



# Legal Advice vs. Legal Information

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## Objective

- Discuss theory vs. reality
- Identify key words
- Evaluation examples of advice vs. information
- Find helpful resources

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## Theory vs. Reality

- Everyone's treated the same and gets great customer service
- No two situations are the same, no two cases are the same
- People on both sides of the counter have buttons that get pushed
- Mutual respect is required for success



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## Legal Advice

- What is Advice?
  - *"To give an opinion or counsel, or recommend a plan or course of action; also to give notice..." – Black's Law Dictionary*
- What is Legal Advice
  - To give advice or guidance in a legal setting.
- Characteristics of Legal Advice
  - Requires legal knowledge, skill, education, and judgment
  - Applies specific law to a set of circumstances
  - It affects someone's legal rights or responsibilities
  - Adversarial

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## Legal Advice

- Who Can Give Legal Advice?
  - Licensed attorneys
  - Legal paraprofessionals\* (Arizona Code of Judicial Administration 7-210)
- Examples of Legal Advice Questions:
  - I only took \$300.00 of merchandise, is that shoplifting?
  - Should I retain an attorney?
  - Is this plea a good deal?
  - Should I sue my neighbors for their tree growing on my side of the yard?
  - What is an arraignment?

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## Legal Information

- What is Legal Information?
  - Means general factual information about the law and the legal process. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances. Legal information is neutral.
- Characteristics of Legal Information
  - Factual based
  - Process oriented
  - Non-adversarial - neutral
  - Informative
  - Helps an individual understand a process/procedure

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## Legal Information

- Who Can Give Legal Information?
  - Court Clerks
  - Someone knowledgeable and credible in the field
- Examples of Legal Information Questions:
  - What is a motion?
  - How do I request a record?
  - What is the difference between an order of protection vs. inj. against harass.
  - Do I need to appear for court?
  - Should I file this motion?

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## Advice vs. Info Comparison

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Legal Information</b> <ul style="list-style-type: none"> <li>• Can be provided by court clerks</li> <li>• <b>Explaining court forms</b><br/>- "These forms are used for..."</li> <li>• <b>Explaining court processes and procedures</b><br/>- "The process for this is..."</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• <b>Legal Advice</b> <ul style="list-style-type: none"> <li>• Can only be provided by lawyers (judges?)</li> <li>• <b>Completing forms or tell what to write</b><br/>- "You should write this on the form..."</li> <li>• <b>Recommending what steps to take and representing someone in court</b><br/>- "I would recommend that you..."<br/>- "You should tell the judge about..."</li> </ul> </li> </ul> |
|---|---|

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## Advice vs. Info Comparison

### • Legal Information

- General information about process
- Explaining common legal words  
- "This term means..."
- Referring people to resources  
- "You can go to this website..."
- Telling a person they need to get more help and advice

### • Legal Advice

- Applying law to specific situation
- Preparing legal documents  
- "This document says...which means you..."
- Recommending what steps to take and representing someone in court  
- "I would recommend that you..."
- Giving an opinion on any part of a person's legal problem

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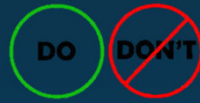
## Key Words



How, Can, What

Should, What if, Do I?

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## Clerk Do's and Do Not's

- **DO's**
  - Give procedural explanation and information
  - Help people understand the process
  - Explain the orders of the court
  - Provide consistent public service
  - Review forms to ensure completeness
  - Explain instructions on the form
- **DON'Ts**
  - Give recommendation, advice, or opinions
  - Tell people what the judge is going to rule
  - Tell people what to say
  - Tell people what to write
  - Suggest what will happen to the case
  - Advocate for the individual
  - Research (beyond our scope) for the individual

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## Group Exercise

Question	Legal Advice or Legal Info?
If I showed the judge this proof, will my fine be reduced or dismissed?	Advice
Can you please tell me how many days is this motion is going to take?	Info
How do I get a payment extension?	Info
Can you tell me if I need a lawyer?	Advice
Should I go to MVD and get my documentation/proof?	Advice
How many points does this violation carry?	Info*
Can you please help me write the motion?	Advice/Info

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## Group Exercise

Question	Legal Advice or Legal Info?
What will MVD do to my license?	Advice
How do I appeal?	Info
How do I find an attorney?	Info
How much does DDS cost?	Info
What is the difference between DDS and TSS?	Info
What if I want the defendant to come home?	Advice/Info
What if I don't want to prosecute? How do I dismiss the case?	Advice/Info

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## Group Exercise

Question	Legal Advice or Legal Info?
How do I sue someone for defamation/slander?	Advice
How do I get an OP/IAH against them?	Info
How do I make a complaint about the police officer?	Info
What if the defendant still has property at my home?	Advice/Info
Will insurance use this against me?	Advice
Will my insurance go up if I plead responsible?	Advice
Should I request a hearing to fight my case?	Advice

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## Resources

- AZ Court Help ([www.azcourthelp.org](http://www.azcourthelp.org))
- AZ State Bar ([www.azbar.org](http://www.azbar.org))
- Maricopa Count Bar Association ([www.maricopabar.org](http://www.maricopabar.org))
- AZ Supreme Court ([www.azcourts.gov](http://www.azcourts.gov))
- ADOT Motor Vehicle Services ([www.adot.gov/mvd/services](http://www.adot.gov/mvd/services))



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# Thank You

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