
Providing Inmate Access to the Courts: U. S. Prison Strategies for Complying With Constitutional Rights

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Abstract

As the federal courts have established the right of inmates to seek post-conviction relief, prisons systems have struggled with a variety of strategies to come into compliance. Using data from a national survey of prisons, this study describes court access strategies employed by state correctional systems and examines how prison contextual characteristics, such as security level, population size, and the court ruling in *Lewis v. Casey* (1996) affect their use. Results indicate that strategies are influenced by size, security level and demand for legal services, and offer evidence of the adverse effects of the *Lewis* decision on prison law libraries.

Keywords

Inmate rights, postconviction relief, *Lewis v. Casey*

As prison populations have grown across the United States, so has the demand for legal services and materials related to inmate efforts to seek postconviction relief through the courts. State correctional administrators have been hard pressed to respond to this demand, not only because of shrinking budgets

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and cuts in personnel, but also because of difficulties deciphering and using as guidance a long line of federal and state court cases that define the rights of prisoners to access the courts. Beginning with *Ex Parte Hull* (1940), the U.S. Supreme Court established that states “may not abridge or impair a petitioner’s right to apply to a federal court for a writ of habeas corpus.” In the decades following *Ex Parte Hull*, a number of supreme court and state court cases attempted to delineate more clearly the rights of inmates to seek postconviction relief and institutional civil rights, particularly with respect to the right to counsel and the legal resources needed by incarcerated. Most significant among these are *Johnson v. Avery* (1969) in which the supreme court established the right of inmates to use other inmates (often referred to as jailhouse lawyers or writ writers) to pursue their cases in the absence of other reasonable alternatives, and *Younger v. Gilmore* (1971) which held that incarcerated must be assured an adequate supply of legal research materials and resources in seeking postconviction relief. In these cases, the court prescribed neither the precise court-access mechanisms to be employed by prisons nor the types of legal resources and materials that must be made available. A few years later, however, in *Bounds v. Smith* (1977) it did emphasize that whatever prison authorities did, they had an affirmative obligation to ensure that it resulted in “meaningful access” to the courts for inmates. For many prisons, this *Bounds*-defined obligation translated into the development and support of law libraries, principally in the form of up-to-date legal text collections. Yet a more recent supreme court ruling, *Lewis v. Casey* (1996), held that *Bounds* did not “create an abstract, free-standing right to a law library”, or legal assistance. For advocates of court-ordered improvements in access to the courts, this ruling signaled a serious setback to efforts to improve the quality and completeness of prison law libraries. It was also seen as a return to a “hands off” policy with respect to court oversight of access strategies implemented by prison administrators (Cacho, 2003; Gerken, 2003; Wilhelmus, 1999a & 1999b).

Given the latitude and complexity of the court’s guidance, as well as the differences in the characteristics of prisons and prison populations, it is not surprising that today there is wide variation in court-access strategies put in place by correctional administrators across the country. Although some prisons have complete law libraries, offer legal assistance classes, make Westlaw on-line services available, or have access to a vibrant public defender system, many offer only the bare essentials (Dixen & Thorson, 2001; Hall, 2001). Recognizing the varying circumstances faced by prisons, the courts have supported a variety of remedies to encourage compliance with court-access constitutional standards, including the use of jailhouse lawyers,

mobile or mail-lending law libraries, and the use of law students under the supervision of law school faculty qualified to practice in their jurisdiction. To date, however, no nationwide empirical studies of prison facilities have been undertaken to learn more about the strategies actually being used by states to ensure inmates' rights to access the courts or to examine the circumstances where some strategies may work better than others.

Purpose

In this article, we examine the range and relative use of court-access strategies being employed by state prisons throughout the United States. We also examine how prison contextual characteristics, such as security levels and population size, may have shaped the selection and use of court-access strategies in correctional facilities. Special attention is given to assessing the influence, if any, of *Lewis v. Casey* (1996) on the provision of legal resources and services in prisons, particularly the availability of up-to-date law libraries. The supreme court decision in this case arguably frustrated inmate efforts to assert their rights to accessing the courts. It also may have undermined efforts to encourage systematic improvement of law library holdings and services.

