

Legal Information vs. Legal Advice

**Guidelines and Instructions for Court Staff
Who Work With Self-Represented Litigants
in Utah's State Courts**

**Prepared by the Education Subcommittee of the
Utah Judicial Council
Standing Committee on Resources for Self-Represented Parties**

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Introduction

Each year thousands of people represent themselves in Utah's courts. It is crucial that you understand how to help the self-represented without giving legal advice. This manual will help you understand where the line between legal information and legal advice is.

You are the face of justice in Utah. How you respond to questions affects how people feel about justice, as well as their access to justice. If someone does not understand how to use the court system, and you do not provide available and needed information, that person is denied access to the courts and justice.

This manual can't anticipate all the possible questions that self-represented parties might ask. If you are unsure whether responding to a question would be giving legal advice, refer to this manual. You can also check with your supervisor.

The law is complicated and confusing. Encourage people to talk to a lawyer about their situation. The *Resources for Self-Represented Parties* section of this manual describes a variety of ways people can get the help of an attorney.

The subcommittee thanks the Arizona Supreme Court Task Force on Legal Advice - Legal Information Guidelines for its permission to use material from its guide.

Roles and Responsibilities of Court Staff

PROVIDE ACCESS TO THE COURTS

- o Access to justice is effectively denied if court customers do not know how to use the system, and the court does not tell them.
- o The court has an obligation to explain court processes and procedures to provide quality customer service and to provide accurate information to all court customers.
- o Your training on what information you can provide to the public will significantly affect access to the courts and the administration of justice.
- o One of the basic principles of the American justice system is that the doors of our courthouses are open to everyone.
- o Most members of the public, however, are not familiar with courts and court procedures and require some level of assistance.

PROVIDE CUSTOMER SERVICE WITH ACCURATE INFORMATION

- o You are responsible for giving court customers the help they need and deserve by providing accurate information as requested in a competent, cooperative and timely manner.
- o You are often the first and only contact the public has with the judicial system, and your responses have an impact on how court customers view their court experience.
- o The court should treat all court customers equally: attorneys, defendants, self-represented litigants and others.
- o Learn the rules about *ex parte*, or one-sided, communication with the judge, and do not let court customers use you or other staff to circumvent that principle.
- o By providing effective customer service, you may reduce the number of times court customers must come to court, and thus reduce stress on the court system.
- o Accessibility to the judicial system is affected by the accuracy of information that the court provides to court customers, along with the manner in which it is presented.
- o You must provide accurate information because even seemingly small mistakes can affect people's lives or the outcome of court cases. It is better to be honest and say "I don't know" than to give incorrect information.

REMEMBER: **It is not up to you to determine who needs information. It is your responsibility to provide appropriate help to anyone who asks for it.**

Why Court Staff May Not Give Legal Advice, But Should Provide Legal Information

REMAIN NEUTRAL

- o You must remain neutral and cannot promote or recommend a particular course of action to court customers.
- o You may have processed many similar types of cases, but you do not know what is in a court customer's best interest. Only the court customers or their attorneys can make that determination.

BE IMPARTIAL

- o Impartiality is similar to neutrality, but focuses on equal treatment of court customers.
- o You often have considerable knowledge about the way the court functions and so must never give advice or information favoring one court customer over another.
- o Court knowledge must be shared fairly.
- o You must not disclose confidential information or become involved in or facilitate an *ex parte* communication.

DON'T ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW

- o You must not engage in the unauthorized practice of law by providing legal advice.
- o Only attorneys licensed to practice by the Supreme Court can give legal advice.
- o Even court staff who are attorneys may not give legal advice to court customers because it violates the principles of neutrality and impartiality.

What Is Legal Advice?

Court customers are asking for legal advice when they ask whether or not they should proceed in a certain fashion. Telling a court customer “what to do” rather than “how to do it” may constitute giving legal advice.

