Chad Page, chief of the division of prisons, approved this document on 01/30/19.

Open to the public: ☒ Yes

SCOPE

This standard operating procedure (SOP) applies to all inmates, and to all employees involved in the planning, management, or operation governing the legal activities of inmates housed in the department correctional facilities.

Revision Summary
Revision date (01/30/2019) version 6.0: Numerous revisions made throughout document: addressed inmate's right to retain counsel, added to list of paralegal duties, provided clarification in several sections, and added to list of definitions.

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BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY CONTROL NUMBER 405

Access to Courts

PURPOSE

This standard operating procedure (SOP) establishes procedures for providing all inmates access to courts to pursue constitutionally mandated legal actions and other legal filings identified by the Idaho Department of Correction (IDOC).

Note: This SOP does not limit an inmate's right to retain counsel.

RESPONSIBILITY

Facility heads or designee must:

- Make readily available to inmates locked boxes designated for *Access to Courts Request Forms*
- Make *Access to Courts Request Forms* readily available to the inmate population
- Designate a location (generally the legal resource center) to store legal resource material

GENERAL REQUIREMENTS

1. Supervision of Paralegal Staff

The facility head must designate a deputy warden to provide direct supervision of paralegal staff. The deputy warden is responsible for:

- Establishing the location of the legal resource center within the facility
- Establishing the hours of operation of the legal resource center in consultation with paralegal staff
- Monitoring attendance of paralegal staff
- Ensuring paralegal staff are familiar with and follow policy, standard operating procedures, field memoranda and post orders

The chief of the division of prisons designates a division access to courts coordinator.

The division of prison's access to courts coordinator reports directly to the chief of the division of prisons and is responsible for:

- Reviewing annual audits of state-wide legal resource centers and assisting with action items necessary to bring deficiencies in line with this policy
- Addressing operational issues with paralegal staff
- Purchasing and maintaining the appropriate number of legal resource materials for each legal resource center
- In consultation with paralegal staff, responding to requests not authorized by this SOP
- Identifying training needs; scheduling and coordinating paralegal meetings
- Providing guidance to paralegal staff, facility staff, and IDOC administration regarding access to courts issues
- Requesting clarification from the Office of the Attorney General (those representing IDOC) regarding access to courts issues
- Requesting clarification of policy and SOP issues from division administration
- Identifying staff who should be granted electronic access to the IDOC network "P-drive," determining the level of access needed, issuing and maintaining the appropriate level of access to the electronically stored and protected materials (IDOC network "P-drive" Access to Courts folder) which contains the *Qualified Legal Claims Packets.* This includes keeping track of permissions given to approved staff who have access.

2. Duties of Paralegal Staff

The IDOC employs paralegal staff to assist inmates with qualified legal claims. Paralegal duties include the following:

- Responding to requests described in this SOP
- Providing inmates with IDOC-authorized legal resources
- Providing inmates with *Qualified Legal Claims Packets* and appropriate instructions
- Explaining processes associated with filing legal documents with the courts
- Explaining processes required by federal and state court rules relevant to the progression of a lawsuit. For example, filing requirements for a Complaint, Motion to Dismiss, Discovery, Motion for Summary Judgment, and other court rules and statutes as necessary.
- Providing notary services to inmates
- Providing translation services for non-English speaking inmates through the AT&T Language Line Services to assist with the completion of initial pleadings for qualified legal claims

- In response to a subpoena, discovery request, or other valid request, providing a copy of an inmate's *Legal Activity Log* or *Legal Mail Log*.
- Maintaining the following logs and forms in the legal resource center:
  - *Book Check-out Log* (Access to Courts database)
  - *Individual Activity Log* (Access to Courts database)
  - *Notary Services Log* (Notary logs are the property of the notaries, but must be kept at the facility)
  - *Outgoing Legal Mail Log* in the Access to Courts database. Note: paralegals must document the contents of any legal mailing to include the caption of the pleading or type of correspondence being sent out
  - Legal resource center *Attorney Telephone Call Request Form*
  - Legal resource center *Copies Log*
  - Legal resource center *Request to Store Excess Legal Materials Form*

