

**A REPORT TO**  
**THE PRESIDENT OF THE UNITED STATES**  
FROM THE ATTORNEY GENERAL OF THE UNITED STATES

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Pursuant to the President's Memorandum on  
Restoring the Department of Justice's Access-to-Justice Function

SEPTEMBER 15, 2021





Office of the Attorney General  
Washington, D. C. 20530

September 15, 2021

Dear Mr. President,

I am pleased to submit to you the attached report pursuant to Section 2(b) of your May 18, 2021 *Memorandum on Restoring the Department of Justice's Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable*.<sup>1</sup>

Making real the promise of equal justice under law was the founding principle of the Department of Justice and is the mission for which it must always stand. Because we do not yet have equal access to justice in America, the task before us is urgent. It will require innovation, collaboration, and leadership across all levels of government and beyond, in the spirit of common purpose that has defined the very best initiatives in our country's history.

In response to your May 18 Memorandum, the Justice Department has engaged in an extensive 120-day stakeholder review. Our review surfaced significant gaps in equal access to justice and revealed inequities that have become exacerbated as a consequence of the COVID-19 pandemic. The Justice Department is committed to meeting today's difficult moment.

As this report explains in more detail, based upon our coordination with the Office of Management and Budget and our extensive conversations with a wide-ranging group of stakeholders, the Justice Department will immediately launch a phased strategic plan to restore and expand our access-to-justice function.

I look forward to our continued work together on this vital mission.

Sincerely,

A handwritten signature in black ink that reads "Merrick Garland".

Merrick B. Garland  
Attorney General of the United States

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<sup>1</sup> See [Appendix A](#) (*Presidential Memorandum on Restoring the Department of Justice's Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable* (May 18, 2021)).

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# I

## THE PRESIDENT’S TWO KEY DIRECTIVES

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On May 18, 2021, the President issued a Memorandum reaffirming the Justice Department’s role in leading efforts across government to seek and secure meaningful access to justice and reconvening the Legal Aid Interagency Roundtable. The Roundtable is an interagency initiative that, pursuant to the President’s Memorandum, will be co-chaired by the Attorney General and staffed by Justice Department personnel.<sup>1</sup>

In addition, and as relevant here, Section 2(b) of the President’s Memorandum contains two key directives for the Department of Justice.

*First*, it states that “[t]he Attorney General shall consider expanding DOJ’s planning, development, and coordination of access-to-justice policy initiatives, including in the areas of criminal indigent defense, civil legal aid, and pro bono legal services.”<sup>2</sup>

*Second*, the Memorandum further directs the following:

*“As soon as practicable, and no later than 120 days from the date of this memorandum, the Attorney General shall—in coordination with the Director of the Office of Management and Budget—submit a report to the President describing the Department’s plan to expand its access-to-justice function, including the organizational placement of this function within the Department, expected staffing and budget, and, if necessary, the timeline for notifying the Congress of any reorganization.”*<sup>3</sup>

Part II of this report will address the Justice Department’s work over the past 120 days and its plan to comply with the President’s directives. Part III then offers a roadmap for how the Department will operationalize this plan in the days ahead.

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<sup>1</sup> See [Appendix A](#) (*Presidential Memorandum on Restoring the Department of Justice’s Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable* (May 18, 2021)).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

## II

### THE JUSTICE DEPARTMENT’S WORK TO DATE

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On May 18, 2021, the day of the President’s Memorandum, the Attorney General issued an implementing memorandum in response to those two distinct but related Presidential directives.<sup>4</sup> The implementing memorandum set into motion the Department’s work, which has taken place over the course of the past 120 days.

Part II of this report responds to the two Presidential directives described above – namely, the Justice Department’s responsibility **(A)** to conduct a wide-ranging review of the possibilities for expanding our access-to-justice function; and **(B)** to develop a plan for such an expansion that addresses several key details, including the organizational placement of this function, the expected staffing and budget needs to fulfill this mission, and the timeline for notifying the Congress of any reorganization.

