 <p>CD-121000</p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;">"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."  <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico</p>	
	<b>ISSUE DATE:</b> <b>03/27/89</b>	<b>REVIEWED:</b> <b>04/30/18</b>
	<b>EFFECTIVE DATE:</b> <b>04/03/89</b>	<b>REVISED:</b> <b>03/17/15</b>
<b>TITLE: Legal Access</b>		

**AUTHORITY:**

Policy *CD-010100*

**REFERENCES:**

- A. Lewis v. Casey 116 S. Ct. 2174 (1996)
- B. ACA Standards 2-CO-3C-01, *for the Administration of Correctional Agencies*, 2<sup>nd</sup> Edition.
- C. ACA Standard 4-4274, 4-4276, *Standards for Adult Correctional Institutions*, 4<sup>th</sup> Edition.

**PURPOSE:**

To establish rules this will ensure that all inmates have direct access to the courts in allowable legal actions.

**APPLICABILITY:**

All employees of New Mexico Corrections Department (NMCD) and contract facilities, especially Education staff and all incarcerated inmates.

**FORMS:**

- A. **Inmate Request for Legal Access** form (*CD-121001.1*)
- B. **Request/Authorization for Copying Qualified Legal Materials** form (*CD-121001.2*)
- C. **Staff Response to Inmate Request for Legal Assistance/Meeting** form (*CD-121001.3*)

**ATTACHMENTS:**

- A. **List of Appendices and Forms** Attachment (*CD-121001.A*)
- B. **Legal Texts and Resource Materials** Attachment (*CD-121001.B*)
- C. **Court Form Packet** Attachment (*CD-121001.C*)
- D. **Qualified Legal Materials Copying** Attachment (*CD-121001.D*)

**DEFINITIONS:**

- A. Access To The Courts: Inmates shall not be barred from the courts and the Department shall, when written requests are made, assist inmates in the preparation and initial filing of (1) direct appeals from the convictions for which they were incarcerated, (2) Habeas Corpus petitions (§ 2254 in Federal Court and NMSCRA Rule 5-802 in State Court), (3) §1983 civil rights actions, (4) conditions of confinement actions, (5) state tort complaints concerning conditions of confinement and (6) Divorces (with or without children).

1. Active Assistance - Assistance provided to inmates by designated staff.
  2. Passive Assistance - Assistance available to inmates through resource materials to which they are directed.
- B. Attorney: An attorney-at-law:
1. Licensed to practice law in any state or federal jurisdiction.
  2. Has been retained by the inmate or has been appointed to represent the inmate, as evidenced by a court record, court order or by the inmate's written authorization.
  3. Shall not include anyone who is on the inmate's general visiting list.
- C. Civil Rights: Rights guaranteed by the United States' Constitution.
- D. Debit: An immediate withdrawal of funds from an inmate's account.
- E. Designated Staff: Any NMCD employee(s) appointed by the Education Bureau Chief to be responsible for such duties as outlined in this Department policy. Designated Staff will include both Civilian Paralegals/Legal Assistants and non-paralegals trained in these policies.
- F. Habeas Corpus: A writ by which a party attempts to obtain release from confinement.
- G. Hold: A restriction on an inmate's account or funds based upon a financial obligation owed by the inmate, which restriction remains until the obligation is paid.
- H. Initial Filing: The filing of a complaint, pleading or petition with a court of law to begin a legal action in that court. An initial filing also includes the filing of all notices or other documents that may be required prior to the filing of the pleading or petition, including the initial filing of amended complaints or petitions.
- I. Legal Access Monitor: A Department employee with legal or paralegal training with responsibility to oversee the legal access program.
- J. Legal Mail: Any letters, pleadings, or legal documents to or from an inmate's attorney of record, a judge, a court of law, or an opposing attorney.
- K. Petition: A written request that the court exercise its authority to redress a wrong.
- L. Pleading: For the purpose of this policy, a pleading refers to a Notice of Appeal pursuant to Rule 12-201 NMRA; the initial filing of a Petition for Post-Conviction and related forms, pursuant to Rule 5-802 NMRA; a Petition for Review pursuant to Rule 12-502 NMRA; a Petition for Writ of Habeas Corpus in State or Federal Court (NMSCRA Rule 5-802 for State and §2254 for Federal); a civil rights complaint or condition of confinement complaint in State or Federal Court, or a State Tort Complaint concerning conditions of confinement and other related motions, responses, discovery matters and letters to the court in connection with the above pleadings.

