

Judicial employees are required to maintain the dignity of the judiciary at ALL times, and avoid both impropriety and the appearance of impropriety. As judicial clerks we are committed to assisting the public but CAN NOT give legal advice.

What is legal information?

Legal information is communication of facts about court procedures, timing, and resources. It includes information contained in court records, examples of forms and pleadings, informational pamphlets, copies of statutes and explanation of court rules, procedures, practices and due dates.

What is legal advice?

1. A written or verbal statement that interprets some aspect of the law, court rules, court procedures, or recommends a specific course of conduct in an actual or potential legal proceeding.
2. A written or verbal statement that applies the law to an individual's specific factual circumstances.
3. A written or verbal statement that requires the person giving advice to have knowledge of the law and legal principles beyond familiarity with court requirements and procedures.

Legal Advice vs. Legal Information Reference Sheet

This is a list of some things court personnel can and cannot do for you:

- We can** explain and answer general questions about how the court works.
 - We can** give you general information about court rules, procedures, and practices.
 - We can** provide you with contact information for lawyer referral services, legal aid programs, and other services where you can get legal information.
 - We can** provide court schedules and information on how to get a case scheduled.
 - We can** give you information from your case file that is not restricted.
 - We can** provide you with court forms and instructions that are available.
 - We can** usually answer questions about court deadlines.
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We cannot tell you whether or not you should bring your case to court.

We cannot tell you what words to use in your court papers or whether they are correct.

We cannot tell you what to say in court.

We cannot give you an opinion about what will happen if you bring your case to court.

We cannot conduct legal research for you.

We cannot talk to the judge for you or let you talk to the judge outside of court.

We cannot alter court documents.

Our ability to assist you will depend on the time and resources available as well as the scope of our responsibilities, knowledge and experience.

Legal Advice vs. Legal Information Reference Sheet

Below are some commonly asked questions and correlating recommended answers.

What will MVD do to my license?

Correct Answer: The Court is a separate entity than the MVD so we cannot tell you what it will do. You can visit the MVD's website for answers to common questions or (if it is a camera ticket) you can review the information sent with the citation.

This is giving information, not legal advice.

How do I appeal?

Correct Answer: You need to fill out this Notice of Appeal, pay the bond and follow all instructions.

Incorrect Answer: Telling them whether they should or should not file an appeal or telling them anything beyond what is in the form. That is bordering on legal advice or is legal advice.

How do I find an attorney?

Correct Answer: You can visit AZBAR.org for possible referrals or you can contact Community Legal Services. The decision is entirely up to you.

Incorrect Answer: Referring any particular law firm or lawyer. Telling them they do not need one for the ticket. Telling them they should have an attorney.

How much does DDS cost?

Correct Answer: The cost of DDS varies but is close to the same amount as the fine which is _____. You will be given list of schools. You can contact any of the schools on the list to determine what each charges.

Incorrect Answer: You should go with "Driving With Humor" because it is the cheapest and funniest. That is legal advice and is inappropriate.

What is the difference between DDS and TSS?

Correct Answer: DDS is a diversion program through the court that allows dismissal of the citation if you successfully complete a 4 hour program entitled Defensive Driving School. This must be completed through a state certified provider. TSS is Traffic Survival School and that is ordered by the MVD. You can visit the MVD website for any further questions re TSS.

I want the defendant to come home.

Legal Advice vs. Legal Information Reference Sheet

Correct Answer: You can file a motion and/or talk to the prosecutor.

Incorrect Answer: Anything else

What if I don't want to prosecute? How do I dismiss the case?

Correct Answer: You will need to talk to the prosecutor about that.

Incorrect Answer: Anything else.

How do I sue someone for defamation/slander?

Correct Answer: This court does not handle those types of cases so you would need to do some legal research or contact an attorney.

Incorrect Answer: Anything else

How do I get an OP/IAH against someone?

Correct Answer: You will need to go to AZPoint.com and fill out a petition. There is a lot of information on that site so please read it completely. Or, here is the paper petition to fill out.

Incorrect Answer: anything else

How do I make a complaint about the police officer?

Correct Answer: You can file a complaint with the police department, the Court does not handle those.

Incorrect Answer: You can sue him. You can get an attorney and file a civil lawsuit.

What if the defendant still has property at my home?

Correct Answer: You will need to talk to the judge about that.

Will insurance use this against me?

Correct Answer: All insurance companies are different and are independent from the Courts and the MVD so you will need to contact your insurance provider.