#### A. THE JUSTICE DEPARTMENT’S 120-DAY REVIEW

In response to the President’s directive that the Justice Department consider expanding its role in leading access to justice policy initiatives across government, the Attorney General reaffirmed that “the Justice Department will reinvigorate the Office for Access to Justice, which was formally established in 2016 to ‘plan, develop, and coordinate the implementation of access to justice policy initiatives of high priority to the Department and the executive branch, including in the areas of criminal indigent defense and civil legal aid.’ 28 C.F.R. § 0.33.”<sup>5</sup>

To that end, the Attorney General directed the Department’s leadership offices to “immediately begin work on a review process” that would “engage all relevant stakeholders – both within the Justice Department and beyond,” and to “begin by identifying access-to-justice policy initiatives of high priority in light of today’s most pressing challenges.” In particular, the Attorney General asked that the review team

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<sup>4</sup> See [Appendix B](#) (Memorandum from the Attorney General, *Access to Justice* (May 18, 2021)).

<sup>5</sup> *Id.*

“explore, among other things, how the Justice Department and partners across federal, state, territorial, and tribal governments can alleviate entrenched disparities in our criminal justice system, address barriers to access in our immigration and civil legal systems, and advance health, economic, and environmental justice efforts.”<sup>6</sup>

Over the past 120 days, the Justice Department has undertaken an extensive review process, working closely with a wide range of stakeholders across the federal government, state and local governments, civil society, and beyond. It has held more than a dozen stakeholder listening sessions and gathered input from: all relevant Justice Department components; more than two dozen departments and agencies across the federal government, including the 28 departments and agencies who comprise the Roundtable; more than three dozen state Access-to-Justice commissions; and a total of more than 40 other organizations, including civil legal aid and public defender organizations, pro bono practitioners and organizations, bar associations, academics, data scientists, and other experts in the justice sector.

Chiefly, the review surfaced the need for the Justice Department’s access-to-justice function to be expanded and modernized. Our review also revealed a need for innovation and new ideas that will allow us to most effectively: (1) improve our understanding of, and capabilities to address, the most urgent legal needs of communities across our country today; (2) modernize existing authorities and develop new tools to reduce the justice gap; and (3) break down existing silos and ensure our work is guided by shared understandings of the challenges we face and by a common purpose to advance the most innovative solutions across all levels of government and beyond.

Our review also surfaced stakeholder desire to consider expanded priority areas (and to employ Justice Department staff with associated expertise), including by:

- ***requiring innovation*** and approaches that utilize emerging best practices in the field within the Department and across government;

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<sup>6</sup> *Id.*

- ***enhancing the navigability of the justice system*** through technology, disability, language, and cultural access;
- ***conducting research and data collection*** to better understand access-to-justice needs and better gauge whether programs are effective, equitable, and accessible;
- ***supporting access to the courts*** for the self-represented, including by improved processes, simplified forms, and expanded non-lawyer and self-help programs;
- ***expanding civil legal representation*** through wider pro bono efforts, support of legal services providers, expansion of existing legal representation programs; and development of new methods and models to utilize federal resources to ensure access to counsel;
- ***facilitating partnerships and consistent communication*** with outside stakeholders, other agencies, state and local entities, and the private sector to achieve access-to-justice objectives;
- ***having an important role in grantmaking, legislative, regulatory, budget, policy, and litigation efforts*** relevant to access to justice;
- ***pursuing environmental justice***, including by ensuring the fair treatment of all people with respect to environmental laws, regulations, and policies;
- ***supporting public defenders and indigent defense***, including by ensuring defenders have a voice on government commissions, committees, working groups, and in legislative and policy decision-making;
- ***fostering health justice and medical legal partnerships***, particularly in the wake of the Covid-19 pandemic;
- ***expanding legal representation in immigration proceedings*** and through holistic approaches within other immigration contexts;



- *pursuing racial equity* as a cornerstone of access-to-justice efforts and all departmental work; and
- *ensuring economic opportunity and fairness* by addressing barriers to equal access to justice that arise from fines and fees, bail, warrants, and ability-to-pay processes, as well as through bankruptcy, antitrust, consumer protection, and eviction and foreclosure proceedings.