The study is significant in several respects. First, although there are numerous anecdotal accounts of efforts by prisons to provide inmates with meaningful access to the courts, particularly the difficulties in doing so, there are virtually no empirical studies of the range of strategies being employed by correctional facilities throughout the United States (Baron, 1996). Second, there is practically no research on the circumstances where court access methods are put into place. Variables such as prison and library budgets, inmate population size, proportions of non-English-speaking inmates, and institutional and inmate security levels are likely to be important factors that enhance or frustrate the implementation and effectiveness of prison court-access strategies. In addition, the technological environments in which prisons operate have changed considerably in recent years (Bowden, 2003; Vogel, 1995, 1996, & 1997). For example, computers and CD-ROMs are replacing law texts in numerous institutions (Payne & Sabath, 2007). Knowledge about how these characteristics and changes may shape court-access methods and their relative success would seem to be of great practical interest to correctional administrators seeking to formulate more successful court-access strategies. Importantly, the legal context guiding correctional efforts to provide prisoners court access has also shifted in recent years. The courts have indicated that prison libraries are not an exclusive repository for

legal collections alone and suggest that other functions such as providing materials for recreational reading and academic education must also be given consideration (*Lewis v. Casey*, 1996). Historically, most major prisons in the United States have opted for libraries as the primary mechanism for providing access to the courts over legal service options. The *Lewis* decision represents a potentially significant shift in perspective on the role of prison libraries in providing court access which may be observable in the years following the court's decision. To date, however, there have been no empirical studies of how this change in legal perspective may have affected the use of the prison law library as a mechanism for providing court access.

Accordingly, the study is guided by three objectives: (a) to identify the range of "court-access" strategies being employed in state prison systems across the United States, (b) to examine the influence of prison resources and prison characteristics (e.g., prison budgets, prison population size, institution security levels, inmate security levels) in shaping prison "court-access" strategies, and (c) to assess the effects of *Lewis v. Casey* on prison library legal resources and services for incarcerated offenders.

Method

In the spring of 2006, the authors mailed a survey questionnaire to 400 adult state prison librarians, with a follow-up mailing 4 weeks later. The sample was randomly selected from the Directory of State Prison Libraries which listed nearly 800 libraries. The survey included prison facilities in all 50 states and asked librarians a variety of questions including about 25 items focusing on access to the courts. These focused on (a) approaches used to help inmates access the courts, (b) the effects of *Lewis v. Casey* on court-access strategies, especially on the use of library resources, and (c) efforts to improve court access. In addition, the survey asked respondents about inmate demand for legal services and resources, and gathered background information on respondents and their institutions including population size, facility gender composition, and security level.

Description of study variables. In the survey, respondents were asked to indicate (yes, no) whether their facility made use of each of eleven approaches to facilitating inmate access to the courts including providing paralegal training, allowing inmates to work as jailhouse lawyers, and permitting inmate access to on-line resources such as Westlaw or LexisNexis. They were also asked if their facility had ever been under a court order to improve the way it provides access to the courts for inmates (yes, no, don't know); to indicate how much of the librarian's time is devoted to assisting inmates trying to pursue their

cases in court (0-25%, 26-50%, 51-75%, 76-100%); and, in an open-ended question, to suggest the two most significant changes that could be made to improve court access at their facility.

In addition, respondents were asked about the *Lewis* decision and its impact on their facility's effort to provide court access. Specifically, it asked respondents if they were familiar with the 1996 *Lewis v. Casey* supreme court ruling (yes, no), and whether they thought it had affected the way resources were allocated in their facility (yes, no). If respondents indicated that they thought the case did indeed have an impact, they were then asked to describe the nature of its effects. Apart from this, respondents were asked to estimate the percentage of total library resources devoted to each of the following three areas at the time of the survey: legal materials and resources, academic/educational materials and resources, and recreational/popular reading materials (0-25%, 26-50%, 51-75%, 76-100%). Subsequently, they were asked to indicate, over the past 10 years, how they would estimate the library's collection emphasis changed, if at all, with respect to the same three categories of materials and resources (5-point scale ranging from *much less emphasis* to *much more emphasis*, with a neutral midpoint of *remained about the same*). If respondents indicated that there were changes in the collection's emphasis over the past 10 years, they were asked to explain why they thought these changes had occurred.