- M. Post-Conviction Relief (Rule 5-802 NMRA): The process through which a party seeks relief from a sentence imposed on the party by a court of law.
- N. Privileged Correspondence: Any correspondence:
- To or from an attorney who the inmate is attempting to return services from;
  - Recognized agencies that provide legal assistance; and,
  - Law enforcement agents or agencies.
- O. Qualified Legal Claims: In the direct appeal, any claim of error; in the Post Conviction Relief proceeding, any non-precluded claim set forth in Rule 5-802 NMRA; and in Federal Court, any claim of error based on a violation of the federal constitution or law. Forms include the Notice of Appeal from the District Court (state court); Writ of Habeas Corpus, NMSCRA Rule 9-701; Writ of Certiorari, Rule 12-502 NMRA; §2254 Petition for a Writ of Habeas Corpus in Federal Court; a civil rights action or condition of confinement claim (42 U.S.C. § 1983 and Rule 1-1076 NMRA); and, a State Tort Complaint concerning conditions of confinement; Divorce proceedings (with and without children); Power of Attorney (general and for minor children); and, Last Will and Testament.
- P. Qualified Legal Material: Any document that meets the definition of a Qualified Legal Claim, plus related motions, responses, discovery matters and letters to the court in connection with the qualified legal claims.
- Q. Writ: A written judicial order to perform a specified act or giving authority to have a specified act done.

**POLICY: [4-4276] [2-CO-3C-01]**

The Corrections Department shall ensure that all inmates have direct access to the courts in all legal claims involving direct appeals from the conviction for which they are incarcerated, NMSCRA Rule 5-802 and §2254 habeas corpus petitions, §1983 Civil Rights Actions, civil rights actions regarding their conditions of confinement and state tort claims arising out of their confinement. [4-4274]

The Department facilitates this access by making forms and specific legal assistance available to the inmate population for qualified legal claims. The system is designed to maximize inmates' opportunity to present qualified legal claims to the State or Federal court in a timely, efficient manner with no barriers.

This policy establishes the process to be used by inmates for gaining access to the courts and also describes the role of all parties involved. This policy sets forth all affirmative steps that the Department shall take to assist inmates in obtaining access to the courts. This policy prohibits inmates from providing legal assistance to other inmates related to qualified legal claims.

This process does not affect the inmates' ability to independently pursue actions on their own or to obtain outside counsel to represent them.




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David Jablonski, Secretary of Corrections  
New Mexico Corrections Department

04/30/18

Date

 <p><b>CD-121001</b></p>	<p><b>NEW MEXICO CORRECTIONS DEPARTMENT</b></p> <p><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i>  <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico</p>	
	<p><b>ISSUE DATE:</b> 03/27/89</p> <p><b>EFFECTIVE DATE:</b> 04/03/89</p>	<p><b>REVIEWED:</b> 04/30/18</p> <p><b>REVISED:</b> 03/17/15</p>
	<p><b>TITLE: Legal Access</b></p>	

**AUTHORITY:**

Policy *CD-010100*

**PROCEDURES: [4-4274] [4-4276] [2-CO-3C-01]**

**A. Responsibility:**

The Legal Access Monitor shall monitor inmate legal access to the courts system in all facilities to ensure that the assistance provided to inmates by designated staff conforms to all Department written instructions and contract provisions.

**B. System Overview:**

Inmates shall have direct access to the courts through the mail.