The review revealed that much work is required of the Justice Department in the days ahead to refine the scope and vision of an expanded effort that meets the needs of communities across our country today. The Department intends to do so through a phased strategic plan that will result in a reimagined, modern, and innovative access-to-justice effort.

## **B. THE JUSTICE DEPARTMENT’S PLAN**

### ORGANIZATIONAL PLACEMENT · STAFFING & BUDGET · CONGRESSIONAL NOTIFICATIONS

In addition to the wide-ranging review process discussed above, the President’s Memorandum directed the Justice Department to begin by providing an initial “plan to expand its access-to-justice function, including the organizational placement of this function within the Department, expected staffing and budget, and, if necessary, the timeline for notifying the Congress of any reorganization.”<sup>7</sup>

To implement this Presidential mandate, the Attorney General, in turn, directed the Department’s leadership, “in consultation with relevant stakeholders, to develop recommendations regarding the resources that will be required to reinvigorate the Department’s Office for Access to Justice, including a staffing strategy and specific

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<sup>7</sup> Appendix A (*Presidential Memorandum on Restoring the Department of Justice’s Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable* (May 18, 2021)).



recommendations on optimal organizational placement for the office within the Department in light of its responsibilities.”<sup>8</sup>

This section of the report begins by providing a brief institutional history of the Department’s recent access-to-justice efforts and goes on to address specifically each of the important operational details the President’s Memorandum requests – namely, the organizational placement of the access-to-justice function within the Department, expected staffing and budget, and if necessary, the timeline for notifying the Congress of any reorganization.

\* \* \* \* \*

The Justice Department’s Office for Access to Justice traces its modern roots to an initiative launched in 2010 by Attorney General Eric Holder that was initially led by Professor Laurence Tribe.

In 2015, the Department notified the appropriate Congressional committees of its proposed reorganization creating a stand-alone office for the Department’s access-to-justice initiatives, which would report through the Associate Attorney General.

In 2016, the Office was formally established as a stand-alone component within the Justice Department by regulation, which made clear that the “principal responsibilities of the Office shall be to plan, develop, and coordinate the implementation of access to justice policy initiatives of high priority to the Department and the executive branch, including in the areas of criminal indigent defense and civil legal aid.” In addition, the regulation set forth three further responsibilities of the Office:

“(a) Promote uniformity of Department of Justice and government-wide policies and litigation positions relating to equal access to justice;

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<sup>8</sup> Appendix B (Memorandum from the Attorney General, *Access to Justice* (May 18, 2021)).

(b) Examine proposed legislation, proposed rules, and other policy proposals to ensure that access to justice principles are properly considered in the development of policy; and

(c) Perform such other duties and functions as may be authorized by law or directed by the Attorney General, Deputy Attorney General, or Associate Attorney General.”<sup>9</sup>

In 2018, Justice Department leadership eliminated the Office as a stand-alone component, delegated its functions, and transferred its one remaining career staff member into a separate Departmental component.

\* \* \* \* \*

Looking ahead, the Justice Department has determined, based upon unanimous stakeholder recommendations during the 120-day review, that in order to fulfil its obligations under the memoranda issued by the President and the Attorney General, the Office must be restored as a stand-alone component within the Department with a reinvigorated set of responsibilities and adequate resources to fulfill its vital mission.

Accordingly, the Justice Department will promptly notify the Committees on Appropriations of two key proposed actions: (1) a proposed reorganization creating a stand-alone Office for the Department’s access-to-justice initiatives; and (2) a transfer of funds from an existing appropriation to support at least 10 additional positions to carry out the initial phases of the Department’s plan. Consistent with the Presidential Memorandum, the transfer notification will realign funding within existing resources and will not necessitate additional funding.

The President’s FY 2022 Budget seeks \$6 million in funding for the Office. After enactment of the FY 2022 Budget, and after further review, the Department will consider whether any additional Congressional notices may be required.

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<sup>9</sup> See Appendix C (28 C.F.R. § 0.33).

