often designating them as “law library clerks,” “legal research assistants,” or “inmate paralegals” (Figure 5). These positions are typically structured as formal job assignments within prison work programs and may include responsibilities ranging from maintaining the legal collection and shelving materials to providing assistance with typing or locating legal resources. A small number of department policies, such as in Wyoming and Oklahoma, establish training and vetting processes for these positions, requiring participants to meet educational thresholds, pass legal research exams, or complete DOC-certified programs.

**Figure 5: State Policies that Mention Incarcerated Law Clerks**



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However, the scope of what incarcerated clerks are permitted to do is carefully circumscribed. Most state policies prohibit clerks from offering legal advice or drafting documents on behalf of others. Many policies include specific prohibitions on assisting with prison grievances or filing civil rights complaints against the correctional system. Instead, the assistance clerks are allowed to provide is generally limited to helping

others locate materials, explaining how to use legal databases, or providing clerical support. In Missouri, for example, clerks may help with research for individuals in segregation units and guide others in locating resources, but they are explicitly barred from drafting documents, preparing pleadings, or assisting with personal legal matters such as family law or bankruptcy.

In other jurisdictions, such as South Carolina and Missouri, the role of incarcerated law clerks is even more restricted. South Carolina prohibits clerks from giving any opinions about legal matters or providing typing assistance, and violations may result in disciplinary infractions. Missouri forbids legal law clerks from reading and analyzing legal documents. They also are not allowed to “strategize case moves or drafting legal documents.” A few departments, including those in Arizona and New Mexico, go further, explicitly stating that no formal legal assistance program using incarcerated workers will be established.

Despite these limitations, law library clerks often serve as essential intermediaries—especially in facilities with limited professional staffing or technological resources—helping to bridge the gap between formal legal entitlements and practical access, albeit under close supervision and with little decision-making authority.

## **Paralegal assistance**

One of the key shifts introduced by the *Lewis v. Casey* decision was the decoupling of access to the courts from access to institutional law libraries. While libraries have remained the primary mechanism through which most states meet their constitutional obligations, the ruling opened the door for alternative approaches. Among the methods foreshadowed in the decision was the appointment of external counsel or paralegals to assist with legal research and the preparation of filings. Today, 10 states—approximately 20 percent—explicitly reference the use of paralegals or facility-appointed legal counsel in their policies as a means of supporting legal access for incarcerated individuals (Figure 4).

In Connecticut, for example, the DOC administrative directive on access to the courts does not mention law libraries at all. Instead, it mandates contracting with law firms or agencies to assist incarcerated individuals with legal research and the preparation of filings for claims with legal

merit. These services, the policy explains, are limited to advising and assisting with legal documents—such as writs, motions, and complaints—but do not include formal legal representation, except in specific cases authorized by contract or the DOC Commissioner.

**Figure 6: DOC Policies Requiring Facility Legal Counsel**



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## Getting help from outside

As judicial interpretations of incarcerated individuals' right to access the courts have narrowed, many state departments of corrections have responded by scaling back investments in legal resources and support. In this policy landscape—marked by limited legal research tools, minimal staffing, and strict restrictions on the kind of assistance that can be provided within correctional facilities—it is not surprising that many incarcerated individuals turn to outside institutions for help to exercise their legal rights.

While a range of organizations contribute to this external support network, including prisoners' rights groups, legal aid organizations, and advocacy groups,<sup>17</sup> this section focuses specifically on the role of law libraries. Drawing on interviews with librarians at state, county, and academic

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<sup>17</sup> See, for instance, the work by the *Columbia Human Rights Law Review* and the *Prisoners Legal Rights Advocacy Network* (PLAN) to instruct incarcerated people about their legal rights and help them to navigate the judicial process. The first publishes the *Jailhouse Lawyer's Manual* (JLM, 1st edition in 1978), a handbook of legal rights and procedure specifically designed for incarcerated people to address conditions of confinement or to attack unfair convictions or sentences. Today, the JLM is available in hundreds of facilities across the country. PLAN publishes *Pathfinder: A Prisoners' Rights Legal Research Guide*, a legal research guide for both legal practitioners new to the prisoners' rights bar, and those who do not have formal legal training, focusing on civil law and conditions of confinement issues.

institutions, the first part examines the types of services these libraries provide, as well as the constraints they face. The second part takes a closer look at the case of Minnesota, where a formal partnership between the state law library and the DOC offers a rare model of coordinated, sustained legal information access.