Qualified Legal Claim - Inmates who do not possess the requisite competence to file pleadings or to complete District Court/state forms without assistance may:

1. Contact an attorney directly, at the inmate's expense;
2. Request the court to appoint an attorney to represent them; or,
3. Obtain active assistance through the Department from Designated Staff (See paragraph J, below).

**C. Legal Research:**

This system is designed to provide for initial, general legal research; no provision is made in this system for extensive, specialized legal research.

**D. Inmate Legal Assistants and Law Clerks:**

There is no provision in this policy for an inmate legal assistance or inmate law clerk program.

**E. Right to Retain Counsel:**

This system does not interfere with an inmate's right to retain counsel.

1. Inmates may hire private attorneys, avail themselves of pro bono services or seek a court-appointed attorney.
2. Nothing in this system suggests that inmates may retain someone other than a licensed attorney for legal purposes.
3. The Legal Access Program is not responsible for providing inmates with attorney names and addresses, but attorney addresses and phone numbers may be obtained by submitting a written request through the Education Resource Center (if attorney's name is known).
4. Inmates that are represented by an attorney are not eligible for legal assistance, legal supplies or photocopying for the cause for which they have legal representation.

**F. Access to Legal Resources:**

All institutions shall provide access to the legal resources as required by this policy.

**G. Approved Department Forms and Other Documentation:**

Staff and inmates shall use only the Department forms authorized by this policy to request services or report information about this legal access system. All other requests will be returned. If additional forms are required, they shall be developed and submitted to the Secretary or his/her designee for approval.

**H. Legal Resources and Accommodations:**

1. The Legal Resources identified in the **Legal Texts and Resource Material** Attachment (*CD-121001.B*) are presently available for inmate use. Any additions or deletions to the legal texts and resource material identified in the **Legal Texts and Resource Material** shall be subject to approval by the Secretary or his designee.
2. All legal reference texts and manuals available for use by inmates shall be kept in the Reserve/Reference section of the Unit Education Resource Center or in the Designated Staff Office, under the control of designated staff, and shall be used only in the Unit Education Resource Center, with the exception noted in this policy.
  - a. Legal Resource Centers shall provide no legal resource material except for such material as set forth in this policy.
  - b. The units are not required to possess and shall not possess older versions of the law. The centers do not provide archive services, including copies of outdated policies.
3. Inmates who visit the Education Resource Center may check out legal texts, manuals and other legal reference material for a specified period of time in accordance with Department and Facility Policy.

- a. Each book shall have a check out card or other tracking method as determined by facility librarian and designated staff on which inmates shall write their name and NMCD number. Inmates shall leave their identification card with designated staff, to be returned to them when they return the book or complete a debit memo. Inmates shall not use another inmate's identification card.
- b. Under special circumstances and in accordance with the local institution policy, an inmate may obtain legal texts and resources for use outside the Education Resource Center. A Debit Memo shall be completed and maintained until the return of the checked out texts.
4. The Legal Access Monitor shall provide designated staff with a supply of current court forms as identified in the **Court Form Packet** Attachment (*CD-121001.C*). The inmate shall pay for copies of these court documents in accordance with Procedure CD-121201, paragraph (C).
5. Inmates may use the forms provided for qualified legal claims or their own pleadings, motions and other legal documents using their own paper and envelopes.
6. The Department shall not supply inmates with forms, documents or any legal materials from other states. It shall be the duty of the inmate to contact the appropriate authority in that state to request any forms, documents or legal materials from that state.
7. The Department shall ensure that inmates have access to the name and address of the New Mexico State Courts and Federal District/Appellate Courts. These addresses shall be made available to inmates.
8. The Department shall not make computers or typewriters available to inmates in the Unit Education Resource Center for the purpose of enabling inmates to do legal work. Typing paper and other typing supplies will not be supplied. New Mexico State and all Federal Courts accept hand written documents.
9. A tape or compact disc (CD) player will be available for listening to trial transcript tapes overnight. The CD's must be for current cases only. No computers will be provided to review transcripts.