A Paralegal Must Not:

- Assist inmates in filling any claim beyond the scope of this SOP
- Offer legal advice (see definitions section)
- Represent an inmate
- Refer inmates to attorneys or attorneys to inmates
- Make unauthorized changes to IDOC network "P-drive" Access to Courts folder containing forms and/or packets
- Schedule appointments for inmates to meet with each other

3. Legal Resources

Legal resource centers maintain the publications, forms, and packets contained in the IDOC network "P-drive" Access to Courts folder and make them available to the facilities they service.

Resources may be used in the legal resource center or checked out as approved by paralegal staff.

The IDOC does not provide for extensive or generalized legal research (case law). If an inmate wants additional research materials not available in the legal resource center, the materials may be obtained by contacting the State Law Library, or via friends and family, received through the mail in accordance with SOP 402.02.01.001, *Mail Handling in Correctional Facilities.*

4. Qualified Legal Claims

The IDOC has identified the following qualified legal claims:

State Court

- Idaho Criminal Rule 35 (correction or reduction of sentence)

- Idaho Criminal Rule 35 appeal
- Direct Appeal of Criminal Conviction
- UPCPA (Uniform Post-Conviction Procedure Act)
- UPCPA appeals
- State Civil Rights (42 USC § 1983)
- State Habeas Corpus
- Credit for Time Served
- Modification of Idaho child support and initial motion to suspend child support obligations during incarceration only
- Tort Claim (Note: The submission of a tort claim is a mandatory prerequisite prior to filing a civil lawsuit in state court, wherein the named defendants are the state of Idaho, one of its political subdivisions, or their employees. There is no relief available by simply submitting a tort claim.
- Power of Attorney
- State Court Appeal

Federal Court

- Federal Civil Rights (42 USC § 1983)
- Federal Habeas Corpus Petition (28 USC § 2254)
- 9th Circuit Court Appeal
- Petition for Writ of Certiorari to the U.S. Supreme Court

The department provides forms and instructions for the initial filing of these matters.

If an inmate needs assistance other than what is identified as a qualified legal claim above, the request for assistance should be sent by inmate concern to the division of prison's access to courts coordinator for consideration.

5. Forms for Qualified Legal Claims

Authorized forms for qualified legal claims are maintained on the IDOC network "P-drive" in the Access to Courts folder. Only paralegal staff and designees have access to the folder in this network drive.

Prohibited Forms

Inmates must not draft or possess the following:

- Completed or blank transports orders
- Blank letterhead stationery relating to any agency, organization, or entity

6. Process for Requesting Access to Courts Assistance, Services, and Resources

Access to Courts Request Process

Functional Roles and Responsibilities	Step	Tasks
Inmate	**1**	Request paralegal assistance, services, and resources using the *Access to Courts Request Form* Place the signed form in the designated lock box If in need of an *Access to Courts Request Form,* contact the facility paralegal or housing unit staff
Paralegal Staff	**2**	Collect *Access to Courts Request Forms* each business day. Fulfill the requests by any of the following listed methods: • Sending requested authorized resources or information by institutional mail • Scheduling an appointment to meet the inmate • Providing the list of *Qualified Legal Claim Packets* available from the legal resource center • Allowing the inmate to review legal resources at the legal resource center or check out legal resources for a designated period If books are checked out, log in the *Book Check-out Log* in the Access to Courts database.
Paralegal Staff	**3**	If the inmate is unable to read or write English, or suffers from physical or cognitive impairment which renders the inmate incapable of writing or filling out *Access to Courts Requests,* the paralegal shall provide the necessary assistance to the inmate to complete the authorized court filings.
Paralegal Staff	**4**	If the inmate does not understand English, do any of the following to assist the inmate: • Arrange for an IDOC staff member to interpret • Arrange for another inmate to interpret • Access interpretation from an alternative source, such as utilizing the AT&T Language Translation Service; Language Line Services
Inmate	**5**	Complete the claim for filing with the court