## State and academic law libraries

According to a directory compiled by the American Association of Law Libraries (AALL), Social Responsibilities Special Interest Section,<sup>18</sup> 69 libraries across the country—including state, county, and academic law libraries—currently provide legal information services to incarcerated individuals. Most offer photocopies and printouts of legal materials that are not typically available in prison law libraries, such as case law, court cases, law review articles, and other secondary sources.

Most offer to mail a limited number of pages free per month and charge a fee per page beyond that. At the Maine State Law Library, one librarian explained, their general policy for all “remote patrons,” including incarcerated ones, is to provide up to 50 free pages per month. Interviewees across state, county, and academic law libraries—including Vermont and Montana, Los Angeles County, and Georgetown University—all reported having to establish similar limits, often due to limited funding for printing or lack of staff to work on higher volume of requests. Some, however, also mentioned retaining some discretion: one of the librarians we interviewed, for instance, said she was able to occasionally go over the page limit, when she felt that was important to address the incarcerated patron’s request.

While document delivery was by far the most common request, some of our respondents were also able to provide limited reference and legal research support, such as pointing to sources based on general legal questions and clarifying how to use legal databases or resources. While these are services that they routinely offer to non-incarcerated remote patrons, one Maine librarian explained, it was much harder to provide for incarcerated ones, since they do not have access to email, which

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<sup>18</sup> The directory was first published in 1972, and most recently updated in 2025 by the American Association of Law Libraries (AALL), Library Services for Incarcerated Patrons Standing Committee: <https://sites.google.com/view/sr-sis/services-for-incarcerated-patrons-standing-committee>.

significantly slows down the sharing of information. Occasionally, family members would reach out on behalf of their incarcerated loved ones and pass the information along. In Oregon, one of our interviewees told us, law library coordinators can also collect requests from people in their facilities, and forward them to the state law library.

In a handful of cases, like Minnesota—which we will explore in greater detail in the following section—and county law libraries in Los Angeles and San Francisco, law librarians reported also receiving calls from incarcerated people.<sup>19</sup> While these librarians mentioned that the opportunity to receive calls greatly enhanced their ability to address the legal access needs of the incarcerated population, the ability to communicate effectively was still severely restricted when compared with what they could offer to other remote patrons. Calls were limited to 15 minutes and were often interrupted due to technical issues. Still, several librarians we spoke to outside of California told us that even that brief contact would have helped them to better fulfill the requests by incarcerated patrons, with whom they could only communicate via snail mail.

The volume of requests librarians received varied significantly, with Maine and Montana only reporting one to five requests from incarcerated patrons in their state per month, and Georgetown Law Libraries responding to close to 50 requests for document delivery from across the country—with a majority coming from Texas and Florida—over the same period of time.<sup>20</sup> A librarian from San Francisco Law Library also reported initially receiving a high volume of requests from across the country, but later having to limit their reference services to incarcerated people in California due to staff capacity and funding.

Academic and county law libraries typically operate without formal agreements with, or funding from, departments of corrections or other state agencies for their work with incarcerated patrons. Respondents from

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<sup>19</sup> California is one of five states that have made calls for prison completely free: <https://connectfamiliesnow.com/data>.

<sup>20</sup> Librarians at Georgetown reported that the volume of requests was even higher before the library had to temporarily suspend the service during the COVID-19 pandemic and that it has been steadily increasing since the service has been resumed. For more information on Georgetown Law Library's national prison mail program see: Cattleya M. Concepcion and Erie Taniuchi, "Prison Mail: An ILL Model to Serve the Underserved," *Journal of Library Resource Sharing* 33 (1-5), 15-29, <https://doi.org/10.1080/26915979.2024.2391281>.

law libraries at Georgetown, Los Angeles, and San Francisco all explained how legal reference services for the incarcerated grew out of the initiative of individual librarians deciding to expand the scope of their responsibility in order to address what they perceived as an urgent need and gap in existing services. As word started to spread about their work, these libraries saw a rapid increase in requests, which eventually forced them to limit their offering—with Georgetown only providing document delivery and California responding exclusively to requests from prisons and jails inside the state.

