

Legal Advice vs. Legal Information

The court system provides a booklet entitled *Making the Distinction between Legal Information and Legal Advice, Guidelines for Court Staff*. To request a copy: Contact Alyce Roberts, Special Projects Coordinator.

UNDERSTANDING THE DIFFERENCE

How do you know what information you can provide and what information you can not provide? How do you know when you are crossing the invisible legal advice line? The following specific guidelines will help you understand the difference between legal information and legal advice. These guidelines are further explained in the booklet noted above.

We Can Provide:	We Cannot Provide:
Explanation of Legal Terms	Legal Interpretations
Procedural explanation	Procedural advice
Citations of statutes, court rules and ordinances	Research of statutes, court rules and ordinances
Public case information	Confidential case information
General information on court operations	Confidential or restricted information on court operations
Options	Opinions
Access	Deny access, discourage access or encourage litigation
General referrals	Subjective or biased referrals
Forms and instructions on how to complete forms (May fill in forms if authorized by law or court rule.)	Fill out forms for a party unless authorized by law or court rule
Ex Parte Communications	
<p>Ex parte communications are communications about a pending or impending case made to a judicial officer out of the presence of other parties. With few exceptions, judges cannot talk to a party about a case, or get any information from a party to a case, unless all parties are there to hear and respond to what is being said. Judicial Canon 3 B(7).</p> <p>Court staff should uphold this principle by following the guidelines below:</p> <ul style="list-style-type: none">• Do not communicate information to a judge about a case that you know through personal knowledge, that you have read in a newspaper, heard on a radio, seen on Facebook, Twitter, or some other social media outlet, or that someone told you.• Screen all calls to a judge. Do not transfer phone calls from parties or attorneys directly to a judge without finding out what the caller wants to talk to the judge about and asking the judge if he or she wants to take the call.• Do not convey verbal information to a judge on behalf of a party or attorney concerning a case unless it involves scheduling or other administrative matters.	