7. Mailing and Photocopying Court Documents and Legal Mail

Photocopying privileges from inmates have the following conditions:

- Inmates (excluding indigent inmates) are charged $.10 per page for copies
- Inmates (unless indigent) should use their own envelopes for court filings. However, to meet a court filing deadline, an inmate may purchase envelopes from the legal resource center at the equivalent commissary price. If an inmate is indigent, there is no charge for envelopes.
- Page limitations on pleadings may be enforced in accordance with court rules and court orders.

Procedures for Filing Pleadings and Other Documents with a Court

Functional Roles and Responsibilities	Step	Tasks
Inmate	**1**	Complete the documents, forms, or pleadings to be photocopied and mailed. Submit the *Access to Courts Request Form* to the paralegal staff for copies, notary, and mailing services as needed. Complete an *Inmate Personal Funds Withdrawal Slip* if not indigent. Place the signed form in the designated lock box. If in need of either form listed above, see a paralegal or other facility head-designated staff member.
Paralegal Staff	**2**	Meet with the inmate, if necessary. Determine those documents authorized for photocopying in accordance with the SOP. Notarize the documents that require a notary. Photocopy the documents as required by court rules.
	3	Within two business days of completing the request, forward the *Inmate Personal Funds Withdrawal Slip* to the facility financial specialist or designee for processing. If the inmate is indigent, you do not need to complete a withdrawal slip nor charge the inmate for photocopying the documents.
	4	Complete the *Outgoing Legal Mail Log* (Access to Courts database) and if needed, the *Notary Services Log.* Forward the legal mail to the mailroom for postage and mailing or file electronically, if applicable.

8. Authorized Photocopies

Authorized photocopies are:

- Documents and all attachments for qualified legal claims, as identified in this SOP, that are ready to be filed with a court and served on the opposing party
- A completed *Power of Attorney* signed by the inmate and notarized
- A photocopy of an inmate's legal mail log maintained by the prison legal resource center for a specific date or date range (not to exceed five days) to document to a court when a filing was presented to the prison legal resources center for mailing. Standard photocopying charges will apply with the exception of the copy to be filed with the court.
- An inmate may request a certified copy of his/her *Inmate Trust Account Statement* to attach to required legal pleadings if seeking a waiver of court fees under Idaho Code §31-3220A, or appeal under Idaho Appellate Rule 24(h), or if seeking *In Forma Pauperis* status for the U.S. District Court under 28 USC §1915.
- An inmate requesting either a legal mail log or an *Inmate Trust Account Statement* must submit an *Access to Courts Request Form* to the facility paralegal according to the process identified in this SOP. Unless the inmate is indigent, a charge of $.10 per page will be assessed. The following information must be included with the inmate's request:
    - A prepared *Inmate Personal Funds Withdrawal Slip* for the cost of the certified copy (unless indigent)
    - The date range required by the court – six months for a federal filing and twelve months for a state filing. The legal resource center paralegal will affix a certification stamp to each page of the inmate's trust account statement or the mail log, if the document consists of more than one page.

If there is a question regarding the documents or attachments to be filed or served on an opposing party, the paralegal staff will determine the documents needed and number of copies necessary based on court rules or by contacting the court.

If an inmate is served with a summons and complaint that requires a response per *Idaho Rules of Civil Procedure* or *Federal Rules of Civil Procedure,* the inmate will be provided with the opportunity to file a response. Paralegal staff must provide mailing and photocopying services consistent with court filing requirements.

