

117TH CONGRESS
1ST SESSION

S. 2701

To provide for the establishment of the Office for Access to Justice in the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 10, 2021

Mr. MURPHY (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the establishment of the Office for Access to Justice in the Department of Justice, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Office for Access to
5 Justice Establishment Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DEPARTMENT.—The term “Department”
9 means the Department of Justice.

1 (2) DIRECTOR.—The term “Director” means
2 the Director of the Office.

3 (3) OFFICE.—The term “Office” means the Of-
4 fice for Access to Justice established under section
5 3.

6 **SEC. 3. OFFICE ESTABLISHMENT.**

7 (a) IN GENERAL.—There is established within the
8 Department the Office for Access to Justice, which shall
9 be headed by a Director, who shall be appointed by the
10 Attorney General.

11 (b) PERSONNEL AND FUNDS.—The Attorney General
12 shall provide to the Office such personnel and funds as
13 are necessary to establish and operate the Office as a com-
14 ponent of the Department.

15 **SEC. 4. DUTIES.**

16 The Director shall—

17 (1) serve as legal and policy advisor to the At-
18 torney General to ensure access to justice for low-
19 income and other underrepresented people in the
20 criminal and civil justice systems;

21 (2) serve as the principal legal advisor for the
22 Department on the constitutional right to counsel
23 and the other rights guaranteed under the Sixth
24 Amendment to the Constitution of the United
25 States;

1 (3) serve as the Executive Director of the Legal
2 Aid Interagency Roundtable in accordance with sec-
3 tion 6;

4 (4) serve as the liaison and point of contact be-
5 tween the Department and indigent defense and civil
6 legal aid organizations, including Federal public de-
7 fender organizations, and conduct, along with the
8 Office of the Attorney General, the Office of the
9 Deputy Attorney General, and the Office of the As-
10 sociate Attorney General, semi-annual meetings with
11 representatives of these organizations to receive
12 input and recommendations on how to improve ac-
13 cess to justice and fulfillment of the right to counsel;

14 (5) coordinate with other components and divi-
15 sions within the Department to ensure each is con-
16 sidering access to justice and right to counsel in pol-
17 icy, enforcement, and funding decisions;

18 (6) consult with Department grantmaking com-
19 ponents to ensure funding decisions take into ac-
20 count access to justice; and

21 (7) consult with the Secretary of State and
22 serve as the central authority of the executive
23 branch on access to justice before international and
24 multilateral organizations.

1 **SEC. 5. PROHIBITION AGAINST PARTICIPATION IN SETTLE-**
2 **MENT NEGOTIATIONS.**

3 The Office may not advise or participate in civil or
4 criminal settlement negotiations involving or on behalf of
5 the Department.

6 **SEC. 6. LEGAL AID INTERAGENCY ROUNDTABLE.**

7 (a) PURPOSE; COMPOSITION.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Attorney
10 General shall establish a Legal Aid Interagency
11 Roundtable, which shall be headed by an Executive
12 Director, to raise the awareness of executive branch
13 agencies of the ways in which civil legal aid and indi-
14 gent defense can help advance a wide range of Fed-
15 eral objectives, including employment, family sta-
16 bility, housing, consumer protection, health services,
17 and public safety.

18 (2) COMPOSITION.—The Legal Aid Interagency
19 Roundtable as established under paragraph (1) shall
20 be composed of representatives of executive branch
21 department offices identified by the Executive Direc-
22 tor of the Legal Aid Roundtable with the consent of
23 the Attorney General.

24 (3) REQUIREMENT.—The Executive Director of
25 the Legal Aid Interagency Roundtable shall convene

1 the Legal Aid Interagency Roundtable not less fre-
2 quently than semi-annually.

3 (b) DUTIES.—The Legal Aid Interagency Roundtable
4 shall—

5 (1) improve coordination among Federal pro-
6 grams that help the vulnerable and underserved so
7 that such programs are more efficient and produce
8 better outcomes by including, where appropriate,
9 legal services among the range of supportive services
10 provided;

11 (2) develop a list of federally funded programs
12 and resources that incorporate or may incorporate
13 civil legal aid and indigent defense;

14 (3) develop policy recommendations that im-
15 prove access to justice in Federal, State, local, and
16 Tribal jurisdictions;

17 (4) facilitate non-governmental partnerships to
18 promote access to civil legal aid and indigent defense
19 and further law enforcement and civil rights objec-
20 tives;

21 (5) advance evidence-based research, data col-
22 lection, and analysis on civil legal aid and indigent
23 defense, including the potential of technology innova-
24 tions and non-traditional legal professionals to im-
25 prove access to justice;

1 (6) promote the provision of civil legal aid to
2 servicemembers, servicemember families, and vet-
3 erans; and

4 (7) report on the activities of the Legal Aid
5 Interagency Roundtable to the President on an an-
6 nual basis, including policy recommendations to im-
7 prove access to civil and criminal justice in the
8 United States.

9 (c) APPOINTMENT OF REPRESENTATIVES.—The
10 head of each executive branch department and each par-
11 ticipating executive agency and office shall designate a
12 senior Federal official who shall serve as their representa-
13 tive on the Legal Aid Interagency Roundtable.

○