Data were also obtained on several prison contextual characteristics including the size of the prison population, institutional security level (minimum, medium, maximum and mixed/multilevel), prison gender (men's, women's, co-correctional), survey respondent's assessment of inmate demand for legal resources and materials (5-point scale from very low/no demand to very high demand), and whether the prison library had its own budget (yes or no). Each of these variables, in its own unique way, may partially shape the approaches employed by prison systems to comply with court guidelines for providing inmate access to the courts. Prison population size can be considered a surrogate measure for organizational complexity and resource levels. It can present opportunities or barriers to utilizing different methods of providing court access. For example, it would seem likely that large institutions are more able to support a viable cadre of inmate law clerks or writ writers than might be the case in small ones. Also, historically, an institution's security level has been a major factor in an administration's unwillingness to place computers and internet technology in the hands of inmates. Accordingly, one might posit that higher security environments are unlikely to be good candidates for employing on-line access to case-law and legal materials for inmates. Although most would agree gender should not be a factor influencing

methods for providing court access, the fact remains that prisons are primarily male institutions and that many correctional systems often have been unable, or unwilling, to provide the same level of resources and programs in female institutions that is typically found in male institutions. Therefore, it is of special interest to see if there is equity in the distribution of court-access strategies being employed in men's and women's prisons. Last, it is reasonable to assume that library budgets, whether a prison has been under court order to improve access, as well as inmate demand for legal resources, are variables that may facilitate or limit the use of court-access mechanisms. For many prison administrators, the law library has been the cornerstone of their court-access strategy. This has been possible only by dedicating a substantial amount of financial resources to acquiring legal materials, often at the expense of educational and popular reading materials. Collectively, the contextual variables represent some of the conditions that may explain the use of particular court-access mechanisms. Knowledge of their influence is likely to be of interest to prison policymakers and may contribute to efforts to develop better solutions for providing access to the courts.

Approach to analysis. Survey data were analyzed in two ways. Apart from examining univariate responses, particularly to assess the relative use of 11 different mechanisms to facilitate court access in prison systems throughout the United States, cross-tabulations and correlations were employed to examine the influence of prison contextual characteristics on the use of the 11 court-access mechanisms. Cross-tabulations were also used to examine the effects of the 1996 *Lewis* decision on prison libraries, especially with respect to emphases in their collections and resources.

Results

Sample characteristics. Thirty-eight percent of the survey sample returned completed questionnaires. Prisons in all but three states (Delaware, North Carolina, and New Mexico) responded to the survey. Responses were representative of genders found in U.S. prisons (82% men's, 9% women's, and 9% in co-correctional facilities), and of all security levels (maximum [24%], medium [27%], minimum [18%], multilevel [30%]). Prison populations ranged from small institutions with as few as 70 inmates, to large institutions with more than 5,000 inmates. Sample institutions had a median population of 1,100 inmates. Almost 70% (69%) of librarians indicated that their library had its own budget from which they could purchase materials and resources. Respondents also reported working at their particular facility for an average (median) of 6 years, with some having worked there for up to 34 years. A

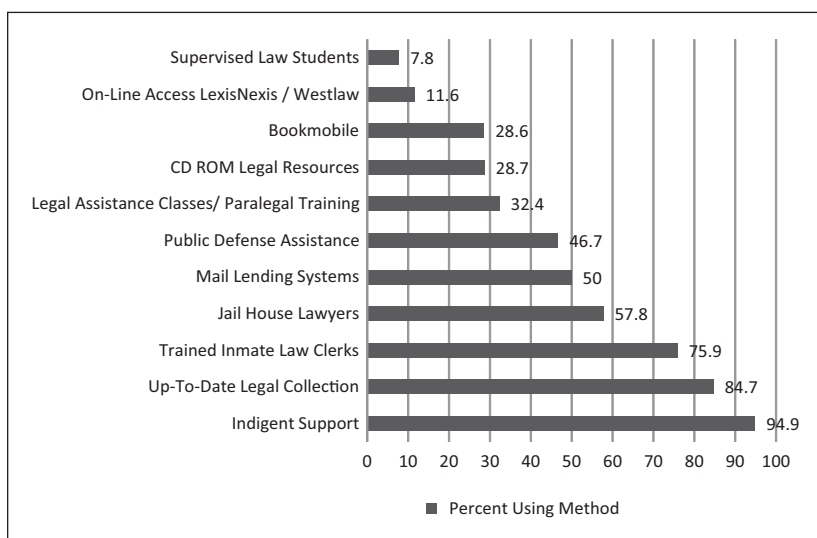


Figure 1. Methods Being Used To Provide Access To The Courts (n=153)