### III

#### LOOKING AHEAD: OPERATIONALIZING THE PLAN

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The President has directed the Justice Department to consider expansion of its access-to-justice function. The Department’s response will be bold. It is the responsibility of the Justice Department to actively combat barriers to equal justice under law. Today, more than ever, much is required of us as the pandemic continues to exacerbate longstanding inequities.

Access to justice today may require different tools and initiatives and a different office structure than it did a decade ago. Thus, the Justice Department will engage in a phased approach through the initial launch of a startup Office and team that will expand on the work today and dive more deeply into review, study, growth, and staffing in the weeks ahead.

Launching a stand-alone Office within the Department is essential to allowing a dedicated staff of attorneys, experts, and leaders in this field -- from within the Department and across the federal government -- to build on and advance the work that has been undertaken over the past 120 days. Among other things, the initial mandate of the Office and its staff will include the following three key pillars:

1. Execute on Existing Responsibilities under 28 CFR § 0.33. The first task of the Office will be to ensure that it is adequately resourced to meet its responsibilities under 28 CFR § 0.33, which are described in detail above.<sup>10</sup> Among other things, the Office will take immediate steps to expand access-to-justice efforts within the Department, including by, at minimum, conducting the urgent work to “[p]romote uniformity of Department of Justice and government-wide policies and litigation positions relating to equal access to justice” and “[e]xamine proposed legislation, proposed rules, and other policy proposals to ensure that access to justice principles are properly considered in the development of policy.”<sup>11</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

2. Finalize the Strategic Planning Process. Once formally established, the Office will also move quickly to finalize its recommendations to the Attorney General regarding the proper scope of work, priority areas of focus, and authorities of the Office. This will involve considering more deeply the recommendations that have been made during the 120-day review process regarding changes to the Office’s budget, staffing, and organizational placement, including whether any additional reorganizational notices to Congress may be required after enactment of the FY 2022 budget.

3. Roundtable Responsibilities. Finally, the Department must ensure that the Office is adequately resourced to meet its responsibilities under the President’s Memorandum to staff the Legal Aid Interagency Roundtable (“Roundtable”). The President has charged the Justice Department with several key responsibilities with respect to the Roundtable, including (among other responsibilities): “conduct[ing] outreach to Federal, State, local, Tribal, and international officials, technical advisors, and nongovernmental organizations, among others, as necessary to carry out its mission (including public defender organizations and offices and legal aid organizations and providers)”<sup>12</sup>; producing annual reports that include data from the Roundtable’s 28 member departments and agencies; and planning and convening at least three meetings of the Roundtable’s principals each year.<sup>12</sup> Pursuant to the Presidential Memorandum, the Roundtable’s first convening must “address access-to-justice challenges the pandemic has raised and work towards identifying technological and other solutions that both meet these challenges and fortify the justice system’s capacity to serve the public and be inclusive of all communities.”<sup>13</sup> Work is already underway for this first principals-level convening.

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<sup>12</sup> Appendix A (*Presidential Memorandum on Restoring the Department of Justice’s Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable* (May 18, 2021)).

<sup>13</sup> *Id.*

## IV CONCLUSION

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In his first address to Department of Justice employees on his first day in office, the Attorney General spoke about the three priorities that should guide this Department: upholding the rule of law, keeping our country safe, and protecting civil rights.

Equal justice under law is not yet another priority to add to the list. Rather, equal justice under law is the throughline. The Department of Justice and the Department of Equal Justice are the same thing. There can be no full achievement of the rule of law, safety, or civil rights without it. And there can be no equal justice without equal access to justice.

# V

## APPENDICES

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- Appendix A**      *Presidential Memorandum on Restoring the Department of Justice’s Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable* (May 18, 2021).
- Appendix B**      Memorandum from the Attorney General, *Access to Justice* (May 18, 2021)
- Appendix C**      28 C.F.R. § 0.33

# APPENDIX A

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# Presidential Documents

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Title 3—

Memorandum of May 18, 2021

The President

## Restoring the Department of Justice's Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable

### Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase meaningful access to our legal system and an array of Federal programs, it is hereby ordered as follows:

**Section 1. Policy.** This Nation was founded on the ideal of equal justice under the law. Everyone in this country should be able to vindicate their rights and avail themselves of the protections that our laws afford on equal footing. Whether we realize this ideal hinges on the extent to which everyone in the United States has meaningful access to our legal system. Legal services are crucial to the fair and effective administration of our laws and public programs, and the stability of our society.