Legal advice is a written or oral statement that:

- o Interprets some aspect of the law, court rules, or court procedures, or recommends a specific course of conduct a person should take in an actual or potential legal proceeding,
- o Applies the law to the individual person’s specific factual circumstances, or
- o Requires the person giving advice to have knowledge of the law and legal principles beyond familiarity with court requirements and procedures.

What is Legal Information?

Court staff may:

- o Provide public information contained in dockets, calendars, case files, indexes, and other reports as long as they are public.
- o Recite common, routinely employed court rules, court procedures, administrative practices, and local rules, and explain generally how the court and judges function.
- o Refer self-represented litigants to a law library or the court’s website for statutes and court rules.
- o Explain the meaning of terms and documents used in the court process.
- o Answer questions concerning deadlines or due dates (without calculating due dates).
- o Identify and refer self-represented litigants to court forms. Note: the Supreme Court recently amended Rule 14-802 (c)(3) of the Supreme Court Rules of Professional Practice to allow court staff and others to provide clerical assistance to fill out court forms.

Rule 14-802. Authorization to practice law.

(b)(1) The “practice of law” is the representation of the interests of another person by informing, counseling, advising, assisting, advocacy for or drafting documents for that person through application of the law and associated legal principles to that person’s facts and circumstances.

(c) Whether or not it constitutes the practice of law, the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer or to be able to practice law, is permitted:

(c) (3) Providing clerical assistance to another to complete a form provided by a municipal, state, or federal court located in the State of Utah when no fee is charged to do so.

Court staff may not:

- o Recommend whether to file a certain pleading.
- o Recommend wording or content for a pleading.
- o Recommend specific people against whom to file pleadings.
- o Recommend specific claims or arguments to assert at trial.
- o Recommend what type of damages to seek or from whom to seek them.
- o Recommend techniques for presenting evidence in pleadings or at trial.
- o Recommend which objections to raise or which motions to file.
- o Recommend whether a party should ask for a continuance.
- o Recommend whether or not parties should try to settle their dispute prior to trial.
- o Interpret applications of statutes.
- o Perform legal research for a party.
- o Predict the outcome of a case.

REMEMBER: If you are unsure about the answer to a question, direct the customer to the appropriate court staff or other publicly available source of information.

What is *Ex Parte* Communication?

Black's Law Dictionary defines *ex parte* as “on one side only; by or for one party; done for one party only.” *Ex parte* refers to situations in which only one party appears before a judge or communicates with a judge. These kinds of communications are forbidden unless they are expressly authorized.

With few exceptions, the court rules require that all documents filed with the court be given to all other parties in the case so that the other parties have an opportunity to respond. Thus, it is improper for you to transmit information to the judge unless that information has been provided to the other parties in the case.

If a party submits a written *ex parte* communication for a judge, you should ask the judge what the judge would like to do with the communication. The judge will tell you to either send a copy to all the parties before the judge reviews it or to send it back to the individual who submitted the document. Check with your supervisor for any other local policies on this issue.

If a party asks to talk to a judge, suggest that they write down what they want to say and file it with the court. This written communication should:

- o Include a proper heading, including the case number
- o Be dated and signed, with the name printed under signature
- o Include the party's address and telephone number over the heading
- o Be copied to the opposing party or counsel following Utah Court Rules

The original should be submitted to the clerk and the party should keep a copy for their records

If the party has an emergency situation and there isn't time to submit a written request, you may communicate with the judge by following local rules. The party should be warned that the request may not be granted.

Quality Customer Service: Strategies for Answering Difficult Questions

It is not always clear whether you can answer a question. However, there are several things that staff can do to assist court customers and make it easier to identify whether the question is asking for legal information or legal advice.

LISTEN CLOSELY and ASK QUESTIONS

- o Let court customers ask their questions and listen carefully to what they are asking.
- o Be an active listener and respond reflectively. If necessary, repeat or rephrase the question to state what you think they are asking.
- o Take the time to clarify what court customers need. If someone does not ask a question in the right way, ask follow-up questions to clarify what they mean.
- o Ask court customers if they have completely read any paperwork they may have.