State law libraries, on the other hand, usually work in closer partnership with their respective departments of corrections. Librarians in Maine and Oregon, for instance, reported coordinating with corrections leadership and librarians to better align services and, in the case of Oregon, offering advice to review department policies on access to legal material, and even consulting when the department was evaluating contracts with different vendors for their online legal research system. Still, in most cases, those partnerships remain quite limited: several law librarians we spoke with, for instance, were not aware of how incarcerated patrons learned about their services, and others reported lingering confusion about correctional mail systems.

State, county, and academic law libraries play a vital role in supporting incarcerated patrons, helping to fulfill the constitutional right of access to the courts.

State, county, and academic law libraries play a vital role in supporting incarcerated patrons, helping to fulfill the constitutional right of access to the courts. These libraries fill critical service gaps by providing legal materials often unavailable inside correctional facilities and, in some cases, assisting individuals in preparing valid legal claims. However, most operate with limited staff and funding and often without formal partnerships or coordination with departments of corrections. Minnesota stands out as a notable exception. Through its *Law Library Service to Prisoners* (LLSP) program, the Minnesota State Law Library maintains a formal partnership with the DOC to deliver individualized legal information and research training services to incarcerated individuals throughout the state. The following section examines this model in greater detail, tracing its origins and highlighting the expanded opportunities it offers to

incarcerated patrons seeking legal information.

## **Minnesota’s Law Library Service to Prisoners (LLSP)**

The Law Library Service to Prisoners (LLSP), administered by the Minnesota State Law Library, is a longstanding program that presents a rare example of sustained coordination between a state law library and its DOC.<sup>21</sup> Established in 1984 under an interagency agreement between the Minnesota DOC and the Minnesota State Law Library, the program is publicly funded and designed specifically to support the legal research needs of incarcerated people in the state.

While other state law libraries do not provide dedicated staff for incarcerated patrons, Minnesota currently employs three credentialed librarians who work exclusively with the LLSP program. As our interview made clear, this focus allows them not only to expand the scope of their services, but also to develop a deeper knowledge of corrections, including the specific legal access needs and experiences of their patrons. Law librarians, our interviewee explained, also work closely with the DOC to maintain their core legal collection, identifying a list of legal materials, including both digital and physical, that each facility is required to have on site—current statutes and court rulings, as well as a few secondary sources such as the *Jailhouse Lawyer’s Manual*.

Differently from other states, moreover, incarcerated people in Minnesota do not need to rely exclusively on the mail to communicate with librarians to request legal documents (with a limit of 80 free copies every two weeks) or research support. In addition to processing “kites”—request forms available inside facilities—the program also takes calls from inside, Monday through Friday, 8am to 4pm. Until the COVID-19 pandemic, LLSP librarians were also mandated to visit each facility. While that service was discontinued in 2020, starting in 2024 incarcerated people can sign up for virtual Zoom meetings once a month. So far, one librarian told us, virtual meetings have been less attended than previous in-person visits, but they have also allowed them to reach individuals in solitary

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<sup>21</sup> Minnesota State Law Library, *Law Library Service to Prisoners (LLSP)*, <https://mn.gov/law-library/services/services-inmates.isplibrary>.

confinement and others who could not participate in the in-person visits.