substantial percentage (58.9%) described inmate demand for legal services and materials at their facility as *high* or *very high*, and nearly half (47.3%) devoted most of their working hours to assisting inmates who were pursuing their cases in court. Almost two in every 10 respondents indicated their facility had at some time been under a court order to improve the way it provided inmates with access to the courts.

Methods of Providing Access to the Courts

Figure 1 depicts the relative use of 11 methods of assisting inmates with access to the courts. As the figure shows, a complete and up-to-date library legal collection is the principal mechanism used by prisons to provide court access. Provision of indigent support (e.g., in the form of copying, postage, envelopes, or notary services), which is often dictated by law and correctional policy, is the only other practice that is more widespread among prisons than providing a law library. Also quite prominent are the use of trained inmate law clerks and, to a somewhat lesser extent, allowing jailhouse lawyers or writ writers to provide legal services to inmates. Much less prevalent is the use of computer-based technology to allow inmates to conduct research

on their cases using CD ROMs and, in some instances, supervised access to on-line databases such as Westlaw and LexisNexis. Although the use of these technologies is widespread in the free society today, the data suggest they play a relatively minor role in helping prisons meet the court access needs of offenders.

The survey data also indicated that prisons typically rely on multiple methods to facilitate court access. In the study sample, facilities were found to employ from 1 to 10 different methods and on average (mean) five methods. Several prison contextual characteristics (including population, security level, demand for legal services, gender, whether the facility library had its own budget, and whether the prison had ever been under court order to improve court-access methods) were cross-tabulated with the number of methods employed (dichotomized at the median) to see if contextual characteristics might influence the number court-access methods put in place by prisons. Only the relationship between prison population (dichotomized at the median) and methods was significant ($\chi^2 = 6.13, p = .013, n = 142$). Larger institutions, with populations greater than 1,100, were more likely to employ a greater number of court-access methods than were smaller institutions. Although not statistically significant, table cell percentages for other variables suggested maximum and medium security institutions, and institutions with a high demand for legal services were more likely to make use of multiple methods than were minimum and multilevel institutions or institutions with low demand for legal services. Prison gender composition, whether the prison library had its own budget, and whether the facility had ever been under court order to improve court access demonstrated no distinctive patterns with respect to number of methods employed.

Influence of Prison Contextual Characteristics

Characteristics of prison environments were cross-tabulated with the 11 court-access methods to understand better the influence of prison contextual characteristics on particular strategies used by prisons to help inmates pursuing postconviction relief. Contextual variables included prison population size, security level, inmate gender, demand for legal resources, having been subject to court orders for court-access deficiencies, and library budget.

Patterns in the relationships between these contextual variables and court-access methods were observable in the table distributions for all variables except for those involving whether the prison library had separate budget authority. This was especially true for those relationships involving prison population size, demand for legal services, gender, and security level. About a quarter of the relationships between these variables and court-access

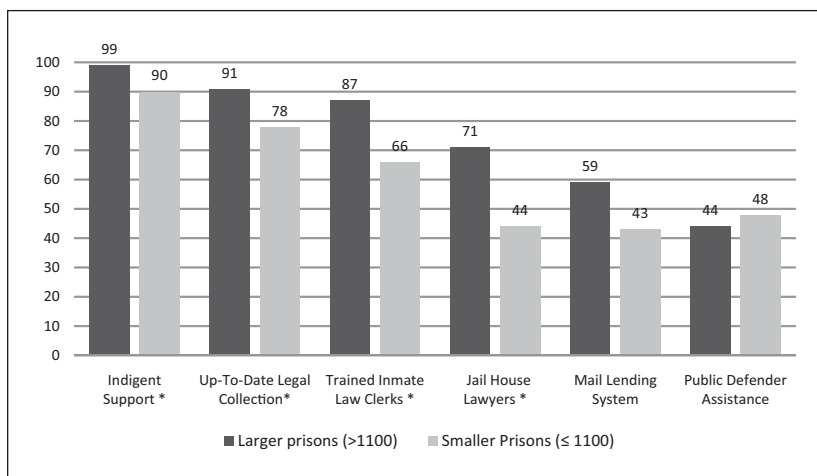


Figure 2. Percent Of Facilities Employing Most Frequently Used Court Access Methods By Size Of Prison
(n= 151; * = Chi square significant relationship $p \leq .05$)