Class Action and Multiple Inmate Legal Actions

When inmates jointly file documents and attachments with a court as co-plaintiffs (parties to the same legal action) photocopies must not be made for all parties to the legal action. Instead, a full photocopy must be maintained in the legal resource center. However, the inmate who filed the legal action with the court has the option of paying for one additional full photocopy as his/her personal copy. Upon request, all other parties to the legal action may review the photocopy maintained in the legal resource center.

Photocopies of subsequent filings in that case are placed with the previous photocopy maintained in the legal resource center so a complete record of the legal action is available.

If an inmate who is a party to the legal action is transferred to another facility, a full photocopy of the filings may be made for that inmate at his/her own expense. However,

if the inmate meets the requirements to be considered indigent as defined in SOP 402.02.01.001, *Mail Handling in Correctional Facilities,* a full photocopy may be made for that inmate upon his/her request at no expense to the inmate.

9. Service of Documents upon Opposing Parties

Service of a summons and complaint by mail is not effective service in a state of Idaho court matter.

Service on the IDOC, Idaho Board of Correction, Idaho Commission of Pardons and Parole, or Any Employee Thereof

An inmate must neither attempt, nor cause another inmate acting on his behalf to attempt to personally serve any legal document on the IDOC, the Idaho Board of Correction, the Idaho Commission of Pardons and Parole, or any employee thereof.

Service on the IDOC, the Idaho Board of Correction, the Idaho Commission of Pardons and Parole, or any employee thereof, by an inmate or member of the public, must be made by personal service upon a deputy attorney general (DAG) representing the IDOC. Service upon a deputy attorney general must be in accordance with applicable rules and take place at the Idaho Department of Correction Central Office, located at 1299 N. Orchard, Suite 110 Boise, ID 83706.

Service on any other person or entity is to be by personal service and is the sole responsibility of the inmate.

10. Access to Courts Supplies for Indigent Inmates

Indigent status is defined in SOP 402.02.01.001, *Mail Handling in Correctional Facilities.* If an inmate does not meet the requirements as defined to be considered indigent, the paralegal or other facility head-designated staff member must ensure the inmate is able to access the courts in accordance with this SOP. This may include providing the inmate with indigent supplies, photocopying documents for the inmate, or providing postage, if necessary. For example, if an inmate has one dollar and twenty cents ($1.20) in his inmate trust account and needs to make 30 photocopies of a motion and mail it to the court to be filed, the paralegal or other facility head-designated staff member must accommodate the request even though the inmate does not have enough money in his account to cover the full expense of photocopying and mailing the motion.

Indigent supplies are:

- Blank paper for preparing court filings (no more than 25 sheets in an inmate's possession at any time)
- Envelopes for mailing to the court and opposing parties at the time of filing or to a verifiable attorney of record
- One security pen (black link only) on an exchange basis

To ensure court filings are in the proper format, all inmates should use preprinted forms provided by the legal resource center when available. Blank sheets of indigent paper must have the facility name and the term 'indigent legal paper' printed in the bottom left corner of at least one side of the paper to identify it as paper that has been authorized for legal work.

If the inmate is misusing or wasting the indigent supplies issued to him/her, the facility head or designee may limit the number of indigent supplies the inmate has on hand or is issued.

Procedure to Obtain Indigent Supplies

Functional Roles and Responsibilities	Step	Tasks
Inmate	**1**	Request indigent supplies using the *Access to Courts Request Form* If in need of the form, contact unit staff or the legal resource center paralegal
Paralegal Staff	**2**	Determine what indigent supplies are needed
	3	Enter the individual items in the legal resource center *Indigent Inmate Supplies Log* and Access to Courts database
	4	Issue the indigent supplies to the inmate

11. Inmates who are Unable to Complete Forms

An inmate who believes he/she needs help completing qualified legal claim forms (as defined in section 4) may request assistance from the legal resource center paralegal.

12. Inmate-to-Inmate Assistance

Inmates may assist one another with legal work if they meet all the following conditions:

- Both inmates must have access to one another during normal facility operations.
- An inmate cannot possess another inmate's legal materials.
- An inmate must not receive any item, compensation, or service for helping another inmate with legal work.
- An inmate must not represent another person in any legal proceeding.

