



Legal Information vs. Legal Advice

Fact Sheet

Introduction

This fact sheet is intended to help court clerks, librarians, and other legal staff who are frequently asked to provide help for people involved in legal matters.

Court Assistance

In statewide surveys of circuit court judges and clerks completed in 2008, 2011, and 2014, the Arkansas Access to Justice Commission found that a significant and growing number of cases presented to these courts were from self-represented, or “pro se,” litigants.

Both judges and clerks indicated that the most important things the Commission could provide them were approved forms and a framework for acceptable procedures when responding to pro se litigants.

Legal Information

Some Examples and Things You Can Do

You can provide public information contained in a public file. You can answer questions about the court procedures and legal terms reflected in public court files and to assist the court user in finding the information they are seeking.

You can give out information on court calendar settings and tell court users how to get matters placed on the calendar.

You can answer questions about how the court process works and give general information concerning court rules and procedures. Such questions often contain the words “Can I?” or “How do I?” Be careful when responding to questions with “Should I?”

You can provide sample pleadings, court forms, instructions, and other information packets. This includes referring people to applicable court rules, explaining how to file a lawsuit or request a hearing, and supplying access to free legal documents provided on the Arkansas Legal Services Online website at arlegalservices.org/fact-sheets.

You can answer questions about what information is requested in court papers and forms. You cannot, however, tell a court user what words to put on the forms. You are giving legal advice if you fill out a form for a court user by using your own words. If someone asks you what to say in a form, you should tell the person to use their own words to state the information requested. You can help someone who is illiterate.

You can explain the meaning of terms and documents used in the court process.

You can provide court users information about how to get a case scheduled. You can also answer most questions concerning deadlines or due dates.

You can provide court users with helpful phone numbers for the legal services and legal aid programs. The toll free statewide number is 1-800-9-LAW-AID (1-800-952-9243) and the website is arlegalservices.org.

Legal Advice

Some Examples and Things You Cannot Do

You cannot advise litigants whether to take a particular course of action. Do not answer questions that contain the words “Should I?” Suggest that questioners refer such issues to a lawyer.

You cannot tell a court user whether a case should or should not be brought to court or give an opinion about the probable outcome.

You cannot tell a court user which words to use in court documents.

You cannot tell a court user what to say in court.

You cannot talk to a judge on behalf of a litigant.

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

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