#### **I. General Responsibility:**

This inmate legal access to the courts system relies on four specific groups of individuals, with general responsibility as follows:

1. Designated Staff - These staff members shall be responsible for:
  - a. Cataloging and maintaining legal resources in the Reserve/Reference section of the Unit Education Resource Center; signing out legal texts to inmates for use only in the Education Resource Center; keeping track of legal texts to prevent/minimize loss;

reordering legal texts, as necessary, to replace missing texts and ordering updates as they become available from the publisher; making texts available for inmates who have limited access to the Education Resource Center; and, maintaining records.

- b. Coordinating, with institution staff, the scheduling of appointments for inmates' legal assistance meetings and ensuring that inmates are made aware of the date and time of their appointment.
- c. Designated staff shall work closely with security/other staff to arrange for legal assistance meetings with inmates. Designated staff shall be allowed to remain and work in the facilities in order to complete appointments.
- d. Photocopying or supervising the photocopying of all qualified legal claims.
- e. Processing inmate requests for services including: notary services, copies of the court forms identified in Attachment B and other chargeable services in accordance with Policy *CD-121201*, paragraph C. Designated Staff should respond to all requests within six (6) working days of stamped receipt.
- f. Facilitating the delivery of notary services, copies or other chargeable services in accordance with Policy *CD-121201* paragraph C.
- g. Providing assistance to the inmate in obtaining forms for qualified legal claims or having photocopies made of qualified legal materials, whether on provided form or inmate hand drafted.
- h. Assisting illiterate inmates who request assistance in the actual preparation of their initial pleadings or petitions for filing with the courts.
- i. Providing bilingual services, as required.
  - 1) A teleconference with a bilingual interpreter is permissible.
  - 2) Certified interpretation is not required.
- j. Making the determination as to what legal documents require photocopying and the number of copies to be made in matters involving qualified legal claims (following *CD-121201.A*). Designated staff shall consult with the Legal Access Monitor if a question or problem arises.
- k. Contacting the Legal Access Monitor if they have any questions themselves pertaining to the inmate access to the court system.
- l. Contacting the Warden or designee with questions concerning institutional activity, coordination, etc.



- m. Complying with Department Policies and other Department written instructions, as identified in their contract, as well as the terms and conditions of their contract.
  - n. Designated staff shall not:
    - 1) Practice law, represent an inmate in administrative proceedings, or make referrals.
    - 2) Aid inmates in any matter, legal, quasi-legal or non-legal that does not involve qualified legal claims.
    - 3) Assist inmates in qualified legal claims beyond the initial filing of their pleadings with the courts, except as listed in attachment *CD-121001.D*.
2. Legal Access Monitor - The Legal Access Monitor shall be responsible for:
- a. Providing system-wide monitoring and operational oversight of the inmate legal access to the court system.
  - b. Ensuring that designated staff is assisting inmates on matters involving qualified legal claims only and only at the initial pleading stage.
  - c. Resolving questions designated staff may have concerning the inmate legal access to the court system.
  - d. Ensuring designated staff is adhering to all contract provisions and Department written instructions in assisting inmates.
  - e. Visiting prison facilities to monitor the activities of the Designated Staff, overseeing the operations of the inmate access to courts system, and reviewing legal resource material to ensure that it is up-to-date and complete.
  - f. Ensuring accommodations and arrangements are being made for special needs inmates.
  - g. Making recommendations to the Education Bureau Chief to either purchase additional sets of legal resource materials or eliminate resource materials, as appropriate.
  - h. Performing other duties, as assigned.
3. NMCD Attorneys - shall be responsible for responding to questions from the Legal Access Monitor.
4. Inmates - may use the resources available through this inmate legal access policy to access the court system for qualified legal claims.

