

# Legal Advice for Court Employees Quick Reference

## CAN Provide:

### Can provide legal *definitions*

**Reason:** Legal terminology can be confusing. Providing definitions of legal terms or procedures helps the public understand the court system and does not involve the unauthorized practice of law.

### Can provide *procedural definitions and explanations*

**Reason:** Court procedures can be confusing. Explaining various procedures increases the public's understanding of the system and does not violate the concept of neutrality.

### Can provide *cites for statutes, court rules and ordinances*

**Reason:** A court employee may cite the legal authority for a specific procedure.

### Can provide *case information that is a matter of public record*

**Reason:** Court support staff can provide case information that is public. Most court records are considered public records and, therefore, are available to the public.

### Can provide *general information about court operations*

**Reason:** Court employees have considerable knowledge and information about how a court functions. Sharing this knowledge of general court operations is not considered legal advice.

### Can provide *options*

**Reason:** You can provide information on the various procedural options available and can explain how to do something.

### Can *facilitate access*

**Reason:** Most people are not familiar with the court system. They often cannot describe their problem in legal terms. Court staff are gatekeepers to the system. It is their job to ensure that the court system is accessible.

### Can provide *general referrals*

**Reason:** General referrals can be made to agencies and associations that can provide additional information and assistance.

### Can *distribute forms and instructions on how to complete forms*

**Reason:** Court employees must facilitate access to the court system.

## CANNOT Provide:

### Cannot provide legal *interpretation*

**Reason:** Court support staff cannot provide legal interpretations because it would be considered the unauthorized practice of law and would violate the concepts of neutrality and impartiality.

### Cannot provide *procedural advice*

**Reason:** Court support staff cannot give procedural advice, because in doing so they may favor one party over another or may encourage or discourage a party from a particular course of action. You must remain impartial and neutral at all times. You can, however, point out various factors that individuals can consider to make the decision themselves.

### Cannot provide *research of statutes, court rules and ordinances*

**Reason:** You cannot research statutes, court rules and ordinances for parties because it would be considered the unauthorized practice of law and violates the concepts of impartiality and neutrality.

### Cannot provide *confidential case information*

**Reason:** Court support staff cannot disclose non-public or confidential information. It is very important that clerks understand what information is confidential.

### Cannot provide *confidential information about court operations*

**Reason:** Court employees cannot disclose confidential information about court operations or ex parte communications because it can give one side an unfair advantage.

### Cannot provide *opinions*

**Reason:** You cannot give an opinion on or otherwise advise parties to use a particular procedure or remedy.

### Cannot *deny or discourage access, nor encourage litigation*

**Reason:** Most people are not familiar with court procedures or terminology. Legal advice should not be used as an excuse not to provide service. If the question is not asked in the right way, take the time to clarify what is being asked.

### Cannot provide *subjective or biased referrals*

**Reason:** Employees of the court must remain neutral and impartial and cannot make referrals to specific individuals.

### Cannot *fill out forms unless there is a handicap or physical disability that prevents the person from filling out the form*

**Reason:** Court employees should not fill out forms for parties because it violates the principles of neutrality and impartiality. However, there may be some situations where it is appropriate for clerks to record information on a form. Some examples include language barriers (illiteracy or foreign language) and physical handicaps (blindness or deafness).