WARNING!

Inmates must not engage in the unauthorized practice of law. (Idaho Code, section 3-420; and in Re: Matthews, 58 Idaho 772.) Inmates may be referred to the Idaho State Bar for prosecution for the unauthorized practice of law. Any inmate caught engaging in the unauthorized practice of law will be prohibited from assisting any other inmate.

13. Telephone Hearings and Attorney Telephone Calls

Telephone Hearings

If the inmate fails to provide 24-hour notice to the IDOC, legal resource center staff will facilitate the call, if possible.

Functional Roles and Responsibilities	Step	Tasks
Facility Head	**1**	Designate an area(s) for telephone hearings
Inmate	**2**	Provide a copy of the court order or notice of hearing to the paralegal at least 24 hours before the telephone hearing
Paralegal Staff	**3**	Review the court order or notice of hearing Ensure the inmate is scheduled or made available at the time of the telephone hearing
	4	Facilitate the telephone hearing call at the appropriate time
	5	Log the call using the *Individual Activity Log* (Access to Courts database)
Inmate	**6**	Participate in the telephone hearing

Attorney Phone Calls

Inmates may place unmonitored telephone calls to their attorney using the inmate telephone system. If an inmate is unable to place a direct call to this attorney using the inmate telephone system, the inmate may contact the attorney by mail and request the attorney call the facility paralegal staff and ask to arrange a telephone call from the inmate to the attorney. An attorney or attorney's staff member may contact the facility paralegal to arrange a time for the inmate to call the attorney as follows:

Functional Roles and Responsibilities	Step	Tasks
Attorney or Agent	**1**	Contact the facility legal resource center Request an attorney telephone call with the inmate
Paralegal Staff	**2**	Log the request using the *Individual Activity Log* (Access to Courts database)
	3	Prepare a legal resource center *Attorney Telephone Call Request Form* to forward to the inmate with the name of the attorney, the telephone number to call, and the date and time the attorney telephone call is to be placed
Inmate	**4**	Place the attorney telephone call from an inmate phone

14. Searching of Legal Material

Information regarding the search of inmates' legal material is in SOP 317.02.01.001, *Searches: Cell/Living Unit, and Inmate.* If feasible, paralegal staff should participate in the search of inmates' legal material.

15. Storage of Excess Legal Materials

Each facility head must identify a secure area for storing an inmate's excess legal materials. For the purpose of this SOP only, 'secure storage' means an area in a legal resource center or another part of the facility that can be locked, and where inmates and unauthorized staff do not have access.

The IDOC will only store legal materials related to active and ongoing qualified legal claims that cannot be contained in an inmate's authorized personal property. The amount of storage space needed must be taken into account when considering an inmate's request to store excess legal materials that are referenced in the inmate's active and ongoing litigation.

The IDOC will not store excess legal materials, multiple copies of pleadings, research materials, or materials not directly related to the inmate's active and ongoing litigation.

If an inmate receives legal material in an electronic format, such as a CD or thumb drive, these items are required to be stored in a lockable container in the facility legal resource center. In the event the inmate has a need to review the materials contained on the electronic device(s), he/she may submit an *Access to Courts Request Form* to the facility paralegal, wherein a time will be scheduled to reserve a computer on which to view the material. At no time will copies be made of the electronic materials, unless specific documents are needed to be attached to a court filing for a qualified legal claim.

Legal materials remaining after the inmate has been released must be disposed of in accordance with SOP 320.02.01.001, *Property: State-issued and Inmate Personal Property.* If the inmate has paroled, any legal material left at the facility must be forwarded to the inmate's new address and documented in the offender management system (OMS) in accordance with SOP 320.02.01.001.