Recognizing the importance of access to justice and the power of legal aid, the Department of Justice (DOJ) in 2010 launched an access-to-justice initiative. In 2016, DOJ formally established the Office for Access to Justice. This office worked in partnership with other DOJ components to coordinate policy initiatives on topics including criminal indigent defense, enforcement of fines and fees, language barriers in access to the courts, and civil legal aid. The DOJ and the White House Domestic Policy Council also launched the Legal Aid Interagency Roundtable (LAIR) in 2012 to work with civil legal aid partners to advance Federal programs; create and disseminate tools to provide information about civil legal aid and Federal funding opportunities; and generate research to inform policy that improves access to justice.

The LAIR's successes prompted President Obama to issue the memorandum of September 24, 2015 (Establishment of the White House Legal Aid Interagency Roundtable), which formally established LAIR as a White House initiative. Using the White House's convening power, LAIR examined innovative and evidence-based solutions for access to justice, from medical-legal partnerships to improve health outcomes and decrease health costs to better procedures in court hearings for individuals representing themselves.

But there is much more for the Federal Government to do. According to a 2017 study by the Legal Services Corporation, low-income Americans receive inadequate or no professional legal assistance with regard to over 80 percent of the civil legal problems they face in a given year. All too often, unaddressed legal issues push people into poverty. At the same time, in the criminal legal system, those who cannot afford private counsel often receive a lower-quality defense because public defender caseloads are overburdened.

The coronavirus disease 2019 (COVID-19) pandemic has further exposed and exacerbated inequities in our justice system, as courts and legal service providers have been forced to curtail in-person operations, often without the resources or technology to offer remote-access or other safe alternatives. These access limitations have compounded the effects of other harms wrought by the pandemic. These problems have touched the lives of many persons in this country, particularly low-income people and people of color.

With these immense and urgent challenges comes the opportunity to strengthen access to justice in the 21st century. Through funding, interagency collaboration, and strategic partnerships, the Federal Government can drive development of new approaches and best practices that provide meaningful access to justice today, and into the future, consistent with our foundational ideal of equal justice under the law.

**Sec. 2. *The Department of Justice's Access-to-Justice Function.*** (a) My Administration is committed to promoting equal access to justice and addressing access limitations throughout the criminal and civil legal systems. The DOJ has a critical role to play in improving the justice delivery systems that serve people who cannot afford lawyers, and I am committed to reinvigorating that work.

(b) The Attorney General shall consider expanding DOJ's planning, development, and coordination of access-to-justice policy initiatives, including in the areas of criminal indigent defense, civil legal aid, and pro bono legal services. As soon as practicable, and no later than 120 days from the date of this memorandum, the Attorney General shall—in coordination with the Director of the Office of Management and Budget—submit a report to the President describing the Department's plan to expand its access-to-justice function, including the organizational placement of this function within the Department, expected staffing and budget, and, if necessary, the timeline for notifying the Congress of any reorganization.

**Sec. 3. *Reinvigorating the White House Legal Aid Interagency Roundtable.*** My Administration is committed to ensuring that all persons in this country enjoy the protections and benefits of our legal system. Reinvigorating LAIR as a White House initiative is a key step in this direction.

Accordingly, I direct as follows:

(a) The LAIR is hereby reconvened as a White House initiative in furtherance of the vision set forth in the memorandum of September 24, 2015, by which it was established and in light of today's most pressing challenges. The September 2015 memorandum is superseded to the extent that it is inconsistent with this memorandum.

