

# **EXECUTIVE SUMMARY**

## **Correctional Legal Equality and Access to Justice Act (CLEAJ Act)**

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### **Overview**

The Correctional Legal Equality and Access to Justice Act (CLEAJ Act) establishes a fair and structured system to ensure that incarcerated individuals have meaningful access to legal representation when alleging serious misconduct or constitutional violations by correctional staff or institutions.

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### **The Problem**

Incarcerated individuals are entirely dependent on the State for their safety, care, and well-being. When harm occurs within correctional facilities—whether through excessive force, medical neglect, or civil rights violations—incarcerated individuals face overwhelming barriers to seeking justice:

- They lack the financial means to retain legal counsel
- Their ability to gather evidence and communicate with attorneys is severely limited
- They are often forced to navigate complex legal systems without representation

At the same time, correctional staff accused of misconduct are typically provided legal defense funded by the State. This creates a structural imbalance in which one side has institutional legal support, while the other often has none.

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### **Purpose of the Act**

The CLEAJ Act creates a balanced, accountable framework to ensure that incarcerated individuals can access legal representation in legitimate cases involving serious harm or rights violations.

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### **Key Provisions**

#### **1. State-Funded Legal Representation (Limited & Structured)**

- Provides legal counsel for incarcerated individuals pursuing serious claims (civil rights violations, excessive force, medical neglect, wrongful death)
- Applies only where individuals cannot reasonably afford representation and claims meet a non-frivolous standard

#### **2. Independent Legal Access Office (ILAO)**

- Establishes an independent body to review applications and assign qualified attorneys
- Ensures decisions are made outside the Department of Corrections

#### **3. Fairness in Legal Proceedings**

- Promotes equal access to evidence, communication with counsel, and participation in court proceedings

#### **4. Fiscal Safeguards**

- Includes screening mechanisms to prevent misuse
- Allows cost recovery in cases where misconduct is proven
- Aligns with existing civil rights fee-shifting statutes

#### **5. Transparency and Oversight**

- Requires public reporting on usage, outcomes, and costs
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## **Impact**

The CLEAJ Act will:

- Strengthen constitutional protections and access to justice
  - Promote accountability within correctional institutions
  - Reduce costly litigation delays and inefficiencies
  - Support ethical correctional staff by ensuring misconduct is addressed fairly
  - Improve public trust in the justice system
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## **Fiscal Considerations**

While the Act requires initial investment, it is expected to reduce long-term costs by:

- Preventing prolonged litigation
  - Reducing wrongful death and civil rights settlements
  - Improving early resolution of legitimate claims
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## **Conclusion**

The CLEAJ Act is a balanced and targeted reform that ensures fairness when the State is both custodian and opposing party. By providing structured access to legal representation, the Act upholds constitutional principles while maintaining fiscal responsibility.

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## **Contact / Sponsor Request:**

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Seeking primary sponsor and co-sponsors in the Virginia General Assembly

