

# 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.



<https://www.in.gov/courts/admin/files/innovation-flt-report.pdf>

[www.in.gov](http://www.in.gov)

# Legal Information vs. Legal Advice Guide

- **Guidelines and Instructions to assist non-lawyer 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 [www.IndianaLegalHelp.org](http://www.IndianaLegalHelp.org)

# Legal Information vs. Legal Advice Guide

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# 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](https://www.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

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

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