Given its larger staff, multiple ways to communicate with incarcerated patrons, and close partnership with correctional staff, the Minnesota Law Library is able to address a much higher volume of requests. Between July 2023 and July 2024, LLSP reported serving nearly 30 percent of the incarcerated population in Minnesota, or 2,439 people. Over this period of time, law librarians responded to 31,013 citation requests, took 991 phone calls, and conducted virtual visits with 425 individuals.<sup>22</sup>

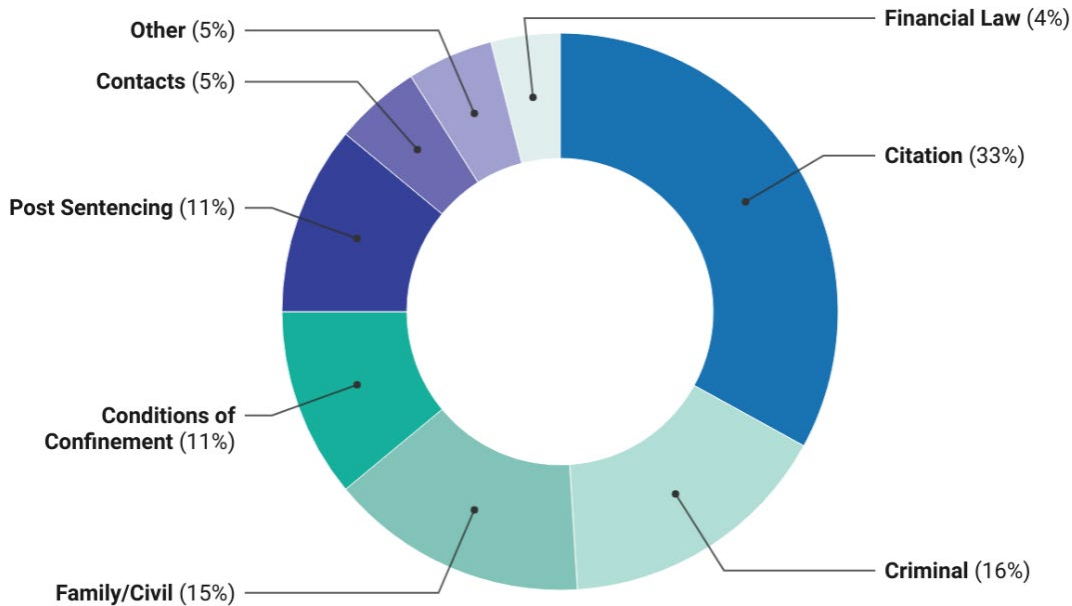
Like for most law libraries, the largest share of requests received are citation requests—cases, statutes, law, or other items that were specifically asked for by citation or name. However, while for many law libraries that represents the almost entirety of requests from incarcerated patrons, in Minnesota citation requests make up only 33 percent.<sup>23</sup> The remaining requests include legal information and research guidance on a wide range of topics, from conditions of confinement and post-sentencing to family law, as well as the contact information for attorneys, courts, and pro bono organizations (Figure 7).

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<sup>22</sup> Law Library Service to Incarcerated People, Annual Report for 2024, [https://mn.gov/law-library/assets/2024\\_LLSP\\_AnnualReport\\_tcm1041-672296.pdf](https://mn.gov/law-library/assets/2024_LLSP_AnnualReport_tcm1041-672296.pdf).

<sup>23</sup> Ibid.

Figure 7: Requests Received by Minnesota’s Law Library Service to Prisoners by Topic (2024)



Created with Datawrapper

## Conclusion and next steps

People in prison have a constitutional right of access to the courts—to challenge the conditions of their confinement, contest their sentences, and pursue a range of civil legal matters. Since the Supreme Court’s decision in *Bounds v. Smith* (1977), access to an “adequate law library” has been recognized as a key component of fulfilling that right, as the Court affirmed that correctional institutions have an affirmative obligation to provide the tools necessary for incarcerated individuals to prepare and file meaningful legal claims.

However, beginning in the 1990s, this interpretation began to narrow. In *Lewis v. Casey* (1996), the Supreme Court significantly limited the scope of correctional institutions’ obligations, and with the Prison Litigation Reform Act (PLRA), Congress introduced additional procedural barriers for incarcerated individuals seeking relief through the courts. Today, correctional policies and state administrative codes reflect this shift. As

this report has documented, even in states where access to law libraries is still formally protected, incarcerated individuals cannot expect to find the types of tools and resources that are routinely available outside prison—including those essential for initiating, developing, and advancing legal claims. Opportunities for legal guidance are even more constrained. Most policies do not require the presence of professional law librarians or trained legal staff—Minnesota being a notable exception.