EXPLAIN YOUR ANSWERS AND REASONS AND BE PATIENT

- o Put yourself in the customer's position and think of how much you would appreciate it if someone took the time to answer your questions and explain an unfamiliar process.
- o Coming to court can be stressful, confusing and intimidating, so take the time to welcome and greet court customers.
- o You may have been asked for the same information many times before, but remember that this is the first time for this particular court customer.
- o Remain calm even when the court customer is not. Your attitude is key. Some customers may just need to vent. Take it professionally, not personally. **Keep smiling!**
- o Providing the reasons why you cannot give certain information helps minimize customers' frustration and increases their understanding of the court system. If you cannot answer a question or provide assistance, explain why by telling the court customer how important it is that you remain **neutral and impartial**. Always be clear and concise when providing information. Ask how they would feel if the clerk gave legal advice to the other side?
- o The phrase "I can't give legal advice" should never be used as an excuse not to provide service. Politely state that you cannot explain or interpret the law or say how it would apply to their case because that constitutes giving legal advice. Also, explain that clerks are not legally trained and if the clerk tries to give information about which they are not completely informed, it might jeopardize the outcome of the case for the party.
- o If you cannot answer a question, try to give a good referral such as to a legal clinic, the court's website, or the State Bar. Remember: you **may not** recommend attorneys because you must remain neutral and impartial at all times.

Procedural Explanations vs. Procedural Recommendations

You *should* provide procedural information and explanations on how to accomplish various actions within the court system. Explaining various procedures increases the public's understanding of the court system and provides customers with greater access to the courts.

You *should not* make any recommendation to the customer that would indicate a direct advantage or disadvantage of a particular procedure. It is not appropriate for staff to tell court customers what is the best course of action for them to take, nor is it appropriate to give opinions about the probable outcome of a case.

CAN PROVIDE Procedural Explanations	CANNOT PROVIDE Procedural Recommendations
<p>Question: Can you tell me how to file a small claims action?</p> <p>Response: Yes. You need to fill out a small claims affidavit and then file it with the clerk's office. At the time you file the affidavit, you will have to pay a filing fee. The clerk will issue you a case number and give you copies of the paperwork. You will need to mail one copy to the defendant via certified return receipt mail. These forms are available on the court website.</p>	<p>Question: Can you tell me whether it would be better for me to file a small claims action or a civil action?</p> <p>Response: I cannot tell you which process would be best for your situation because I cannot give you legal advice. You may want to talk to an attorney about this issue to determine which process best fits your situation. You may also contact other legal resource organizations in your area, or you may research at the local law library.</p>

Tip: Have a list of legal resource agencies available to hand to the customer. If you are talking to someone on the telephone, give the customer several of the options on the list from which to choose.

General Information About Court Operations vs. Confidential or Restricted Information About Court Operations

Generally, you can answer questions about court policies and procedures. However, there is some information that could be inappropriately used to affect the status or outcome of a case, such as case assignment procedures, adjournment policies and scheduling practices. It is important for us not to disclose information that would allow one party or another to have an unfair advantage.

As a general rule, it is appropriate for us to provide information on how to do something, but it is not appropriate to answer the “how” question when it involves the disclosure of **confidential** or **restricted** information.

CAN PROVIDE General Information About Court Operations	CANNOT PROVIDE Confidential or Restricted Information About Court Operations
<p>Question: When will my divorce go to court?</p> <p>Response: This time frame may depend on the type of service in the case. Hearings are only needed on contested cases and it will depend upon the status of the pleadings as to when it is set. There are general instructions and appropriate forms for uncontested divorce on the court’s website, or you may wish to obtain legal help if your case is going to go to trial.</p>	<p>Question: I don’t want Judge Doe assigned to my case. Can you tell me when he will be on vacation so that he doesn’t get assigned to it?</p> <p>Response: I’m sorry, but the judge’s schedule will not affect the case assignment. This is done randomly by the court’s computer.</p>

Tip: You should be familiar with the court rules governing your specific area of the court. You are *not* responsible for reciting, researching or interpreting the rules for the customer.