methods were significant as measured by chi square. Figure 2 summarizes the relationships between prison population size and the six most commonly used access methods. Four of these are statistically significant and show that indigent support, law libraries, inmate clerks, and jail house lawyers are more widespread in larger prisons than in smaller ones. Though relationships between size and other court-access methods were not significant, they did indicate that reliance on public defenders, use of on-line legal resources, and use of law school students are more likely to be found in smaller prison settings than in larger ones.

Analysis of demand for legal services and methods revealed that prisons experiencing a high demand for legal resources from inmates tended to make greater use of access methods than did prisons with moderate or low demand for legal resources. This was true for seven of the 11 methods, especially for those employing law libraries, inmate law clerks, and mail-lending systems. As shown in Figure 3, these latter three variables demonstrated significant relationships with demand. Inconsistent with this pattern were the use of public defenders, CD ROM s, on-line technology, and law school students. Whereas prisons with moderate demand were slightly more likely to use public defenders and CD ROM technology, prisons with low demand were more likely to employ on-line technology. Law school students were found to be used equally, but infrequently, in all demand settings.

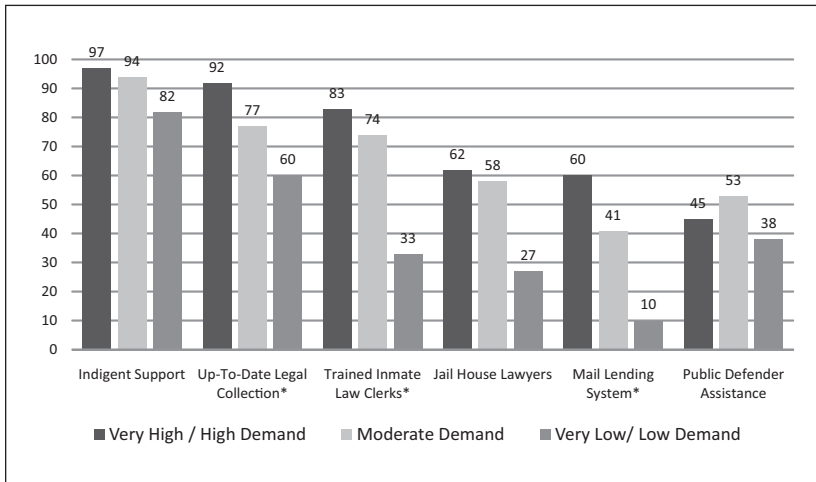


Figure 3. Percent Of Facilities Employing Most Frequently Used Court Access Methods By Demand For Legal Resources and Materials (n=155; * = Chi square significant relationship $p \leq .05$)

Despite the small numbers of co-correctional and women's prisons (14 of each) in the sample, the use of court-access methods in these institutions was compared with use in male prisons. The data showed that use of seven of the 11 access mechanisms was more widespread in women's prisons than it was in men's or co-correctional prisons. Although a few of the percentage differences were slight, women's institutions were more likely to be using public defenders, law school students, bookmobiles, law clerks, on-line internet technology, jailhouse lawyers, and providing indigent support than were other types of institutions. Men's institutions only made greater use of para-legal training/legal assistance classes and mail-lending systems than did others. Co-correctional prisons were most likely to employ CD ROM technology and men's and women's prisons were found to use law libraries equally. Among all of these relationships, however, only the relationships between prison gender and (a) on-line technology and (b) use law school students were significant ($\chi^2 = 6.15, p = .046$; and $\chi^2 = 9.31, p = .010$, respectively).