(b) The LAIR shall work across executive departments, agencies, and offices to fulfill its mission, including to:

(i) improve coordination among Federal programs, so that programs are more efficient and produce better outcomes by including, where appropriate, legal services among the range of supportive services provided;

(ii) increase the availability of meaningful access to justice for individuals and families, regardless of wealth or status;

(iii) develop policy recommendations that improve access to justice in Federal, State, local, Tribal, and international jurisdictions;

(iv) assist the United States with implementation of Goal 16 of the United Nation's 2030 Agenda for Sustainable Development to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels; and

(v) advance relevant evidence-based research, data collection, and analysis of civil legal aid and indigent defense, and promulgate best practices.

(c) The Attorney General and the Counsel to the President, or their designees, shall serve as the Co-Chairs of LAIR, which shall also include a representative or designee from each of the following executive departments, agencies, and offices:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of the Interior;

- (vi) the Department of Agriculture;
- (vii) the Department of Labor;
- (viii) the Department of Health and Human Services;
- (ix) the Department of Housing and Urban Development;
- (x) the Department of Transportation;
- (xi) the Department of Education;
- (xii) the Department of Veterans Affairs;
- (xiii) the Department of Homeland Security;
- (xiv) the Environmental Protection Agency;
- (xv) the Equal Employment Opportunity Commission;
- (xvi) the Corporation for National and Community Service;
- (xvii) the Office of Management and Budget;
- (xviii) the United States Agency for International Development;
- (xix) the Administrative Conference of the United States;
- (xx) the National Science Foundation;
- (xxi) the United States Digital Service;
- (xxii) the Domestic Policy Council;
- (xxiii) the Office of the Vice President; and
- (xxiv) such other executive departments, agencies, and offices as the Co-Chairs may, from time to time, invite to participate.

(d) The Co-Chairs shall invite the participation of the Bureau of Consumer Financial Protection, the Federal Communications Commission, the Federal Trade Commission, the Legal Services Corporation, and the Social Security Administration, to the extent consistent with their respective statutory authorities and legal obligations.

(e) The LAIR shall report annually to the President on its progress in fulfilling its mission. The report shall include data from participating members on the deployment of Federal resources to foster this mission. The LAIR's 2021 report shall be due no later than 120 days from the date of this memorandum.

(f) In light of the mission and function set forth in section 3(b) of this memorandum, LAIR shall focus its first annual report on the impact of the COVID-19 pandemic on access to justice in both the criminal and civil legal systems. Moreover, the first convening of LAIR shall, at a minimum, address access-to-justice challenges the pandemic has raised and work towards identifying technological and other solutions that both meet these challenges and fortify the justice system's capacity to serve the public and be inclusive of all communities.

(g) The Attorney General shall designate an Executive Director of LAIR who shall, as directed by the Co-Chairs, convene regular meetings of LAIR and supervise its work. The DOJ staff designated to support the Department's access-to-justice function under section 2 of this memorandum shall serve as the staff of LAIR.

(h) The DOJ shall, to the extent permitted by law and subject to the availability of appropriations, provide administrative services, funds, facilities, staff, equipment, and other support services as may be necessary for LAIR to carry out its mission.

(i) The LAIR shall hold meetings at least three times per year. In the course of its work, LAIR should conduct outreach to Federal, State, local, Tribal, and international officials, technical advisors, and nongovernmental organizations, among others, as necessary to carry out its mission (including public defender organizations and offices and legal aid organizations and providers).

(j) The LAIR members are encouraged to provide support, including by detailing personnel, to LAIR. Members of LAIR shall serve without any additional compensation for their work.

**Sec. 4. General Provisions.** (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

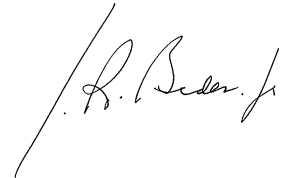
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) Independent agencies are strongly encouraged to comply with the provisions in this memorandum.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Attorney General is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,  
Washington, May 18, 2021

# APPENDIX B

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Office of the Attorney General  
Washington, D. C. 20530

May 18, 2021

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL  
THE ASSOCIATE ATTORNEY GENERAL  
HEADS OF DEPARTMENT COMPONENTS

FROM: THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Merrick Garland", written over the text "THE ATTORNEY GENERAL".