Explaining Legal Terms vs. Providing Legal Interpretations

You should help customers understand legal terms to provide access to the court and to help them understand the court system. While it is appropriate to explain legal terms, it is not appropriate to provide legal interpretations.

CAN PROVIDE Legal Definition	CANNOT PROVIDE Legal Interpretation
<p>Question: What does “proof of service” mean?</p> <p>Response: The rules require parties to file proof with the court that they complied with the requirement to serve other parties. This is called “proof of service”. Proof of service can be by a certificate of service or by acceptance of service. The rules require parties to give copies of any document filed with the court to all other parties in the case. The service options you have are outlined in court rules and state statutes, in particular you may wish to look at URCP Rules 4 to 6. The rules are available on the court’s website.</p>	<p>Question: My neighbors leave their kids at home all day without supervision. Isn’t that child neglect?</p> <p>Response: I am not an attorney or a judge and cannot make that legal determination. I can, however, refer you to Child Protective Services who may be able to help you. If you feel that the children are in any kind of danger, you can always contact law enforcement.</p>

Tip: Utah Court Rules, the Utah Code, and a Finding Legal Help section are available on the court’s website: <http://www.utcourts.gov>

Providing Forms and Approved Instructions vs. Filling out Forms

Another important way to facilitate access to the court is by providing forms and assistance where resources allow. It is important that you know what forms and written instructions are available from the court and other agencies. Often court customers will not know what forms to request in order to bring their matters before the court. When this happens, staff should direct customers to available resources for forms such as the court’s website, law libraries, and legal clinics.

You can answer procedural questions about how to complete court papers and forms. For example, staff can tell a customer whether a form needs to be notarized or what factual information the form is asking for. Staff cannot, however, tell a court customer what words to put on the forms. If someone asks what to say in a form, staff should tell the customer to use his or her own words. Due to time and resource constraints, you should suggest that customers fill out as much of their form as possible before asking for assistance.

The Americans with Disabilities Act (ADA) requires you to provide reasonable accommodation to people with disabilities, which may include helping them fill out forms. Some legal clinics and legal service agencies will help people with disabilities fill out forms.

When helping a court customer fill out forms, write down exactly what the person dictates, word for word. Do not correct the person’s grammar, and do not paraphrase or edit what the person says. This can be considered giving legal advice, and threatens the court’s impartiality. Once you’ve filled out the form, read it back to the party to confirm that what you have written is correct. Write or stamp “dictated by court customer, written verbatim by court staff,” and your name or initials in the margin, and why the assistance was necessary.

CAN PROVIDE Providing Forms and Approved Instructions	CANNOT PROVIDE Filling Out Forms
<p>Question: I need to file for divorce and I have no idea where to begin. Is there some place I can go to find out how to get started?</p> <p>Response: Sure. The Court’s website has interactive forms and instructions for uncontested divorces. The program is called OCAP. There is a \$20.00 fee for using these forms, which will be charged upon filing of your case.</p>	<p>Question: The self-help divorce petition says I can ask for spousal support if my spouse contributed to my educational opportunities. Since my husband stayed home to watch the children while I took night classes, should I mark that box on the form?</p> <p>Response: I can explain what the form is asking, but I cannot help you decide what information to enter. If you have questions about what information is appropriate to enter on the forms, you can ask an attorney or visit a legal clinic. Information about legal clinics is available on the court’s website.</p>

Public Case Information vs. Confidential Case Information

Some documents or entire cases are confidential and you cannot disclose the information. Be sure to ask your supervisor if you do not know what records or cases are public and what are not.

