

LAW LIBRARIES & ACCESS TO THE COURTS

The Right of Access to Courts

The Supreme Court, in 1977, held that prison officials must "assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." [1] Many courts have used this "either/or" approach [either adequate law libraries or assistance from people trained in the law] when determining if inmates have received adequate assistance. The Supreme Court and many lower courts have used a list prepared by the American Association of Law Library's Committee on Law Library Services to Prisoners to determine the adequacy of law libraries.[2]

The Sixth Circuit, in 1992, distinguished between a state's affirmative duty to provide a right of access to the courts and a state's duty not to interfere with such use. It decided that while a state may not interfere with access, it has no affirmative duty to assist.[3]

Narrowing the Scope of the Right of Access to Courts

A 1996 Supreme Court case[4] specified that a prisoner must show a denial of access to court, not a denial of access to a law library or legal assistance, in order to claim a denial of court access. Therefore, a prisoner must show that the inadequacies in the prison's library or assistance program "hindered his efforts to pursue a legal claim" and an "actual injury" resulted.[5] An "actual injury" occurs where the effort of a prisoner to pursue a non-frivolous legal claim was hindered or "has been frustrated or was being impeded." [6] For example, the Court clarified that if a prisoner's complaint is dismissed because the individual was unable to research pleading requirements or unable to file a complaint, a hindrance had occurred.[7]

Access can be impeded if detention personnel interfere with an inmate's ability to exhaust administrative remedies for non-frivolous claims as required by Prison Litigation Reform Act (PLRA).[8] Some courts assume that only dismissal or inability to file satisfies the injury requirement.[9] Others assume the obstacles that interfere with the ability to present one's case effectively are actionable.[10] To establish injury, an inmate does not need to show that if he had been provided with adequate legal facilities he would have prevailed in a lawsuit.[11] He need only show that he was prevented "from litigating a non-frivolous case." [12]

While it is the courts' role to provide relief to prisoners who are in present or imminent danger, it is the job of the other branches of government to "shape the institutions of government in such fashion as to comply with the laws of the Constitution." [13] The roles between the branches briefly coincide when a court remedies an actual injury by directing changes in institutional organizations or procedures.

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[1] Bounds v. Smith, 430 U.S. 817, 828 (1977).

[2] Id. at 819-20 n. 4.

[3] John L. v. Adams, 969 F.2d 228, 235-237 (6th Cir. 1992).

[4] Lewis v. Casey, 116 S.Ct. 2174, 2179 (1996).

[5] Id. at 2180.

[6] Id. at 2181.

[7] Id. at 2182.

[8] Davis v. Milwaukee Co., 225 F.Supp.2d 967 (E.D.Wis.,2002).

[9] See Ingalls v. Florio, 968 F.Supp. 193, 203 (D.N.J. 1997).

[10] See Goff v. Nix, 113 F.3d 887, 891 (8th Cir. 1997).

[11] Walters v. Edgar, 163 F.3d 430, 434 (7th Cir.1998); see also Hoard v. Reddy, 175 F.3d 531, 533 (7th Cir.1999).

[12] Walters, 163 F.3d at 434.

[13] See Lewis at 2179.