SUBJECT: ACCESS TO JUSTICE

Low-income communities, communities of color, and many others across our country have long faced significant barriers to accessing justice. Lack of counsel and legal resources not only negatively affect outcomes in courtrooms, but also often lead to loss of employment, housing, family stability, consumer protections, and liberty.

Over the past year, our country has faced multiple crises – from the worst economic crisis since the Great Depression to the worst pandemic in more than one hundred years. Many Americans have been pushed into poverty and lost their homes, their jobs, and even their lives. Deep and longstanding inequities in our justice system have been exposed and exacerbated.

Trust in the rule of law – the foundation of American democracy – depends upon the public's faith that government seeks equal justice for all. That is the Justice Department's core duty, and the mission upon which it was built. But without equal access to justice, the promise of equal justice under law rings hollow.

Today, the President issued a memorandum reaffirming the Justice Department's role in leading efforts across government to seek and secure meaningful access to justice and reconvening the Legal Aid Interagency Roundtable, which I will co-chair. As part of our efforts to carry out this important work, I am pleased to announce that the Justice Department will reinvestigate the Office for Access to Justice, which was formally established in 2016 to "plan, develop, and coordinate the implementation of access to justice policy initiatives of high priority to the Department and the executive branch, including in the areas of criminal indigent defense and civil legal aid." 28 C.F.R. § 0.33.

My office will immediately begin work on a review process with the offices of the Deputy Attorney General and the Associate Attorney General. That process will engage all relevant stakeholders – both within the Justice Department and beyond – to develop a detailed plan for expanding our role in leading access-to-justice policy initiatives across government that will be submitted to the President within 120 days.

As part of this review, we will begin by identifying access-to-justice policy initiatives of high priority in light of today's most pressing challenges. We will explore, among other things, how the Justice Department and partners across federal, state, territorial, and tribal governments can alleviate entrenched disparities in our criminal justice system, address barriers to access in our immigration and civil legal systems, and advance health, economic, and environmental justice efforts.

I will then ask the Deputy Attorney General, with support from the Associate Attorney General and in consultation with relevant stakeholders, to develop recommendations regarding the resources that will be required to reinvigorate the Department's Office for Access to Justice, including a staffing strategy and specific recommendations on optimal organizational placement for the office within the Department in light of its responsibilities.

I look forward to revitalizing our important efforts on this front and to ensuring that access to justice remains an enduring part of the Justice Department's work.



# APPENDIX C

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## Department of Justice

## § 0.33

### § 0.29j Law enforcement authority.

Subject to guidelines promulgated by the Attorney General, Special Agents of the Office of the Inspector General are authorized to:

(a) Detect and assist in the prosecution of crimes in violation of the laws of the United States and to conduct such other investigations regarding matters that are within the jurisdiction of the Inspector General;

(b) Serve legal writs, summons, complaints, and subpoenas issued by the Inspector General or by a Federal grand jury;

(c) Receive, transport, and provide safekeeping of arrestees and other persons in the custody of the Attorney General or detained aliens;

(d) Arrest without warrant any person for an offense against the United States committed in the presence of the Special Agent or whom the Special Agent has reasonable grounds to believe has committed or is committing a felony cognizable under the laws of the United States;

(e) Seek and execute search and arrest warrants;

(f) Carry firearms while on-duty; and

(g) Carry firearms while off-duty as authorized by the Inspector General.

[Order No. 2835-2006, 71 FR 54413, Sept. 15, 2006]

### Subpart F—Community Relations Service

#### § 0.30 General functions.

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Community Relations Service:

(a) Exercise of the powers and performance of the functions vested in the Attorney General by sections 204(d), 205, 1002, and 1003(a) of the Civil Rights Act of 1964 (78 Stat. 267) and section 2 of Reorganization Plan No. 1 of 1966.

(b) Preparation and submission of the annual report to the Congress required by section 1004 of that Act.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 445-70, 35 FR 19397, Dec. 23, 1970; Order No. 699-77, 42 FR 15315, Mar. 21, 1977; Order No. 960-81, 46 FR 52343, Oct. 27, 1981]

### § 0.31 Designating officials to perform the functions of the Director.

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

### § 0.32 Applicability of existing departmental regulations.

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.