Librarians are a lifeline for many incarcerated individuals—providing access to legal materials unavailable in prisons and, in many cases, offering the only professional guidance on legal research available to those inside.

As most states and departments of corrections have adopted a more limited approach to facilitating legal access, other actors have stepped in to fill the gaps. Advocacy organizations and legal aid groups, for instance, have played a critical role by supporting jailhouse lawyers, promoting legal literacy, and developing resources such as *The Jailhouse Lawyer’s Manual*, tailored specifically for incarcerated plaintiffs. Librarians at state, county, and academic law libraries have also contributed significantly. While their work is often informal and faces barriers including limited staffing and the reliance on postal mail for communication, librarians are a lifeline for many incarcerated individuals—providing access to legal materials unavailable in prisons and, in many cases, offering the only professional guidance on legal research available to those inside.

We plan to build on these initial findings by advancing the next phase of our research, with a continued focus on the relationship between incarcerated patrons and external law librarians. Our goal is to reduce the barriers that hinder this relationship and to strengthen its effectiveness. The next phase will center on two guiding questions:

1. Given current constraints on resources and communication, how can more librarians be equipped to support incarcerated individuals and better understand their legal needs?
2. How can incarcerated patrons gain a clearer understanding of the scope and limitations of a law librarian’s role, and learn to engage with them more effectively?

To address these questions, we plan to conduct in-depth interviews with law librarians and incarcerated individuals who have used their services, across multiple jurisdictions. Ultimately, our goal is to develop practical strategies and tools—including guides, training materials, and communication templates—that will foster more effective, reciprocal engagement between these two groups.

# Acknowledgements

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# Appendix 1

## DOC or State Policies on Prison Law Libraries that Mention Dedicated Physical Space, Hours of Operation, and/or Facility Legal Counsel

State	Dedicated Physical Space	Hours of Operations	Facility Legal Counsel
Alabama	✓	✓ 1	
Alaska	✓	✓ 5	
Arizona	✓		✓
Arkansas	✓	✓ 5	
California	✓	✓ 3	
Colorado	✓	✓ 5	✓
Connecticut			✓
DC	✓	✓ 3	
Delaware			
Florida	✓		
Georgia	✓	✓ 1	
Hawaii	✓	✓ 3	
Idaho	✓		✓
Illinois	✓	✓ 3	
Indiana	✓	✓ 5	
Iowa			
Kansas	✓		✓
Kentucky	✓		
Louisiana			
Maine	✓	✓ 5	
Maryland	✓		

<sup>1</sup> Hours of operations are less than or equal to 30 hours per week

<sup>2</sup> Hours of operations are greater than 30 hours per week

<sup>3</sup> Hours of operations are determined by facility

<sup>4</sup> Incarcerated persons are allowed hourly permissions of no more than 4 hours per week

<sup>5</sup> Incarcerated persons are allowed hourly permissions of more than 4 hours per week

State	Dedicated Physical Space	Hours of Operations	Facility Legal Counsel
Massachusetts	✓	✓ 5	
Michigan	✓	✓ 1	✓
Minnesota	✓		
Mississippi	✓		
Missouri	✓	✓ 4	
Montana	✓		
Nebraska			
Nevada	✓	✓ 5	
New Hampshire	✓	✓ 4	
New Jersey	✓	✓ 5	
New Mexico	✓	✓ 5	✓
New York	✓	✓ 2	
North Carolina			
North Dakota			
Ohio	✓	✓ 5	
Oklahoma	✓	✓ 2	
Oregon	✓		
Pennsylvania	✓	✓ 5	
Rhode Island	✓	✓ 5	
South Carolina	✓	✓ 2	
South Dakota			
Tennessee	✓		
Texas	✓		
Utah			✓
Vermont	✓	✓ 1	
Virginia	✓	✓ 5	✓
Washington	✓		✓
West Virginia	✓		
Wisconsin	✓		
Wyoming	✓		