Access to internal memoranda legal notes or preliminary drafts prepared by or under the direction of any judicial officer that relate to the adjudication, resolution or disposition of any past, present or future case, controversy or legal issue is limited to court staff for case processing purposes only.

You must not disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record or the judge directs disclosure of the matter.

You must not speculate on the possible outcome of a matter submitted to a judge or a jury until the outcome is part of the public record. This also applies in cases when a matter has not yet been submitted to the court.

Generally, there are three categories of records designated confidential by statute, court rule or court order. These records are designated as **private, protected, or sealed**.

Private/Protected Records

Unless otherwise ordered by the court, only the following people may be given access to confidential records (for example: un-finalized adoptions, custody evaluations, home studies)

- o Parties to the action
- o Counsel of record
- o Individuals with a written order from the court authorizing access
- o Court staff - for case processing purposes only. There are also some additional exceptions (see UCJA 4-202.03 or talk to your supervisor).

You should not read private or protected records unless necessary to do your job. Private or protected records contain highly personal information about parties, and it is inappropriate for you to read these records unless required for your work.

Sealed Records

Access to these records is restricted to the judge. After a record is sealed, not even court staff may open the record without permission from the court. Clerks may acknowledge existence of the case and a case number but nothing more (for example: finalized adoptions and wills).

Attorneys will often ask that a case or a pleading be “sealed.” In most situations they are really asking that the file or document be made “private.”

<p align="center">CAN PROVIDE Public Case Information</p>	<p align="center">CANNOT PROVIDE Confidential Case Information</p>
<p>Question: My mother died four months ago and I lost my paperwork regarding her probate case. Can you give me the case number, and can I get copies of the pertinent documents?</p> <p>Response: Yes. I need to know her name. I'll check our records and give you the case number. Then, you can visit our courthouse and view the file, or you may purchase copies over the phone using a credit card.</p>	<p>Question: I think there is a mental health case for my uncle in your court. His name is John Smith. Can you tell me anything about his case?</p> <p>Response: Mental health cases are private and therefore I cannot provide you with any information. In order to protect the privacy of individuals I can't even tell you whether we have a case for John Smith. This type of information can only be disclosed by court order.</p>

Options vs. Opinions

You can provide information on the various procedural options that are available and what the differences are between the options. It is important for staff to explain options because the customer is often not aware of those options. By explaining options, you provide customers with better access to the courts. It is also important that staff advise customers of all appropriate options. Providing only some of the options may indirectly influence a decision by limiting the customer's choices.

You cannot give an opinion about what specific remedies to seek or which option the customer should use or otherwise advise someone on whether to bring the problem before the court. Staff must remain neutral and cannot take a position that will encourage or discourage a particular course of action.

CAN PROVIDE Options	CANNOT PROVIDE Opinions
<p>Question: What can I do if I cannot afford to pay the filing fee?</p> <p>Response: You can request a waiver of fee form, which allows you to open your case without paying the fee. At the end of your case, you may also qualify for a full waiver of your fees. The forms are available on the court's website.</p>	<p>Question: My ex-husband hasn't paid the debts that he agreed to pay in our divorce settlement. Now he's filed for bankruptcy. The creditors are coming after me. This is ruining my credit. I don't live in Utah anymore. What can I do? He had an agreement and he's not following it. Can I be made responsible for this debt?</p> <p>Response: I can't advise you what you can do because I cannot give you legal advice. The bankruptcy filing further complicates this matter. You may want to consult an attorney. You can contact your local court to find out if there are any free legal advice clinics that you could attend to get further information, or see the court's Finding Legal Help web page.</p>

Tip: Always make it clear to court customers that they may have other options available to them that you are not aware of.