- a. An inmate shall only request legal assistance from the legal assistant to work on his/her own qualified legal claim (current or pending).
- b. Inmates may not assist other inmates with qualified legal claims. Doing so shall result in a disciplinary action in accordance with Policy *CD-090101*, Attachment B, offense B.
- c. The Department shall not establish or promote a legal assistant/law clerk program that uses inmates to provide such assistance.
- d. Inmates who have been found charging or bartering in exchange for legal services, or who have been found to be creating a security problem by assisting inmates with non-qualified legal claims may be disciplined and may be precluded from helping other inmates in the future.
- e. No inmate shall be allowed to assist another inmate if the Warden or Deputy Warden determines that a potential or existing security problem has developed or may develop, or that allowing such assistance may detrimentally impact institutional resources and/or operations.
- f. Inmates shall not possess, store or mail other inmates' legal paperwork. Such actions may result in disciplinary actions in accordance with Policy *CD-090101*, Attachment B, offense B.15.
- g. Inmates shall be responsible for mailing legal materials in accordance with Policy *CD-151200*, Inmate Correspondence. Designated staff shall not mail or otherwise place mail in facility mail boxes for the inmate.
- h. Inmates shall attempt to resolve issues related to this policy or their legal access to the courts system through designated staff before contacting the Legal Access Monitor.

**J. Legal Assistance:**

Inmates may receive active assistance in the initial filing of pleadings involving qualified legal claims from the designated staff provided by the Department. Designated Staff will not do legal research, give any form of legal advice or be responsible for either mailing or faxing legal materials.

1. Inmates desiring legal assistance shall complete an **Inmate Request for Legal Access** form (*CD-121001.1*), available only from designated staff. The request shall include a plain, concise description of the qualified legal claim and the type of assistance requested. Illiterate and non-English speaking inmates shall contact designated staff who shall help them complete the form. Inmates serving their sentences in a NMCD facility pursuant to

Interstate Corrections Compact and concurrent custody agreements shall make the request in accordance with this policy.

- a. If the issue involves § 1983 civil rights or conditions of confinement, the inmate shall have first attempted to resolve the issue through the inmate grievance process, in accordance with Policy *CD-150500*, Inmate Grievances. The inmate shall attach a copy of the final disposition of the grievance to the initial request for assistance.

If the inmate has not attempted to resolve the issue through the inmate grievance process, the designated staff shall notify the inmate that the court may dismiss the inmate's suit if the inmate fails to exhaust the administrative remedies available through the inmate grievance system. However, staff shall not prohibit the inmate from filing a complaint even if the inmate has failed to exhaust administrative remedies available through the grievance procedure.

- b. If the issue involves Notice of Appeal from the District Court, or habeas petition (NMSCRA Rule 5-802 or §2254), the inmate shall include the appropriate legal documents/orders of the court out of the trial court record.
2. Once the inmate has completed his/her portion of the form, the form shall be placed in a designated drop box or tray (i.e. the facility legal mail box).
  3. Designated staff shall accept, sign and date the **Inmate Request for Legal Access** form (*CD-121001.1*) along with any attached documents.
  4. The designated staff shall review each request and determine whether the matter described involves a qualified legal claim.
    - a. If a request is unclear, a meeting may be scheduled with the requesting inmate to determine whether the request is a qualified legal claim.
    - b. If the request does not involve a qualified legal claim, the designated staff shall not provide assistance and shall return the request to the inmate with an explanation that the request does not meet the definition of a qualified legal claim.
  5. The designated staff shall keep a copy of the request.
  6. Designated staff shall work with security staff in scheduling days and hours when the inmate meeting may be scheduled, based upon inmate population, the volume of requests, quick access, court deadlines and appropriate attention to security issues.
  7. Designated staff shall schedule an appointment and notify the inmate by completing the appointment section of the **Staff Response to Inmate Request for Legal Assistance/Meeting** form (*CD-121001.3*) and forwarding a notification copy to the inmate. Designated staff shall keep the file copy of the request and forward a copy to the

Legal Access Monitor. Inmate appointments for scheduled legal assistance meetings shall not be suspended except when a legitimate security concern exists to do so.