Analysis of the relationships between prison security level and use of access methods showed that methods were most likely to be used in higher security environments, particularly in maximum security prisons. None of the methods was more likely to be employed in a minimum security setting. Only the bivariate relationship between security level and indigent support

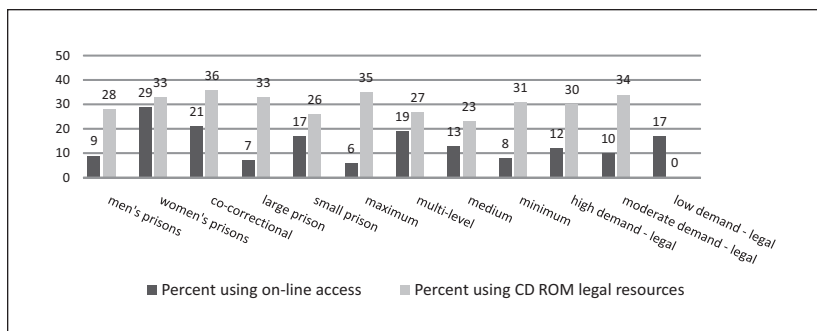


Figure 4. Percent of Facilities Employing Computer Based Methods By Prison Characteristics
($n=149$)

was significant ($\chi^2 = 10.59, p = .015$); indigent support was more likely to be prevalent in maximum security prisons. Last, while analysis of the relationships between whether institutions had been subject to a court order and access methods generally suggested that prisons that had been under a court order were more likely to make use of access methods than prisons that had not, none of these relationships was statistically significant.

Although computer-based methods for providing court access show much promise, they remain relatively new to corrections. To learn more about the settings where such technology is being employed, the use of CD ROM and on-line technologies was also cross-tabulated with the contextual variables that had revealed significant relationships in the analyses above: prison gender, size, security level, and demand for legal services. The results are summarized in Figure 4. As the figure shows, on-line internet access is more likely to be employed in women's prisons, small prisons, nonmaximum security institutions, and settings with low or very low demand for legal services. In contrast, CD ROM—based methods are more likely to be found in large prisons, maximum security prisons, and prisons with high or moderate demand for legal services. They are also slightly more likely to be employed in co-correctional facilities followed by women's prisons.

Effects of Lewis v. Casey

To gauge the effects of the Lewis decision on law libraries, participants were first asked (a) generally about changes in the composition of their

library holdings (i.e., legal, academic education, and recreational) over the past 10 years, and then (b) specifically what impact, if any, they thought the *Lewis* decision may have had on their library and its resources. At the time of the survey, two thirds of respondents reported that a quarter or more of their library holdings were made up of legal resources and materials. Almost a fifth reported that the current emphasis placed on legal materials in their collection was less, or much less, now than it was 10 years before. The majority (81%), however, indicated that the legal emphasis had either remained the same or increased during the 10-year period. Respondents offered numerous explanations for changes in emphasis, with the most frequent ones concerning shrinking budgets or shifts in the focus of materials being acquired, particularly toward education, popular reading, and rehabilitation-related materials. Several cited examples of materials being acquired more often now that were related to reentry into society, rehabilitation, self-help, popular fiction, non-fiction, as well as adult basic education (ABE) and GED. Several also commented that their facilities were now placing greater reliance on computer technology such as CD ROMs and on-line access for legal resources and materials to save space and reduce legal reference printed material. One respondent indicated their law library had gone almost entirely on-line and was connected to other libraries in the system and to a state-wide database. Another said their correctional system no longer supported law libraries except for one in a men's prison and another in a women's prison. Summary survey data on how respondents thought their collections had changed since 1996 are presented in Table 1.