Annually, paralegal staff must review stored excess legal materials with the inmate present. If it is determined during this review that materials being stored are no longer associated with active and ongoing litigation, the facility paralegal will advise the inmate of his/her options for disposition of these excess materials. Validation and determination will be accomplished by using ICourts, the U.S. District Court for the District of Idaho Electronic Case File System (ECF), or through the 9th Circuit Court of Appeals website. The paralegal will initiate the process of advising the inmate of his/her options for disposition of the excess materials and begin that process. If the inmate cannot be present, paralegal staff must document the reason in the inmate's *Individual Activity Log.*

Each facility must develop a field memorandum to describe the process for inmates to store and retrieve their excess legal materials, and a process to inventory the material. This would also include a process for requesting to review stored electronic legal materials. The division of prison's access to courts coordinator should be contacted to provide guidance to facility staff in the development of the field memorandum.

Process Steps: Storage of Excess Legal Materials

Functional Roles and Responsibilities	Step	Tasks
Inmate	**1**	Complete a legal resource center *Request to Store Excess Legal Materials Form* Submit it to housing staff for verification If in need of the form, contact the paralegal or housing unit staff
Housing Unit Staff	**2**	Verify the legal materials are in excess of the allowable three cubic feet of personal papers and legal materials allowable per SOP 320.02.01.001, *Property: State-issued and Inmate Personal Property* Complete the submitted legal resource center *Request to Store Excess Legal Materials Form* and return it to the inmate
Inmate	**3**	Submit the completed legal resource center *Request to Store Excess Legal Materials Form* to paralegal staff or other facility head-designated staff member If there are no case numbers, titles, court information, or required signatures on the form, paralegal staff or the facility head-designated staff member will return the form to the inmate and the process ends here. If needed, the paralegal staff or facility head-designated staff member may provide a box to store an inmate's excess legal materials. If the inmate wants to organize his/her excess legal materials when storing them, it is their responsibility to purchase organizing materials from commissary and organize their excess legal materials before storing them.
Paralegal Staff	**4**	Verify case numbers, titles, court information, and whether required signatures are provided to determine eligibility for storage If this information is not submitted, return the form to the inmate and end the process here until the required information is submitted. If this information is submitted, go to step 5
Paralegal Staff	**5**	Inform the inmate when to bring the excess legal materials to the secure storage location If needed, the paralegal may provide the inmate with a box to store excess legal materials.

Functional Roles and Responsibilities	Step	Tasks
Paralegal Staff	6	In accordance with SOP 320.02.01.001, *Property: State-issued and Inmate Personal Property:* • Search the excess legal materials for unauthorized items • Dispose of the unauthorized items in accordance with SOP 320.02.01.001
	7	Clearly mark and identify each file folder, envelope, or box with the inmate's name, address, and IDOC number
	8	Create an inventory sheet for documenting and tracking the excess legal materials

16. Attorney Access

Attorney access is explained in SOP 604.02.01.002, *Attorney and Professional Individual Access to Inmates.*

17. Access to Courts Procedures for Facilities without a Legal Resource Center

Inmates housed at St. Anthony Work Camp (SAWC), North Idaho Correctional Institution (NICI), South Boise Women's Correctional Center (SBWCC), or a community reentry center (CRC) must use the assigned legal resource center listed below to provide inmates access to court services. The facility head or designee must designate a facility staff member to help inmates with general, day-to-day operational issues regarding access to courts matters.

The division of prison's access to courts coordinator may take temporary (up to 60 days) reassignments of this reporting structure to accommodate training or staff shortages. The assigned paralegal at the facility that has a legal resource center must visit the facility served that does not have a legal resource center at least once each month.