8. Designated staff shall meet with inmates to provide necessary assistance with preparation of the initial pleading for filing. However, for New Mexico inmates in other states who are serving sentences pursuant to Interstate Corrections Compact or concurrent custody agreements and who request assistance with the preparation of an initial pleading, Designated Staff shall ensure that one copy of the appropriate sections of legal references, forms and instructions are mailed to the inmate.  
Mailings shall be made by the Interstate Corrections Compact staff at Prison Operations expense.
  - a. Designated staff shall not provide assistance beyond the initial filing stage.
  - b. The designated staff may authorize copying of documents in accordance with Policy CD-121201, paragraph C, by completing the appropriate authorization requests.
  - c. The designated staff may request additional meetings, as necessary. If additional meetings are required, designated staff shall schedule the meeting using a **Staff Response to Inmate Request for Legal Assistance/Meeting** form (*CD-121001.3*)
  - d. The designated staff shall be available on an as needed basis, based on number of requests, type of request and possible deadlines.
9. Staff shall not retaliate against an inmate for requesting assistance from designated staff or for exercising any other legal privilege pursuant to this policy nor shall they retaliate against an attorney, agent of an attorney or any other person for exercising any privilege pursuant to this policy.
10. Designated staff shall:
  - a. Direct questions concerning this inmate access to the court system policy to the Legal Access Monitor.
  - b. Immediately report suspected abuses of this inmate access to the court system policy to the Warden or Deputy Warden for review and resolution, ensuring that the Legal Access Monitor is also advised.
11. New Mexico inmates in other states who are serving sentences pursuant to Interstate Corrections Compact and concurrent custody agreements may, upon written request addressed to the Interstate Corrections Compact Staff, receive legal assistance for a qualified claim. Upon receipt of the inmate's written request, the Administrator shall notify the Legal Access Monitor.

The Legal Access Monitor shall forward the inmate's request to designated staff, which shall provide assistance, via the mail, for post-conviction relief claims and condition of

confinement/civil rights claims that arose in New Mexico. Any claim pertaining to conditions of confinement outside of New Mexico shall be filed in the state where the inmate is confined. Mailings shall be made by the Interstate Corrections Compact staff at the expense of Prison Operations.

**K. Special Needs Inmates:**

1. Accommodations shall be made, as needed, to ensure access to the courts for inmates with special needs, to include inmates who are illiterate, non-English speaking, or disabled. Accommodation may include providing a tele-conference with a bilingual interpreter and designated staff.
2. Arrangements shall be made for inmates who have limited access to the Unit Education Resource Center to review legal resource materials, or to obtain forms or photocopies.

**L. Legal Supplies:**

Legal supplies are those supplies actually used for qualified initial claims. The Department is not required or expected to provide supplies for non-qualified legal claims or for personal/private use. Envelopes will be provided only for qualified legal materials, as identified on the **Qualified Legal Materials Copying** Attachment (*CD-121001.D*) and only in the number needed to send to the Court and Defendants. Envelopes for qualified copies will only be provided at the time of photocopying and not otherwise. Any photocopies not made by Designated Staff or any inmate hand drafted copies will not be provided envelopes, with no exceptions.

**M. Legal Property:**

Inmates will be allowed to retain legal materials along with all other property as will fit in two state issued foot lockers. All excess legal property must be mailed out at the inmate's expense or be destroyed. Inmates may be permitted to maintain personal legal books and materials for pending or current legal claims in their housing location, if in accordance with the inmate property policy. The Education Resource Center will not store excess inmate legal material. To the extent that this paragraph (*CD-121001.M.*) conflicts with any other CD Policy regarding legal property, this policy will take precedence.



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David Jablonski, Secretary of Corrections  
New Mexico Corrections Department

04/30/18  
Date

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Inmate Request for Legal Access**

Please PRINT information in all areas clearly.