Citing Statutes, Court Rules and Ordinances vs. Researching Statutes, Court Rules and Ordinances

You will often know statutory and court rule citations, especially as they apply to procedures, and it is appropriate for you to share this information. However, it is not appropriate for you to conduct legal research. There are two factors that help distinguish between the two:

- o If the information is something staff should know as a part of their job, then it is not considered legal research, even if staff has to look it up in the Utah Code or Court Rules.
- o If the information is readily available and does not have to be compiled, then it probably would not be considered legal research. If the information has to be compiled, then it probably is legal research.

CAN PROVIDE Cites of Statutes, Court Rules and Ordinances	CANNOT PROVIDE Research of Statutes, Court Rules and Ordinances
<p>Question: Can I get a copy of a document from a case? Is it a public record?</p> <p>Response: Court records and documents are public record unless categorized as private, sealed or protected (see UCJA Rule 4-202.03) The law requires that we charge a 25¢ per page copying fee. If the document needs to be certified there is a \$4.00 service fee and 50¢ per page copy fee.</p>	<p>Question: Can you tell me what laws govern tort claims?</p> <p>Response: I cannot perform legal research for you, but you can do that research yourself or you can contact an attorney to assist you. The statutes, rules and ordinances are available online and at the law library. You can contact the State Law Library for help getting started in your research.</p>

General Referrals vs. Subjective or Biased Referrals

Because the court and court staff must remain impartial in all matters, you cannot make referrals to a specific lawyer, law firm or paralegal service. You can refer customers to the court's website, the State Bar, or the yellow pages of the telephone book

It is also helpful to keep lists of contact information for local government agencies and departments where you frequently refer customers, so you can point people in the right direction. Sometimes it is appropriate to make a call to the referred agency or department (if time permits) to make sure it can accommodate the person before sending them there.

CAN PROVIDE General Referral	CANNOT PROVIDE Subjective or Biased Referral
<p>Question: I need a process server. Where do I find one?</p> <p>Response: We do not have lists of process servers at the court. Pleadings may be served by a sheriff, a constable or you can also check in the phone book or internet for licensed process servers.</p>	<p>Question: Can you recommend a good process server?</p> <p>Response: I'm sorry, but the court must remain impartial. I cannot recommend a specific process server. I suggest that you check the phone book or the internet for a licensed process server.</p>

Tip: Develop and have available a list of general resources and referrals to give customers. Good general referrals include the yellow pages and the Internet.

Permissible vs. Impermissible Forms of *Ex Parte* Communication

As discussed earlier, you may not transmit information to a judge unless that information has been provided to the other parties in the case. To uphold this principle, you should follow these guidelines:

- o Do not communicate to the judge case information that you know through personal knowledge, that you have read in the newspaper or heard on the radio, or that someone told you.
- o Do not transmit verbal information to a judge on behalf of a party or attorney concerning a case unless it involves scheduling or other administrative matters.
- o Screen the judge's calls. Do not transfer phone calls to a judge from parties or attorneys without learning what the caller wants to talk to the judge about and whether it is associated with a case before the judge, and then ask the judge if he/she wants to take the call.
- o Communications about scheduling or other administrative matters are permitted because they do not deal with the litigation's substance or merits, and no party gains an advantage as a result of the *ex parte* contact.

CAN PROVIDE Permissible Forms of <i>Ex Parte</i> Communication	CANNOT PROVIDE Impermissible Forms of <i>Ex Parte</i> Communication
<p>Question: Has the judge ruled on the motion to dismiss yet?</p> <p>Response: No, the judge has not ruled on the motion yet. It is still under advisement.</p>	<p>Question: I am a prosecutor in the DUI case today. Please tell the judge that I don't think we're going to have the trial today because the defendant has already admitted he was drunk.</p> <p>Response: I cannot tell the judge information about potential evidence in the case because it would be an impermissible <i>ex parte</i> communication. I can relay to the judge that the prosecutor states the trial will not go forward, or I can ask the judge if he would be willing to speak to you.</p>

Tip: Remember that *Black's Law Dictionary* defines *ex parte* as "one side only; by or for one party; done for one party only."