As Table 1 shows, the data suggest somewhat comparable experiences with regard to changes in legal, academic, and recreational components of library collections during the 10 years following the *Lewis* decision. Though there are clearly differences in how legal, academic, and recreational components changed, the differences are not marked. Moreover, the greatest reduction in emphasis occurred in academic and educational collections, whereas the greatest increase in emphasis was in legal collections. Thus, the evidence presented in the table does not suggest that the legal component of collections fared poorly at all in the period following *Lewis*, at least in comparison with academic and recreational components of prison library collections. In the survey, another line of questioning focused directly on the *Lewis* decision, asking respondents about their familiarity with the decision and their experience with its impact. Nearly 60% of respondents said they were indeed familiar with the *Lewis* decision and slightly more than half of these (52.1%) believed the court ruling had affected the way resources were allocated in their library. Respondents described a number of ways in which they believed

Table 1. Percent Reporting Change in Emphasis of Library Collection Over Past 10 Years

Change in emphasis over past 10 years	Less emphasis (%)	Same emphasis (%)	More emphasis (%)
Legal materials and resources	18.7	46.8	34.5
Academic/educational materials and resources	24.6	43.7	31.7
Recreational/popular materials	16.4	59.3	24.3

Note: $n = 148$.

these effects materialized. The most frequently mentioned ones concerned the loss of legal resources, including such things as cutting law library hours and law book titles; removing legal materials that did not pertain to efforts to seek postconviction relief such as legal materials and casebooks related to divorce and probate; narrowing the scope of the legal collection to materials dealing with conditions of confinement; getting rid of law libraries; reducing the number of free legal forms provided to inmates; reducing funding for the law library; and getting rid of subscription services to legal materials. As one respondent summarized their experience with the *Lewis* decision, it “watered down any rights inmates had to facilitate unhindered access to the courts.” However, not all comments suggested that the effects of *Lewis* were entirely adverse. A few thought it increased their awareness of collection development and forced them to reevaluate their law libraries, and made access to the courts much more important, particularly the quality of access.

Changes to Improve Court Access

Recognizing that almost all prison libraries face some difficulty in providing court access for inmates, respondents were asked what they thought could be done to improve it. Their most frequently cited suggestions are summarized below. They represent recommendations from more than three quarters of the study sample.

Making greater use of computer technology. Many thought access could be improved substantially by expanding the use of hard drives, CD ROM technology, and in-house local area networks (LANs) to support entire legal collections, subscription databases, legal forms, reference materials, and

other legal resources. In making such recommendations, many pointed to the space-saving advantages of digitized resources and the relative ease of maintaining currency in computer-based collections. A few indicated they had recently acquired Lexis-Nexis or Westlaw services. They anticipated either making them available on-line or using a LAN format that would be updated quarterly. At least one respondent said they planned to establish a statewide network to offer these sorts of resources, rather than limiting them to a network at the institution level. Many others advocated automating or computerizing legal materials using computer touch-screen technology and computer kiosks to make it easier for inmates to access legal forms and materials.

Increasing inmate access to computers. Several emphasized that even if there were sufficient on-line or networked legal resources, there remains a great need to increase the number of computer terminals in prisons to offer reasonable access for inmates. They argued for more computers and for improved computer access, particularly for inmates in high-security settings.

Increasing inmate access to law libraries. Many advocated expanding time slots for inmates in law libraries or the hours that law libraries are open so that more inmates could access legal materials and have more time to do their research.

Expanding staff or inmate resources. Hiring more paralegals, assigning paralegal staff to each facility, and encouraging regular visits by paralegals were also mentioned as ways access could be substantially improved. Several advocated hiring additional inmate law clerks or staff persons with legal training who could help supervise inmate legal research activities. Others suggested there was a need to offer more and better legal training to staff persons and inmate law clerks.

Expanding the availability of attorneys. Although representation for people who are too poor to retain their own counsel has been a matter of federal constitutional law for more than 40 years (*Gideon v. Wainwright*, 1963), access to attorneys for indigent inmates in the states remains uneven throughout the country. Many respondents proposed increasing the number of attorneys by retaining more court-appointed lawyers, hiring more public defenders, and appealing to private lawyers for more pro bono assistance. Some also suggested soliciting assistance from law school students who could help inmates complete court documents and teach courses at the prison on legal process and procedures.