<b>INMATE NAME (Last, First, M.I.)</b>	<b>NMCD Number</b>	<b>Institution</b>	<b>Unit/Cell</b>
<b>Briefly describe your legal problem or question. (Use a blank sheet of paper if additional room is needed.)</b>			
<b>Date of Court imposed deadline, if known: _____</b>			
Type of assistance requested (check all that apply)			
<input type="checkbox"/> Legal materials: policies, rules, statutes, legal texts (specify in following box)* <input type="checkbox"/> Form packet: Tort <input type="checkbox"/> ; State Habeas <input type="checkbox"/> ; Civil Rights <input type="checkbox"/> ; Federal Habeas <input type="checkbox"/> ; State Appeal <input type="checkbox"/> <input type="checkbox"/> Divorce (w/children) <input type="checkbox"/> ; Divorce (w/o children) <input type="checkbox"/> ; Power of Attorney (General) <input type="checkbox"/> ; <input type="checkbox"/> Power of Attorney (Minor Children) <input type="checkbox"/> ; Last Will & Testament <input type="checkbox"/> <input type="checkbox"/> Meeting with paralegal (specify reason for meeting in following box)* <input type="checkbox"/> Copying for qualified legal claims (specify in following box)* <input type="checkbox"/> Notary service for qualified legal claims that require notarization			
*Specify requested services or materials. Specify what you want copied and which category of qualified legal claim:			
<b>Inmate Signature</b>			<b>Date</b>
<b>Designated Staff Name (Last, First, M.I.)</b>	<b>Designated Staff Signature</b>		<b>Date</b>

<b>Review and Disposition</b>	
<input type="checkbox"/> Approved. Response by Mail. _____ Form Packets _____ Policies _____ Statutes <input type="checkbox"/> Approved. Requestor will be called in for a meeting. _____ Copies _____ Books _____ Notary Meeting <input type="checkbox"/> Disapproved. Your complaint does not involve a qualified legal claim. <input type="checkbox"/> Unclear Request. Please explain what you are requesting in more detail on enclosed form.	
Unless disapproved, your appointment with the Designated Staff has been scheduled for date: _____	
at time _____ am/pm at location _____.	
_____ Staff Signature	_____ Date
<b>Please bring this authorization and all related documents to the meeting.</b>	

**Verification of meeting:**

<b>Designated Staff Name (Last, First, M.I.)</b>	<b>Designated Staff Signature</b>	<b>Date</b>
<b>Inmate Signature</b>		<b>Date</b>

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Request/Authorization for Copying Qualified Legal Materials**

Please PRINT information in all areas clearly.

<b>Inmate Name (Last, First, M.I.)</b>		<b>NMCD NUMBER</b>
<b>Institution</b>	<b>Unit/Cell</b>	<b>Date</b>

List each document separately. Form packages count as one item. Unrelated exhibits count separately.

ATTACH DOCUMENTS				DESIGNATED STAFF - APPROVED		
No.	Document Name	Number of Pages	Number of Copies	Number of Pages	Number of Copies	√ Unmodified
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

**Request received for Action.**

<b>Designated Staff Name (Last, First, M.I.)</b>	<b>Designated Staff Signature</b>	<b>Date Received</b>	<b>Date Forwarded</b>
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I have reviewed the request for legal copying. The request is:

- Approved for copying: Unmodified
- Approved for copying: Modified as indicated above.
- Approved for Notary Services.
- Disapproved for copying: not qualified legal matter.**
- Disapproved for copying: insufficient funds to cover services cost.**
- Designated Staff requests meeting with inmate – approval suspended until inmate called in for meeting.

Number of copies made _____ @ \$ 0.25 each = TOTAL _____		
Number of notaries made _____ @ \$ 1.00 each = TOTAL _____		
<b>Designated Staff Name (Last, First, M.I.)</b>	<b>Designated Staff Signature</b>	<b>Date</b>
<b>Inmate Name (Last, First, M.I.)</b>	<b>Inmate Signature</b>	<b>Date</b>

**NEW MEXICO CORRECTIONS DEPARTMENT  
Staff Response to Inmate Request for Legal Assistance/Meeting**

Inmate Name (Last, First, M.I.)	NMCD Number	Institution	Unit/Cell
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Use the space below to respond to the inmate request for assistance and staple to request.