Resources for Self-Represented Parties

Utah State Courts' Self Help Web Page

<http://www.utcourts.gov/howto/>

The Utah State Courts' Self Help web page has resources for people trying to do their own legal work, and makes it easier for public library staff to direct them to that information. Topics offered on the Self Help page include:

- Appeals
- Civil Cases
- Criminal Cases
- Estate Planning & Probate
- Families & Children
- Forms & Instructions
- Juvenile Cases
- Landlord-Tenant
- Mediation
- Protection from Abuse
- Seniors
- Spanish Resources
- Traffic Matters

Alternative Dispute Resolution

<http://www.utcourts.gov/mediation>

Going to court – litigation – is not always the best way to resolve a problem. Alternative dispute resolution (ADR) is one way to work out an agreement. Mediation and arbitration, for example, both involve neutral, third party representatives who guide the resolution process or reach a settlement. Specific ADR programs are available for many types of cases, including child welfare, co-parenting, divorce, probate, victim-offender and appeals.

Government Agency or Non-Profit Help

<http://www.utcourts.gov/howto/legalassist/#3>

Information about government agencies and non-profit organizations which investigate complaints and work with parties to resolve differences. Areas include consumer protection, landlord-tenant, complaints about people in trades or professions (such as an electrician or doctor), securities fraud, and utility companies.

Legal Assistance Agencies and Organizations

<http://www.utcourts.gov/howto/legalclinics/#2>

Descriptions of and contact information for Utah agencies and organizations such as the American Civil Liberties Union, Disability Law Center, DNA People's Legal Services (Navajo Nation), immigration law resources, Legal Aid Society of Salt Lake, Multicultural Legal Center, Small Claims Mediation Programs, Utah Dispute Resolution, and Utah Legal Services.

Finding an Attorney

LegalMatch is a free service provided by the Utah State Bar to help people find an attorney. A person can confidentially post information about their legal issue and interested attorneys will respond. Attorneys can be compared by experience, ratings, offers, and fees. Access LegalMatch on the Utah Bar Association website: go to <http://www.utahbar.org/> and select *Find a Lawyer* from the left column.

Other resources include the telephone yellow pages and asking friends to recommend a good attorney. You cannot provide lawyer referrals.

Another resource is martindale.com, an online version of the print lawyer directory Martindale-Hubbell. This site can be searched by location and subject specialty, and provides information about a lawyer's education and experience, as well as the ratings other lawyers give them.

Limited Legal Help

Many people can not afford to hire an attorney. Limited legal help, also known as "limited scope legal representation" or "unbundled services" is an alternative way to get legal help. Under this kind of arrangement, an attorney and client agree that the attorney will provide specific services for a predetermined fee.

For example, the attorney and client could agree that the attorney:

- o will only advise the client about the strength of the case, or
- o help draft a document, or
- o review a document the client has drafted, or
- o coach the client for a negotiation, or
- o help with the discovery process, or
- o coach the client for a hearing, or
- o appear in court on behalf of the client for one hearing only, or
- o any combination of these kinds of services

Hiring an attorney to handle part of a case can be an affordable alternative to hiring one to take care of the entire case (also called "full representation"), and is preferable to representing yourself in court – a process that takes time and patience and can be confusing. People who act as their own attorneys are expected to know and follow the same rules that attorneys do.

Not all cases are suited for limited legal help, and the idea of limited legal help is just beginning to be adopted by attorneys in Utah. A person should find the names of a couple of attorneys using the resources described in the Finding an Attorney section, and then talk about the possibility of hiring them to provide limited legal help.

Utah's Law Libraries

Law libraries have print and online resources including statutes, regulations, court rules, and court decisions, as well as legal encyclopedias, form books, and books about specific areas of law. Most law books are written for legal professionals, but some books are written for non-lawyers. Law library staff can't give legal advice, but they can show people how to use their resources.