### Subpart F-1—Office for Access to Justice

#### § 0.33 Office for Access to Justice.

The Office for Access to Justice shall be headed by a Director appointed by the Attorney General. The principal responsibilities of the Office shall be to plan, develop, and coordinate the implementation of access to justice policy initiatives of high priority to the Department and the executive branch, including in the areas of criminal indigent defense and civil legal aid. In addition, the Director shall:

(a) Promote uniformity of Department of Justice and government-wide policies and litigation positions relating to equal access to justice;

(b) Examine proposed legislation, proposed rules, and other policy proposals to ensure that access to justice principles are properly considered in the development of policy; and

(c) Perform such other duties and functions as may be authorized by law or directed by the Attorney General,

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Deputy Attorney General, or Associate Attorney General.

[AG Order 3691-2016, 81 FR 43066, July 1, 2016]

### **Subpart F-2—INTERPOL-United States National Central Bureau**

#### **§ 0.34 General functions.**

The following functions are assigned to, and shall be conducted, handled, or supervised by, the Chief of the United States National Central Bureau, International Criminal Police Organization (INTERPOL—U.S. National Central Bureau), as authorized by statute and within guidelines prescribed by the Department of Justice, in conjunction with the Department of Treasury:

(a) Facilitate international law enforcement cooperation as the United States representative with the International Criminal Police Organization (INTERPOL), on behalf of the Attorney General, pursuant to 22 U.S.C. 263a.

(b) Represent the U.S. National Central Bureau at criminal law enforcement and international law enforcement conferences and symposia.

(c) Serve as a member of the Executive Committee of INTERPOL-United States National Central Bureau (INTERPOL-USNCB).

(d) Transmit information of a criminal justice, humanitarian, or other law enforcement related nature between National Central Bureaus of INTERPOL member countries, and law enforcement agencies within the United States and abroad; and respond to requests by law enforcement agencies, and other legitimate requests by appropriate organizations, institutions and individuals, when in agreement with the INTERPOL constitution.

(e) Coordinate and integrate information for investigations of an international nature and identify those involving patterns and trends of criminal activities.

(f) Conduct analyses of patterns of international criminal activities, when specific patterns are observed.

(g) Establish and collect user fees to process name checks and background

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records for licensing, humanitarian and other non-law enforcement purposes.

[Order No. 960-81, 46 FR 52343, Oct. 27, 1981, as amended by Order No. 1295-88, 53 FR 30990, Aug. 17, 1988; Order No. 1441-90, 55 FR 32403, Aug. 9, 1990; Order No. 1491-91, 56 FR 21600, May 10, 1991]

### **Subpart G—Office of the Pardon Attorney**

CROSS REFERENCE: For regulations pertaining to the Office of Pardon Attorney, see part 1 of this chapter.

#### **§ 0.35 General functions; delegation of authority.**

Under the general supervision of the Attorney General and the direction of the Deputy Attorney General, the following-described matters are assigned to, and shall be conducted, handled or supervised by, the Pardon Attorney but subject to the limitation contained in § 0.36 of this chapter.

(a) Exercise of the powers and performance of the functions vested in the Attorney General by §§ 1.1 through 1.8 inclusive of this chapter.

(b) Performance of such other duties as may be assigned by the Attorney General or the Deputy Attorney General.

[Order No. 1012-83, 48 FR 22290, May 18, 1983, as amended by AG Order No. 3464-2014, 79 FR 54188, Sept. 11, 2014]

#### **§ 0.36 Recommendations.**

The Pardon Attorney shall submit all recommendations in clemency cases through the Deputy Attorney General and the Deputy Attorney General shall exercise such discretion and authority as is appropriate and necessary for the handling and transmittal of such recommendations to the President.

[Order No. 1012-83, 48 FR 22290, May 18, 1983, as amended by AG Order No. 3464-2014, 79 FR 54188, Sept. 11, 2014]

### **Subpart G-1—Executive Office for United States Trustees**

#### **§ 0.37 Organization.**

The Executive Office for United States Trustees shall be headed by a