

Legal Advice Guidelines
Serve the Public Without Providing Legal Advice




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Legal Advice Guidelines

DO:	DO NOT:
<ul style="list-style-type: none"> • Provide legal and procedural definitions 	<ul style="list-style-type: none"> • Do not provide legal interpretations and procedural advice

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“My neighbor leaves her kids alone all day. Is that child abuse?”



Scenario #1

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Answers to Scenario #1

“My neighbor leaves her kids alone all day. Is this child abuse?”



- **I can't make a legal interpretation.**

While this is true, it is not a very helpful response.

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Answers to Scenario #1

“My neighbor leaves her kids alone all day. Is this child abuse?”



- **Based on the cases I've processed, I'd say yes.**

INCORRECT. You can't make a legal interpretation. Additionally, no matter how many cases you've processed, you cannot advise a party or assume to know what is in their best interest.

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Answers to Scenario #1

“My neighbor leaves her kids alone all day. Is this child abuse?”



- **You need to speak with the agency that handles protection of children. Here's their phone number.**

CORRECT. Even though you are not allowed to answer their question, you can refer them to someone who can. This answer shows good customer service and problem-solving.


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Legal Advice Guidelines

DO:	DO NOT:
<ul style="list-style-type: none">• Cite statutes, court rules, and ordinances	<ul style="list-style-type: none">• Do not research statutes, court rules, and ordinances

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“I want a copy of all the guardianship laws.”



Scenario #2

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Answers to Scenario #2

“I want a copy of all the guardianship laws.”




- **No, we can't give you that information.**
Technically, this is correct but it's not a very helpful response.

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Answers to Scenario #2

“I want a copy of all the guardianship laws.”




- **I’m sorry, we cannot conduct legal research.**

Again, this is correct, but it confuses the person because they didn’t ask you to perform legal research.

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Answers to Scenario #2

“I want a copy of all the guardianship laws.”



- **We cannot provide that information, but the local law library might be able to assist you.**

This is the best answer. You can politely explain that you are not allowed to provide that much detailed information, but you have given them some direction on where they may be able to find it.

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Legal Advice Guidelines

DO:	DO NOT:
<ul style="list-style-type: none"> • Provide public case information 	<ul style="list-style-type: none"> • Do not provide confidential case information

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“May I see the Tableman file?”



Scenario #3

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Answers to Scenario #3

“May I see the Tableman file?”




- **Yes, let me pull it for you.**

This answer may be too hasty, especially if you have not first checked to determine if the file is confidential.

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Answers to Scenario #3

“May I see the Tableman file?”




- **I’m sorry, the file is confidential and can not be released.**

This is the way we *used* to answer requests for confidential files. Now, remember that you must say “**No public record exists**” so that you are fully protecting the parties involved in the confidential case.

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Answers to Scenario #3

“May I see the Tableman file?”



- **Here's a file request form to complete.**

This answer is correct if your court requires this type of form to be completed prior to your inquiry into the file.


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Legal Advice Guidelines

DO:	DO NOT:
<ul style="list-style-type: none">• Provide general information on court operations	<ul style="list-style-type: none">• Do not provide confidential, <i>ex parte</i>, or restricted information regarding court operations

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“How do I get Judge Smith assigned to my case?”



Scenario #4

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Answers to Scenario #4
“How do I get Judge Smith assigned to my case?”



- Cases are assigned by rotation. Judge Smith will be assigned to cases that are filed next week.

INCORRECT. You should not give specific details of how judges are assigned cases.

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Answers to Scenario #4
“How do I get Judge Smith assigned to my case?”



- Sorry, I can't tell you how cases are assigned.

This answer is not helpful.

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Answers to Scenario #4
“How do I get Judge Smith assigned to my case?”



- Judges are randomly assigned cases as they are filed.

Correct. This answer is best.

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Legal Advice Guidelines

DO:	DO NOT:
<ul style="list-style-type: none"> • Provide options 	<ul style="list-style-type: none"> • Do not provide opinions

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“I received a speeding ticket. What should I do?”



Scenario #5

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Answers to Scenario #5

“I received a speeding ticket. What should I do?”




- I'm sorry. I'm not allowed to give legal advice.

This answer is not helpful. It is quite likely that this person would like to understand his or her options.

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Answers to Scenario #5

“I received a speeding ticket. What should I do?”




- If I were you, I'd just pay the ticket so I wouldn't have to take time off from work.

INCORRECT. You cannot encourage or discourage a particular course of action.

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Answers to Scenario #5

“I received a speeding ticket. What should I do?”



- You have several options. You can pay the ticket, request a hearing, or write a letter.

CORRECT. This response explains the options without suggesting that the individual take a specific course of action.


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Legal Advice Guidelines

DO:	DO NOT:
<ul style="list-style-type: none"> • Provide general referrals 	<ul style="list-style-type: none"> • Do not provide subjective or biased referrals

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“What attorney would you recommend for this?”



Scenario #6

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Answers to Scenario #6

“What attorney would you recommend for this?”




- **Brian Jones handled a case like this for my sister and got her case dismissed.**

INCORRECT. You are not allowed to make specific referrals, even though you probably know the best and worst attorneys in town.

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Answers to Scenario #6

“What attorney would you recommend for this?”



- **The local bar association can give you a list of attorneys.**

This is a good answer. You may also want to give them the phone number or website address.

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Answers to Scenario #6

“What attorney would you recommend for this?”



- Why don't you try the yellow pages. They may give you some idea of attorneys and their specialties.

This answer is also a good answer.

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Legal Advice Guidelines

DO:

- Provide instructions on how to complete forms

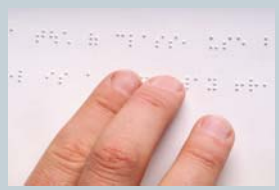
DO NOT:

- Do not fill out forms for a party

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Legal Advice Guidelines


Helping the illiterate or disabled:



- Court staff may assist in completing the form if a person is illiterate or has a disability

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“When is it appropriate to record information on a form?”



Scenario #7

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Answers to Scenario #7

“When is it appropriate to record information on a form?”



- **Whenever asked.**

INCORRECT. Parties should fill out their own forms when they are capable.

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Answers to Scenario #7

“When is it appropriate to record information on a form?”



- **Never.**

INCORRECT. Because of the Americans With Disabilities Act, we need to help people with disabilities have access to justice. Therefore, there may be times when we'll need to assist with the completion of forms.

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Answers to Scenario #7

“When is it appropriate to record information on a form?”



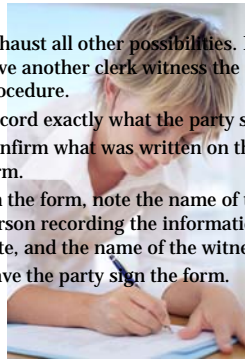
- **If a party has a physical disability or is illiterate.**

CORRECT. Once you’ve asked the person about others who may help them and you have determined that they have no one, have someone witness as you assist the person in filling out their forms.

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Procedural Safeguards

to be taken when filling out a form for a disabled or illiterate party.



- Exhaust all other possibilities. If none, have another clerk witness the procedure.
- Record exactly what the party says.
- Confirm what was written on the form.
- On the form, note the name of the person recording the information, the date, and the name of the witness.
- Have the party sign the form.

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THANK YOU.

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