Brigham Young University
Howard W. Hunter Law Library
BYU Campus, Provo
801-422-3593
www.law2.byu.edu/Law_Library/

Utah State Law Library
450 S. State Street, Rm. W-13
Salt Lake City
801-238-7990
www.utcourts.gov/lawlibrary/

University of Utah
S.J. Quinney Law Library
332 South 1400 East
University of Utah Campus, Salt
Lake City
801-581-6438
www.law.utah.edu/sjqlibrary/

Weber County Law Library
2464 Jefferson Avenue
Ogden
801-337-8466

Legal Clinics

<http://www.utcourts.gov/howto/legalclinics/#2>

Legal clinics give general legal information and brief legal advice. Clinics also provide help with forms, and give people a chance to ask questions about the law. Most legal clinics handle civil law matters only. Talking to someone at a legal clinic is not the same as hiring an attorney, because the attorneys there may not take cases or represent people in court. Going to a legal clinic can help someone decide if they can handle the matter on their own, or if they should hire an attorney. A list of legal clinics statewide is available on the court's website.

Utah Forms

Legal form books provide sample language you may use to prepare documents to file with the court. Some forms are fill-in-the-blank, while others only provide language that must be tailored to the situation. Forms are not available for every situation.

- o The court's Online Court Assistance Program (OCAP) <http://www.utcourts.gov/ocap/> is a free online program that helps you generate the paperwork for Divorce, Landlord- Tenant, Guardianship of a Minor, Paternity, and Stalking or Protective Order matters.
- o Other court forms are available on the court's website at <http://www.utcourts.gov/resources/forms/>, for matters such as Child Support, Expungement, Garnishment and Name Change.
- o Search the web for Utah legal forms. As with all legal research, be sure to check that the information is current, consider the source of the information, and make sure it complies with Utah laws and court rules.
- o Some forms are published in the *Utah Code* (annotated and unannotated); look in the index under Forms.
- o The Utah State Bar publishes the Utah Uniform Probate Code Forms; some are available for free online on the Utah Probate Solutions website at <http://www.utahprobate.com/uupcforms.htm>.
- o Hansen & Neeleman, *Utah Probate System*, 2nd ed. includes the Utah Uniform Probate Code Forms, as well as other probate-related forms.
- o Utah continuing legal education materials often include forms. Search the catalogs of university law libraries for the topic you are interested in, such as contracts, and include "Utah" in your search.
- o Some state-approved forms are published on Utah state agency website (for example, corporation, tax, real estate). A list of state agencies – with links to website – is available online at <http://utah.gov/government/agencylist.html>.
- o Some forms are published in the Appendix of Forms of *Utah Court Rules Annotated*.
- o Thomas, *Utah Civil Practice* includes forms for use in Utah civil cases.

Utah's law libraries have a variety of general (not Utah-specific) form books, such as *West's Legal Forms*, *American Jurisprudence Legal Forms*, *American Jurisprudence Pleading & Practice Forms*, and *Federal Practice and Procedure*.

WE WILL BE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE WANT TO BE FAIR TO EVERYONE.

This is a list of some things court staff can and cannot do for you.

- | | |
|---|--|
| We can provide you with a list of local lawyers or the telephone number of the Utah State Bar lawyer referral service. | We cannot tell you whether or not you should bring your case to court. |
| We can explain and answer questions about how the court works. | We cannot tell you what words to use in your court papers. However, we will check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number and presence of attachments. |
| We can give you general information about court rules, procedures and practices. | We cannot tell you what to say in court. |
| We can provide court schedules and information on how to get a case scheduled. | We cannot give you an opinion about what will happen if you bring your case to court. |
| We can give you information from your case file. | We cannot talk to the judge for you. |
| We can give you samples of court forms that are available. | We cannot let you talk to the judge outside of court. |
| We can usually answer questions about court deadlines and how to compute them. | We cannot change an order signed by a judge. |

Utah Court System Mission Statement

The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.