Discussion and Conclusions

The study offers useful insight into the strategies relied on by prisons to comply with court decisions governing inmate access to the courts. Perhaps

one of its most noteworthy findings concerns the role and importance of the prison library. Although the survey shows most prisons rely on multiple methods to provide court access, it also suggests that the library with an up-to-date legal collection remains the cornerstone of most prison court-access strategies. This is particularly significant given court's guidance in the 1996 *Lewis* decision and its potential consequences for prison law libraries. Because many prisons have invested substantial resources in law libraries over the years to improve the quality and completeness of their legal collections, the *Lewis* decision was seen by many observers as a potential impediment to these efforts and a setback for inmates seeking postconviction relief. Resources might be redirected from legal resources to other library collection components and the scope of legal libraries seriously limited. On balance, the survey data offer evidence that supports these concerns. Nearly a third of respondents reported that *Lewis* did in fact result in a reallocation of resources at their facility in the 10 years following 1996. Most prominent among these changes were shifts away from legal materials, in some cases, just those materials dealing with areas other than postconviction relief or conditions of confinement, and shifts toward more rehabilitative or recreational resources. Clearly in some cases, however, law libraries were eliminated altogether. Although the study unmistakably documents evidence of the adverse effects of *Lewis* on law libraries, it does not take into consideration the efforts, if any, of prisons to compensate for these effects in their overall strategy to provide court access.

The study also shows that all of the court access methods examined are used to some extent in all prison contexts. However, there are differences in their relative deployment. The analysis indicates that contextual variables such as prison size, demand for legal services, gender, and security level are likely to shape the emphasis placed on different court access methods by different prisons. Larger prisons are likely to make greater use of up-to-date law libraries, inmate law clerks, and jailhouse lawyers than are smaller ones which are somewhat more likely to use public defender systems, on-line technology, and law school students. It is these kinds of characteristics, and others not examined here, which determine the nature of court access strategies. Although the study offers useful information on these strategy components and their relative use, it also calls attention to the need for conceptualizing strategies in a broader context rather than as a collection of discrete methods for providing meaningful access to the courts. Systems thinking about providing court access would be one approach that might contribute significantly to formulating strategies used in correctional settings. Such an approach would enable correctional managers to understand better the roles of various methods in providing court access and construct more effective and cost-efficient

strategies for complying with court standards. It would also help them understand better the trade-offs involved when modifying or eliminating traditional court-access methods like law libraries, and to identify alternatives that may compensate for such changes, and perhaps be even more productive. At a minimum, systems thinking would focus attention on court-access process rather than on discrete methods when considering the implications of court decisions.

Findings in two other areas deserve mention. First, study results revealed no inequity in the availability of court-access methods by institution gender. In fact, the evidence clearly showed that the methods studied were, in most cases, more likely to be found employed in women's prisons than in men's prisons. This was especially true for two of the less frequently used methods, internet access to services like Westlaw and assistance from supervised law school students. Apart from this, the study suggests a growing interest in the use of computer technology in prisons, specifically on-line access, CD ROM technology, and local area networks to support court access. Several participants gave accounts of their experiences replacing traditional print law libraries with on-line or network-accessed legal reference materials and providing legal forms and documents to inmates on CD ROMs. Ostensibly, computer technology holds much promise for enhancing court-access strategies; yet it remains relatively limited in use in U.S. prisons. This latter point is certainly truer for on-line internet applications than it is for CD ROM and LAN applications. Survey results show on-line internet access is one of the least frequently used court access methods, and that it tends to be used most often in women's prisons, smaller prisons and prisons with lower security levels where prison managers may feel more comfortable employing such technology. Although CD ROM applications are more widely used than is the internet, they too play a relatively minor role in court-access strategies compared with most of the other methods considered here. It would seem to be beneficial for correctional managers and inmates alike to reassess the potential of different computer-related technologies for supporting court-access strategies in prisons, particularly with respect to providing access to legal research resources and court materials.

Providing inmates with court access and complying with court standards will continue to challenge prison administrators. Future research should seek to identify exemplary practices that are judged to be responsive to court standards and also seem to work well for inmates and prison administrators alike. Qualitative case studies of promising approaches and the contexts where they have been implemented are likely to be of practical value to correctional officials and help them to understand better what might work best given their

circumstances. Feasibility studies of using computer technology to support court access, or case studies of existing uses of computer technology, particularly in settings where computer technology is not widely employed, would also seem to be of great benefit. Importantly, there is a need for studies of court access strategies from the perspective of their end users, inmates. Just as in the free society, system users are often in the best position to understand what works and what doesn't. User-focused research may offer some of the best and creative guidance for developing strategies that serve the interests of both inmates and prisons.

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