

## CHAPTER 6

## INMATE ACCESS TO COURTS

## Authority

N.J.S.A. 30:1B-6, 30:1B-10 and *Lewis v. Casey*, 116 S.Ct. 2174 (1996).

## Source and Effective Date

R.1997 d.528, effective December 15, 1997.  
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 6, Inmate Access to Courts, expires on December 15, 2002.

## Chapter Historical Note

Chapter 6, Inmate Access to Courts, was adopted as R.1987 d.444, effective November 2, 1987. See: 19 N.J.R. 914(a), 19 N.J.R. 2057(a).

Pursuant to Executive Order No. 66(1978), Chapter 6 was readopted as R.1992 d.470, effective October 27, 1992. See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b). Pursuant to Executive Order No. 66(1978), Chapter 6, Inmate Access to Courts, expired on October 27, 1997.

Chapter 6, Inmate Access to Courts, was adopted as R.1997 d.528, effective December 15, 1997. See: Source and Effective Date.

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## SUBCHAPTER 1. INTRODUCTION

## 10A:6-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish policies under which inmates shall be provided with access to both State and Federal courts through the use of inmate law libraries and trained inmate paralegals; and
2. Establish procedures whereby the records of correctional facilities can be altered to reflect an inmate's new legal name.

## 10A:6-1.2 Scope

Unless otherwise stated, this chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

Repeal and New Rule R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Former section, "Scope", repealed.

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

## 10A:6-1.3 Definitions

The following words and terms, when used in the chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Inmate law library" means a room within a correctional facility where legal reference materials are kept.

"Inmate paralegal" means an inmate who has been approved by the Institutional Classification Committee (I.C.C.) to render legal assistance to other inmates.

"Legal material" means papers or documents that are required to be filed with the court and served upon opposing parties. Legal material includes:

1. Orders required by their terms to be served;
2. Written notices;
3. Written motions;
4. Demands, or answers to demands which the inmate is required to serve, such as, for production of documents, for interrogatories;
5. Offers of judgment;
6. Designations of records on appeal;
7. Briefs;
8. Petitions;
9. Summons; and
10. Complaints.

“Legal Services Coordinator” means a Department of Corrections Central Office staff person who coordinates the provision of inmate legal services by maintaining adequate legal materials in inmate law libraries and training inmate paralegals.

“Notary service” means service provided by a notary public authorized by law to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

Amended by R.1992 d.60, effective February 3, 1992.

See: 23 N.J.R. 3268(a), 24 N.J.R. 467(a).

Revised definitions “legal material” and “notary service”.

Amended by R.1992 d.470, effective December 7, 1992.

See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised definition “Legal Services Coordinator.”

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In “Legal material”, deleted the second sentence, deleted paragraph “2. Pleadings”, and recodified paragraphs 3. through 11. as 2. through 10.

## SUBCHAPTER 2. INMATE LEGAL SERVICES

### 10A:6-2.1 Inmate access to courts

Inmates have a constitutional right of access to the courts. Prison authorities shall assist inmates in the preparation and filing of meaningful legal papers by providing inmates with adequate law libraries or adequate assistance from persons trained in the law.

### 10A:6-2.2 Inmate legal services

(a) Inmate legal services as established in this subchapter which permit access to the courts shall include the following:

1. Establishment and use of an inmate law library or access to legal reference materials;
2. Photocopying services;
3. Opportunity to make legal telephone calls;
4. Provision of supplies, such as pens and paper, when needed;
5. Use of typewriters to the extent that they are available and/or operable;
6. Notary service;
7. Assistance of inmate paralegals; and
8. Payment of postage for indigent inmates.

Petition for Rulemaking.

See: 26 N.J.R. 505(a), 26 N.J.R. 861(c), 26 N.J.R. 1400(a).

Amended by R.1994 d.410, effective August 1, 1994.

See: 26 N.J.R. 2188(a), 26 N.J.R. 3178(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Rewrote (a)2.

### 10A:6-2.3 Availability of legal services

(a) Inmate legal services are available to all inmates.

(b) Based on the availability of space, supervisory staff and the security needs of the correctional facility, the Superintendent or designee shall determine those inmates who may have direct personal access to legal reference materials and related services.

(c) Inmates who, in the discretion of the Superintendent or designee, may not have direct personal access to legal reference materials and related services shall receive legal reference materials and related services from assigned inmate paralegals.

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

### 10A:6-2.4 Inmate law library

(a) Each correctional facility Superintendent or designee shall be responsible for establishing and maintaining an inmate law library and for developing internal management procedures for library use and supervision. The procedures shall specify:

1. Law library hours;
2. Number of inmates who may use the library at one time;
3. Persons responsible for the supervision of inmates;
4. Limitation(s) on removal of legal reference materials;
5. Provision of supplies such as pens and paper;
6. Typewriter use; and
7. Any additional rules deemed necessary by the Superintendent or designee.

(b) Consideration shall be given to the following factors regarding the use of the inmate law library:

1. Space and staff limitations;
2. Availability of supplies;
3. The availability and operability of typewriters;
4. The secure and orderly operation of the correctional facility; and
5. The verified need of certain inmates to meet time requirements for filing legal documents.

(c) The Legal Services Coordinator, Department of Corrections is responsible for initial purchases of legal reference materials.

(d) The initial purchase of legal reference material shall be consistent with law and correctional facility needs.