# Government Information Day May 17, 2024

Legal Information vs. Legal Advice Guide

### Family Law Taskforce Report

- The creation of the Legal Information Guide stems from a recommendation of the Family Law Taskforce, which was created by the Indiana Supreme Court in 2019
- The Family Law Taskforce issued a report in March of 2021.

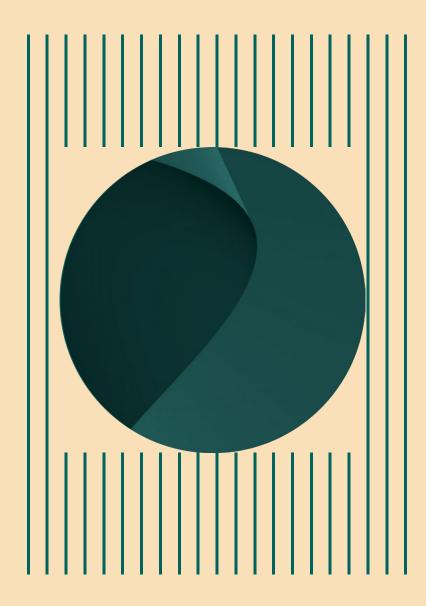


# vs. Legal Information Vs. Legal Advice Guide

- Guidelines and Instructions to assist nonlawyer intermediaries in answering questions posed by members of the public about the operation of the judicial system.
- Non-lawyer intermediaries include
   professionals who assist the public in finding
   information and resources such as court
   staff, social workers, case managers,
   librarians and advocates.

#### Legal Information vs. Legal Advice Guide

- The Guidance is to enable non-lawyer intermediaries to provide the best possible service and to provide accurate information without giving legal advice.
- The best suggestion to offer in many situations may be to seek the advice of an attorney.
- Can refer people to free and low-cost legal assistance organizations. These
  and other resources are available at <a href="https://www.lndianaLegalHelp.org">www.lndianaLegalHelp.org</a>



### Legal Information vs. Legal Advice Guide

Scan QR Code



#### Legal Information vs. Legal Advice Guide

- What is the practice of law?
- Impossible to provide a complete list of activities but it includes: negotiating legal rights on behalf of another person, giving legal advice, appearing in court on behalf of another person
- When a person practices law without a license, they engage in the unauthorized practice of law, which is a Class B misdemeanor

### What is Legal Advice?

- Legal advice is applying a person's legal knowledge to another person's specific fact pattern
- Allowing only lawyers to give legal advice protects the public from harm
- Lawyers are trained in court practices, court cases, statutes and other nuances of the legal system and must abide by the Indiana Rules of Professional Conduct

### What is Legal Information?

- Legal Information is general, factual information about the law and the legal process.
- Legal information includes:
  - Information about entities that provide free or low-cost legal help
  - A general explanation of how the court process works
  - Explanation of where to find forms and other resources
  - If a form is made available on IndianaLegalHelp.org, assistance in selecting the appropriate legal form based on information provided by the customer may be given
  - You can review papers for completeness

# What a Non-Lawyer Intermediary May Not Do

- Non-lawyer intermediaries may not:
  - Represent a person in court
  - Perform legal research for a member of the public
  - Draft legal documents for another person
  - Investigate facts of a litigant's case
  - Provide legal advice
  - Provide legal interpretations of laws,
     judicial opinions or guidelines

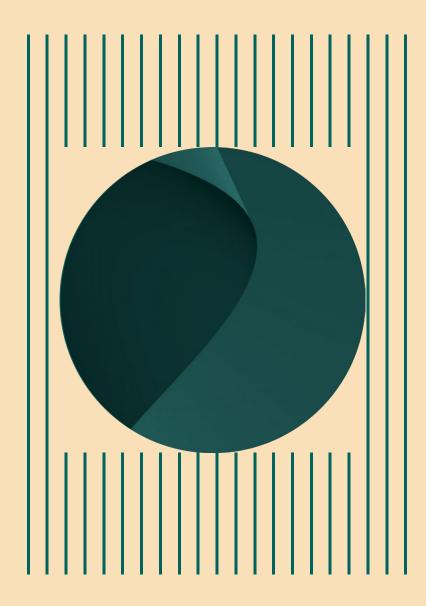
### What a Non-Lawyer Intermediary May Not Do

- Answer questions that call for an opinion about what a person should do—generally questions that start with "would" or "whether"
- Advise whether or not a person should file a case or give an opinion on what will happen if a case is brought to court
- Advise what to say in court
- Talk to a judge about a case on behalf of a person
- Tell a person what words to use when creating or completing forms to file in court

#### In Conclusion...

- There are examples of Legal information vs. legal advice on the website
- When a person needs legal help, they often ask questions that cannot be answered by someone who is not a lawyer

- They often need legal advice
- It is okay to say I don't know
- No information is better than bad information



### Legal Information vs. Legal Advice Guide

Scan QR Code