# Appendix 2

## DOC or State Policies on Prison Law Libraries Mandating the Availability of Materials

State	Pen and Paper	Typewriters	Computers or Laptops with Word Processing	Printing or Photocopy Machines	No Tools Mentioned
Alabama	✓				
Alaska	✓	✓		✓	
Arizona	✓ 1		0 2	✓	
Arkansas					X
California				✓	
Colorado	0		✓	✓	
Connecticut				✓	
DC	✓			✓	
Delaware					X
Florida				✓	
Georgia	✓ 1				
Hawaii		0		✓	
Idaho	✓ 1			✓	
Illinois	✓			✓ 3	
Indiana	✓	✓	0	✓ 3	
Iowa					X
Kansas					X
Kentucky	✓	✓		✓	
Louisiana					X
Maine		0	0	✓ 1	
Maryland				0	
Massachusetts	✓ 3	✓ 3		✓ 3	
Michigan					X
Minnesota		0	0	✓	

Key: ✓=Required, 0=Potentially Available

<sup>1</sup> Available for a charge or free with restrictions for indigent status

<sup>2</sup> Available as an accommodation for incarcerated people with disabilities

<sup>3</sup> Free of charge with page limits

State	Pen and Paper	Typewriters	Computers or Laptops with Word Processing	Printing or Photocopy Machines	No Tools Mentioned
Mississippi	✓	✓		✓	
Missouri	○	○		✓	
Montana	✓ 1			✓	
Nebraska					X
Nevada	✓ 1			✓	
New Hampshire	✓	✓		✓	
New Jersey	✓	✓		✓	
New Mexico	✓	✓		✓	
New York	✓	✓	✓	✓	
North Carolina					X
North Dakota			✓	✓	
Ohio	✓ 1				
Oklahoma	✓	○	○	✓	
Oregon	✓		✓	✓	
Pennsylvania				✓	
Rhode Island				✓	
South Carolina	✓			✓	
South Dakota	✓ 1		✓	✓	
Tennessee		✓		✓	
Texas	✓ 1				
Utah				✓	
Vermont	✓ 1	✓		✓	
Virginia	✓ 1	✓		✓	
Washington	✓ 1			✓	
West Virginia	✓			✓ 3	
Wisconsin		○	○	✓	
Wyoming	✓ 1	✓		✓	

# Appendix 3

## DOC or State Policies on Prison Law Libraries that Mention Legal Staff, Training, and/or Degree Requirements

State	Law Library Clerks	Training Required for Law Library Clerks	Degree Requirement for Law Librarians
Alabama	√	X	X
Alaska			
Arizona*			
Arkansas			
California			
Colorado	√	√	X
Connecticut			
DC	√	x	X
Delaware			
Florida	√	√	X
Georgia	√	x	X
Hawaii			
Idaho			
Illinois	√	√	X
Indiana			
Iowa			
Kansas			
Kentucky	√	√	X
Louisiana			
Maine	√	√	X
Maryland	√	√	X
Massachusetts	√	√	√
Michigan	√	√	X
Minnesota			
Mississippi			

Key: √ = Required, x = Not Specified

\* Policies indicate law library clerks are prohibited

State	Law Library Clerks	Training Required for Law Library Clerks	Degree Requirement for Law Librarians
Missouri	✓	X	X
Montana			
Nebraska			
Nevada	✓	X	X
New Hampshire			
New Jersey	✓	✓	X
New Mexico*			
New York	✓	✓	X
North Carolina			
North Dakota	✓	X	X
Ohio	✓	X	X
Oklahoma	✓	X	X
Oregon	✓	X	X
Pennsylvania	✓	✓	X
Rhode Island	✓	✓	X
South Carolina	✓	✓	X
South Dakota			
Tennessee			
Texas			
Utah			
Vermont	✓	✓	X
Virginia	✓	✓	X
Washington	✓	✓	X
West Virginia			
Wisconsin	✓	X	X
Wyoming	✓	✓	X