Designated Staff's Name (Last, First, M.I.)	Designated Staff Signature	Date
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Date Mailed: _____ If a meeting is held, inmate needs to sign below and date.
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Inmate's Name (Last, First, M.I.) & Number	Inmate Signature	Date
--	------------------	------

**Inmates need to bring this response form and all necessary documents when called out for a meeting.**



## NEW MEXICO CORRECTIONS DEPARTMENT

### List of Appendices and Forms

#### ATTACHMENTS

- A. List of Appendices and Forms
- B. Legal Texts and Resource Material
- C. Court Forms Packets
  - 1. State Appeal Packet
  - 2. Federal §1983 Forms packet.
  - 3. Petition for Writ of Habeas Corpus by a Person in State Custody packet.(§2254 in Federal Court and form 9-701 in State Court)
  - 4. State Torts Claims packet
  - 5. Divorce packet (with children and without children)
- D. Qualified Legal Materials Copying

#### FORMS:

Inmate Request for Legal Access

Request/Authorization for Qualified Legal Claim Copying

Staff Response to Inmate Request for Legal Assistance/Meeting

## NEW MEXICO CORRECTIONS DEPARTMENT

### Legal Texts and Resource Material

1. Lewis v. Casey
2. Shaw v. Murphy
3. Porter v. Nussle
4. Ferguson v. NMCD
5. Current New Mexico Statutes
6. Current New Mexico Rules
7. NMCD Policies
8. Facility Policies
9. Classification Policy
10. Law of Sentencing, Corrections, and Prisoners' Rights (in a Nutshell) 7<sup>th</sup>
11. United States Code Constitution (Articles and Amendments) Sections
12. United States Code Title 42 §§ 1981 - 1988 [Civil Rights] (Selected Sections)
13. United States Code Title 28 § 2254 [Habeas Corpus for Inmate in State Custody]
14. Federal District Court Rules - New Mexico District
15. Federal Rules of Criminal Procedure
16. Federal Rules of Civil Procedure
17. Federal District Court Forms (1983 and 2254 packets)
18. Post conviction Remedies (Yackle) (*or suitable alternative*)
19. Rights of Prisoners 4th (4 Volumes) (*or suitable alternative*)
20. Black's Law Dictionary (*or suitable alternative*)
21. Post-Conviction Relief Forms (State Tort, Habeas Corpus, and Appeal Packets)

**NEW MEXICO CORRECTIONS DEPARTMENT**

**Court Form Packets**

1. State Appeal Packet
2. Federal §1983 Forms packet
3. Petition for Writ of Habeas Corpus by a Person in State Custody packet  
(This includes both State Habeas and Federal §2254 Habeas petitions only.)
4. State Tort Claims packet
5. Divorce packet (with children and without children)

**NEW MEXICO CORRECTIONS DEPARTMENT**

**Qualified Legal Materials Copying**

Any document that meets the definition of a Qualified Legal Claim, plus related motions, responses, discovery matters and letters to the court in connection with the qualified legal claims.

- 1. DIRECT APPEALS FROM Convictions for which the inmate is incarcerated.**
- 2. STATE HABEAS PETITION. A Writ by which a party attempts to obtain release from confinement.**
- 3. §1983 CIVIL RIGHTS ACTION**
- 4. CONDITIONS OF CONFINEMENT CLAIM.**
- 5. STATE TORT CLAIMS concerning conditions of confinement.**
- 6. §2254 FEDERAL HABEAS PETITION**
- 7. CERTIFICATE OF SERVICE BY MAIL**
- 8. MOTION TO AMEND JUDGMENT AND SENTENCE**
- 9. MOTION FOR RECONSIDERATION OF SENTENCE**
- 9. REQUEST AND NOTICE FOR TELEPHONIC HEARING**
- 10. DIVORCE WITH CHILDREN**
- 11. DIVORCE WITHOUT CHILDREN**
- 12. GENERAL POWER OF ATTORNEY**
- 13. POWER OF ATTORNEY FOR MINOR CHILDREN**
- 14. LAST WILL AND TESTAMENT**