Legal Resource Centers

Legal Resource Center	Facility Served
Idaho Correctional Institution Orofino (ICIO)	• ICIO • NICI • County Jails – District 1 & 2

Legal Resource Center	Facility Served
South Idaho Correctional Institution (SICI)	• East Boise CRC • Nampa CRC • SBWCC • SICI • Treasure Valley CRC • County Jails – District 3, 4, & 5
Pocatello Women's Correctional Center (PWCC)	• Idaho Falls CRC • PWCC • SAWC • County Jails – District 6 & 7

Process Steps for Inmates Housed at Facilities without a Legal Resource Center

Functional Roles and Responsibilities	Step	Tasks
Inmate	**1**	Complete the *Access to Courts Request Form,* asking the facility head or designee for paralegal assistance, services, or resources If in need of the form, contact the paralegal or other facility head-designated staff member
Facility Head or Designee	**2**	Call the appropriate legal resource center and, if possible, have the inmate talk directly to a paralegal
Paralegal	**3**	Tell the facility head or designee which services or resources the inmate needs Log the call using the *Individual Activity Log* (Access to Courts database)
Facility Head or Designee	**4**	Ensure the inmate receives the services or resources Document in the electronic offender management system (OMS), using the contact sheets, when the inmate receives the services or resources

18. Record Retention

Paralegal staff must retain copies of access to courts forms, attachments, and other logs and documentation identified in this SOP for five years for paper and seven years for electronic records from the date of the record.

DEFINITIONS

Access to Courts Request Form: A printed form provided for inmates to make requests for accessing Idaho Department of Correction (IDOC) provided legal resources or assistance from IDOC paralegal staff.

AT&T Language Assistance Line: This is a contracted service that provides translation services in over 170 languages 24 hours a day, 7 days a week. All facility legal resource centers are provided with the information necessary to be able to utilize this service.

Legal Advice: Refers to the written or oral counsel about a legal matter that would affect the rights and responsibilities of the person (inmate) receiving the advice; applies a specific law or legal theory to a particular set of circumstances. Actual legal advice requires the careful analysis of the law as it applies to a person's (inmate) specific situation.

Legal Mail: Confidential communication directly between (a) an inmate and an attorney (for the purposes of seeking or providing legal services), (b) an inmate and the court, (c) opposing parties for service of documents pursuant to court rules, or (d) third parties for service of documents pursuant to court rules.

Legal Resources: Those statutes, codes, court rules, legal reference materials, and publications provided by the Idaho Department of Correction (IDOC) for use by inmates on legal matters.

Paralegal/Legal Assistant: An Idaho Department of Correction (IDOC) employee with legal training or experience to assist inmates with (a) completing legal packets and forms, (b) accessing IDOC-provided legal resources, notary services, and translator services, and (c) to assist inmates in understanding the state and federal court system processes as they relate to qualified legal claims.

Legal Resource Center: An area of a facility designated and approved by the facility head where (a) legal resources are maintained, and (b) the photocopying and mailing of legal materials are performed pursuant to written Idaho Department of Correction (IDOC) or facility guidelines.

Unauthorized Practice of Law: The practicing of law by any person (a) who has not become duly admitted and licensed to practice law within the state of Idaho; (b) whose right or license to practice within the state of Idaho has been terminated either by disbarment, suspension, or failure to pay license fees; or (c) who practices or presumes to act or hold himself out to any other person as a person qualified to practice law, to include giving legal advice and counsel, and the preparation of instruments and contracts by which legal rights are secured, although such matter may or may not be pending in a court.

REFERENCES

Federal Rules of Civil Procedure

Idaho Code, Section 3-420, *Unlawful Practice of Law – Penalty*

Standard Operating Procedure 317.02.01.001, *Searches: Cell/Living Unit, and Inmate*

Standard Operating Procedure 320.02.01.001, *Property: State-issued and Inmate Personal Property*

Standard Operating Procedure 402.02.01.001, *Mail Handling in Correctional Facilities*

Standard Operating Procedure 503.02.01.001, *Telephone and Electronic Communications: Inmates*

Standard Operating Procedure 604.02.01.002, *Attorney and Professional Individual Access to Inmates*

State v. Mathews, 58 Idaho 772, 79 P. 2d 535, (1938)

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